

CHAPTER 174: BUSINESS REGULATIONS

Section

General Provisions

174.01 Business sales tax imposed

Liquor Licensing

174.10 Liquor license classifications; fees; operating hours

174.11 Non-refundable liquor license fee

174.12 Subject to amendment

174.13 Gambling

Peddlers, Itinerant Merchants and Solicitors

174.20 Application

174.21 Investigation and issuance

174.22 Fees

174.23 License plates and badges; exhibition of license

174.24 Transfer

174.25 Loud noises and speaking devices

174.26 Use of streets

174.27 Enforcement

174.28 Itinerant merchants

Billiards; Pool and Bowling Alleys

174.30 License Fees

174.31 Bowling alleys, frontage consent

174.32 Gambling prohibited

174.33 Closing hours

174.35 Obstructions to view

174.36 Inspection by police

Ambulances

174.40 Definitions

174.41 License required

174.42 Standards for liability insurance

174.43 Issuance of license

174.44 Duration; Fees

174.45 Suspension; revocation

Junk Dealers

174.50	Definitions
174.51	License required
174.52	Enforcement
174.53	Application
174.54	Investigation, approval and issuance of license
174.55	Itinerant junk dealers
174.56	Period of license; renewal procedure; fees; transferability
174.57	General operating requirements; inspections
174.58	Revocation and suspension; hearing
174.59	Compliance

GENERAL PROVISIONS

§ 174.01 BUSINESS SALES TAX IMPOSED.

(A) A tax is imposed upon all persons in the Village of Hanna City engaged in the business of selling tangible personal property at retail at the rate of one-half of one percent of the gross receipts from the sales, in accordance with the provisions of 65 ILCS § 5/8-11-1. Every person engaged in the business of selling tangible personal property at retail shall file, on or before the twentieth day of each calendar month, a report with the State Department of Revenue as required by 35 ILCS § 120/3. At the time of filing the report, the person shall pay to the State Department of Revenue the amount of tax imposed on the receipts from sales of tangible personal property during the preceding month.

(B) A tax is imposed upon all persons in the Village of Hanna City engaged in the business of making sales of service at the rate of one-half of one percent of the cost price of all tangible personal property transferred by the servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of 65 ILCS § 5/8- 11-5. Every supplier or serviceman required to account for Municipal Service Occupation Tax for the benefit of the Village shall file, on or before the twentieth day of each calendar month, a report to the State Department of Revenue as required by 35 ILCS § 115/9. At the time of filing the report, the person shall pay to the State Department of Revenue the amount of tax imposed.

LIQUOR LICENSING

§ 174.10 LIQUOR LICENSE CLASSIFICATIONS; FEES; OPERATING HOURS.

The liquor license classifications, their respective annual fees and hours during which the establishment may sell liquor shall be as follows:

(A) *Class A License.* Authorizes the retail sale of alcoholic liquors on the premises of the licensee for consumption on the premises, as well as retail sale of liquor in packages for consumption off the premises. The annual fee for a Class A license shall be five hundred dollars (\$500.00) per year. The limit of Class A licenses shall be two. A Class A license holder shall sell alcoholic beverages or liquor only on Monday through Thursday from the hours of 6:00 a.m. to 1:00 a.m. the following day, on Friday and Saturday from the hours of 6:00 a.m. to 2:00 a.m. on the following day, and on Sunday from 12:00 noon until 1:00 a.m. the following day.

(B) *Class B License.* Authorizes a club to sell alcoholic beverages or liquor for consumption only on the premises and the sale of alcoholic beverages shall be confined substantially to the members of the club. The annual fee for a Class B license shall be two hundred and fifty dollars (\$250.00) per year. The hours the club may sell alcoholic beverages shall be as follows: Sunday, 9:00 a.m. until 11:00 p.m. and on any three weekdays per week from 5:00 p.m. until 11:00 p.m.

(C) *Class C License.* Authorizes the holder to sell alcoholic beverages or liquor for consumption only on the premises where the sale is made. The annual fee for a Class C license shall be five hundred dollars (\$500.00) per year. The limit of Class C licenses shall be two. A Class C license holder may sell alcoholic beverages only on Monday through Saturday from the hours of 6:00 a.m. until 1:00 a.m. the following day and on Sunday from 12:00 noon until 1:00 a.m. the following day.

Class C licenses shall be available only for use within and as a part of the operation of a business establishment where the sale of liquor and alcoholic beverages is incidental to some other primary service or activity, including the sale and on-premises consumption of food or recreational activity, such as a bowling alley, which primary service or activity shall be offered to the public simultaneously with the use of the Class C license.

(D) *Sub-Class One License.* A supplemental license may be obtained by a current holder of a liquor license within the Village which shall permit the retail sale of alcoholic beverages in an outdoor beer garden or café adjacent to the licensed premises. The supplemental license shall be valid for a period of 48 hours. The fee for each supplemental license issued shall be one hundred dollars (\$100.00).

(E) *Class E License.* Authorizes the holder to sell only beer and wine for consumption only off the premises where the sale is made. The annual fee for a Class E license shall be \$450. A Class E license holder may sell alcoholic beverages only on Monday through Saturday from the hours of 6:00 a.m. until 12:00 midnight and on Sunday from 12:00 noon until 1:00 a.m. the following day.

PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS

§ 174.20 APPLICATION.

Applicants for a permit and license as a peddler must file with the Clerk a sworn application in writing (in duplicate) on a form to be furnished by the Clerk.

§ 174.21 INVESTIGATION AND ISSUANCE.

(A) Upon receipt of the application, the original shall be sent to the Board of Trustees, who shall cause an investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good.

(B) If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Board of Trustees shall endorse on the application his or her disapproval and the reasons for the disapproval and shall return the application to the Clerk, who shall notify the applicant that the application has been denied and that no permit and license will be issued.

(C) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Board of Trustees shall endorse on the application his or her approval, execute a permit addressed to the applicant for carrying on the business applied for, and return the permit, along with the application, to the Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant the permit and issue a license. The license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold under the license, the amount of fee paid, the date of issuance and the length of time the license shall be operative, as well as the license number and other identifying description of any vehicle used in the peddling. The Clerk shall keep a permanent record of all licenses issued.

§ 174.22 FEES.

(A) *Computation of fees.*

(1) \$1 per week, \$2 per month or \$5 per year for each person proposing to peddle on foot, by using a hand cart or push cart, from a wagon, motor vehicle, railroad car or other vehicle conveyance.

(2) \$1 per week, \$2 per month or \$5 per year for each helper or assistant to those using vehicles. The helpers or assistants must procure the permit and license as provided for peddlers, itinerant merchants and solicitors in this Chapter.

(3) The Village President, with the approval of the Board at their next regularly scheduled meeting, shall have the right to waive or adjust the fees in this Code.

(4) No fee shall be required of one selling products of the farm or orchard actually produced by the seller.

(B) *Basis of fees.* For the purpose of this section, any period of seven calendar days or less shall be considered one week; any period of more than seven calendar days and not more than 30 calendar days shall be considered one month; any period of more than 30 calendar days and not more than one calendar year shall be treated as a year. The annual fees provided for shall be assessed on a calendar year basis and on and after July 1, the amount of the fee for the annual licenses shall be one-half the amount stipulated for the remainder of the year.

§ 174.23 LICENSE PLATES AND BADGES; EXHIBITION OF LICENSE.

At the time of delivering the license, the Clerk shall issue to the licensee two license plates for each vehicle to be used, plus a metal badge for each individual licensed under this section. The license plates or badges shall bear the words "Licensed Peddler," the period for which the license is issued and the number of the license in letters and figures plainly discernible. License plates shall be attached to the vehicle used by the licensee, either on both sides or on the front and rear of the vehicle. The badge shall be worn constantly by the licensee on the front of his hat or outer garment in a conspicuous manner during the time the licensee is engaged in peddling.

§ 174.24 TRANSFER.

No license or badge issued under the provisions of this section shall be used or worn at any time by any person other than the one to whom it was issued.

§ 174.25 LOUD NOISES AND SPEAKING DEVICES.

No peddler, itinerant merchant or solicitor, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the Village or upon any private premises in the Village where sound of sufficient volume is emitted or produced which is capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

§ 174.26 USE OF STREETS.

No peddler, itinerant merchant or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where the operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

§ 174.27 ENFORCEMENT.

It shall be the duty of any police officer of the Village to require any person seen peddling, and who is not known by the officer to be duly licensed, to produce his license and to enforce the provisions of this section against any person found to be violating it. The Chief of Police shall report to the Clerk all convictions for violation of this section and the Clerk shall maintain a record for each license issued and record the reports of violation.

§ 174.28 ITINERANT MERCHANTS.

In addition to the above provisions or, if contradictory to any above provisions, in replacement of those contradictory provisions, itinerant merchants shall abide by the following:

(A) *Application.* Upon application for a license as an itinerant merchant, the applicant shall file a written sworn application with the Clerk signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation.

(B) *Bond.* Before any license shall be issued for engaging in a transient or itinerant business in the Village, the applicant shall file with the Clerk a bond in favor of the Village in the sum of \$1,000, executed by the applicant as principal and two sureties upon which service of process may be made in this State. The bond shall be approved by the Village Attorney, both as to form and as to the responsibility of the sureties, and shall be conditioned upon the applicant's full compliance with all of the provisions of this Code and the Statutes of the State regulating and concerning the sale of goods, wares and merchandise. The bond shall provide payment for all judgments rendered against the applicant for any violation of the provisions or statutes, or any of them, together with all judgments and costs that may be recovered against the applicant by any person for damage arising out of any misrepresentation or deception practiced on any person transacting business with the applicant, whether the misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold. Action on the bond may be brought in the name of the City to the use of the aggrieved person.

(C) *Service of process.* Before any license shall be issued for engaging in the business of an itinerant merchant, the applicant shall file with the Clerk an instrument nominating and appointing the Clerk, or the person performing the duties of the Clerk, his or her true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant with respect to any matters connected with or arising out of the business transacted under the license and bond under this section or for the performance of the conditions of the bond or for any breach of the bond. This instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon the agent, and when made upon the agent, shall be held to be valid as if personally served upon the applicant, according to the law of this or any other State. The applicant shall waive all claim or right of error by reason of the acknowledgement of service or manner of service. Immediately upon service of process upon the Clerk as provided above, the Clerk shall send by registered mail a copy of the process to the licensee at his last known address.

(D) *Exhibition of license.* The license issued under this section shall be posted conspicuously in the named place of business. In the event the person or persons applying for the license shall desire to do business in more than one place within the Village, separate licenses may be issued for each place of business and shall be conspicuously posted in each place.

(E) *Fees.* Licensees under this section shall pay a fee of one percent of the gross amount of sales conducted by the licensee. Each licensee shall, on the first business day of each week, and upon discontinuance of business in the Village, present to the Clerk a verified statement showing the total sales made during the preceding week and shall pay to the Clerk the license fee for sales made during the previous week. A police officer shall have power and authority to enter any store, building or any other place in which a temporary business may be conducted, at any time during business hours, to ascertain the amount of sales made and shall, at all times, have access to the books of the business.

(F) *Transfer.* No license shall be transferred without written consent of the President, as evidenced by an endorsement on the face of the license by the Clerk showing to whom the license is transferred and the date of the transfer.

(G) *Expiration of license.* All licenses issued under the provisions of this Chapter shall expire 90 days after the date of issue, unless another expiration date appears on the license.

BILLIARDS; POOL AND BOWLING ALLEYS

§ 174.30 LICENSE.

(A) No person shall have, keep or conduct for profit within the Village any billiard or pool table, bowling or pin and ball alley, without first obtaining a license as provided in this section.

(B) Any person desiring to have, keep or conduct any billiard or pool table or any bowling or pin and ball alley for profit in the Village, and desiring to be licensed under the provisions of this section, shall make written application for the license to the Board of Trustees.

(C) Upon the approval and granting by the Board of Trustees of a license and the payment of the required license fee by the applicant to the Clerk, a license may be issued to the applicant. The license shall be signed by the President and attested by the Clerk, and shall authorize the keeping, conducting or operating of the billiard or pool table or tables or bowling or pin and ball alley or alleys.

§ 174.31 FEES.

The following fees shall be charged for licenses under this section

Billiard or pool tables	
First table, per year	\$20
Each additional table, per year	\$ 5
Bowling, pin and ball alley	
First alley, per year	\$20
Each additional alley, per year	\$ 5

All license fees shall be paid quarterly in advance.

§ 174.32 BOWLING ALLEYS, FRONTAGE CONSENT.

It shall be unlawful for any person to keep, use or operate any bowling or pin and ball alley or alleys in any building, structure or place located upon any street or alley in the Village in any block in which two-thirds of the buildings on both sides of the street in a block between the two nearest intersecting streets are used exclusively for residence purposes, without the written consent of a majority of the owners of the property, according to frontage, on both sides of the street or alley between the intersecting streets. This written consent shall accompany the application made to the Board of Trustees for a license.

§ 174.33 GAMBLING PROHIBITED.

No person licensed under the provisions of this section shall permit any gambling in the place of business, either by means of cards, dice, balls and pins, or any other device.

§ 174.34 CLOSING HOURS.

All billiard or pool rooms and bowling or pin and ball alleys shall be closed by 2:00 a.m. of each day and shall be kept closed until 6:00 a.m. of that day, and no games shall be allowed during those hours.

§ 174.35 OBSTRUCTIONS TO VIEW.

No keeper of any billiard room or hall or of any of the other rooms or places enumerated in this section shall have any painted windows, curtains, screens, or other device which would prohibit or hinder anyone from seeing into any part of the room at all hours of the day or night, either week day or Sunday. Any person guilty of violating this section shall be subject to a fine of not less than \$5 nor more than \$50 for each offense and a penalty of not less than \$10 for each and every day the painted windows, curtains, screens or other devices are in place.

§ 174.36 INSPECTION BY POLICE.

Every room or place kept open by virtue of a license under this section shall be subject to inspection by any police officer, at any time the police officer may deem it necessary to enter the premises. Any person hindering, resisting, opposing or attempting to hinder, resist or oppose the police officer from entering the room or place shall pay a fine as provided in this Code.

AMBULANCES

§ 174.40 DEFINITIONS.

The following words shall, for the purposes of this section, unless otherwise specified, have the meaning respectively ascribed to them:

AMBULANCE. The word ***AMBULANCE*** shall mean any privately- or publicly-owned motor vehicle which is specifically designed or constructed and equipped for, is intended to be used for and is maintained or operated for the transportation of wounded, injured or sick patients.

AMBULANCE OPERATOR or ***AMBULANCE BUSINESS.*** The terms ***AMBULANCE OPERATOR*** or ***AMBULANCE BUSINESS*** shall mean anyone engaging in the business of transporting ill, sick or injured persons, for hire, or who, by advertising, representation or otherwise, holds himself or herself out as engaging in that business.

ATTENDANT. The word ***ATTENDANT*** shall mean a trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients, whether or not the attendant also serves as a driver.

ATTENDANT-DRIVER. The term **ATTENDANT-DRIVER** shall mean an individual who is qualified as an attendant and a driver.

DRIVER. The word **DRIVER** shall mean an individual who drives an ambulance.

PATIENT. The word **PATIENT** shall mean an individual who is sick, injured or wounded or otherwise incapacitated or helpless.

§ 174.41 LICENSE REQUIRED.

(A) It shall be unlawful for any person, either as owner, agent or otherwise, to furnish, operate, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of patients within the Village, unless he holds a current license for an ambulance issued pursuant to this section.

(B) It shall be unlawful for an ambulance to be operated, and no person shall drive, attend or permit it to be operated, within the Village, unless the ambulance shall be under the immediate supervision and direction of a person who is holding a current, valid license as a driver, attendant or attendant-driver.

(C) However, no license shall be required for an ambulance, or the driver, attendant or attendant-driver of an ambulance which:

(1) Is operated by the State, Village, County or other government agency.

(2) Is operated from a location or headquarters outside of, and transports patients within, who are picked up beyond the limits of the Village.

(3) Is operated from a location or headquarters outside the limits of the Village and either (a) picks up patients beyond the limits of the Village to be transported to locations within the Village or (b) picks up patients within the Village to be transported to locations beyond the limits of the Village, or (c) in the case of an emergency where no Village-based ambulance is available, picks up patients within the Village to be transported to locations within the Village.

§ 174.42 STANDARDS FOR LIABILITY INSURANCE.

(A) An ambulance operator shall at all times indemnify and hold harmless the Village from and for any and all losses, claims, actions and judgments for damages or injury to persons or property and losses and expenses caused or incurred by the ambulance operator and its drivers, attendants and attendant-drivers. No ambulance license shall be issued under this section, nor shall any license be valid after issuance, nor shall any ambulance be operated within the Village unless there is at all times in force and effect insurance coverage issued by an insurance company licensed to do business in the State for each and every ambulance owned and/or operated by or for the applicant or licensee, providing the following minimum limits of liability insurance, in which the Village shall be named as a named insured:

(1) \$100,000 for property damage to anyone person;

- (2) \$200,000 for property damage in anyone occurrence
- (3) \$250,000 for personal injury, including death, to anyone person; and
- (4) \$500,000 for personal injuries, including death, in anyone occurrence.

The limits of insurance provided above shall not be deemed the limitation of the applicant's or licensee's covenant to indemnify and hold harmless the Village, and if the Village becomes liable for an amount in excess of the insurance limits provided, the applicant or licensee covenants and/or any of its agents upon whom duties may be imposed by this section, agrees to indemnify and hold harmless the Village from any and all losses, claims, actions, judgments or expenses for damages or injury to persons or property.

§ 174.43 ISSUANCE OF LICENSE.

The Clerk shall issue the applied-for license upon funding that the application is in proper form, that the required public liability insurance is in force, and that the applicant is the holder of a valid ambulance license issued by Peoria County, Illinois, of the class designated in the application. Issuance of the license is subject to the approval of the Board.

§ 174.44 DURATION; FEES.

All licenses issued under this section shall bear the date of issue and shall expire on the anniversary date of the year following the date of issue, unless sooner suspended, terminated or revoked. The license fees, as set by the Board of Trustees from time to time, shall accompany the appropriate application.

Any license issued under the provisions of this section may be renewed at its expiration by filing a proper application and paying the license fee required, provided the applicant is then qualified to receive a license. Each applicant for renewal shall conform with all the requirements as upon the original licensing.

§ 174.45 SUSPENSION; REVOCATION.

(A) A licensee shall be subject to having his license suspended or revoked for any of the following reasons:

- (1) Neglects or refuses to comply with the provisions of this section or with the conditions under which any license shall be issued; or
- (2) Violates any of the provisions of any laws of the County governing the maintenance and operation of ambulances; or
- (3) Violates any provisions of the laws of the State.

The Clerk, upon order by the Board of Trustees, shall give notice of the suspension or revocation to the licensee. The notice shall specifically set forth the facts supporting the charges or grounds for which the license was suspended or revoked and shall be served upon the licensee. The notice of suspension or revocation shall designate the time and place that a hearing will be held before the

Board of Trustees. If the Board shall find that the basis of either the suspension or revocation is substantiated, the license shall be suspended or revoked. If the license is suspended, the license and all evidence of it shall be surrendered by the licensee and shall be held by the Clerk until the end of the period of suspension. In the event the license is revoked, the licensee shall be ineligible to obtain another license until granted by the Board of Trustees.

(B) Upon notice of suspension or revocation of an ambulance license under the provisions of this section, operation of the ambulance shall cease. Upon notice of suspension or revocation of a driver's, attendant's or attendant-driver's license, the driver, attendant or attendant-driver shall cease to drive or attend an ambulance, and no person shall employ or permit the individual to drive or attend an ambulance.

JUNK DEALERS

§ 174.50 DEFINITIONS.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this section.

JUNK. The word ***JUNK*** shall mean old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but ***JUNK*** shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

JUNKYARD. The word ***JUNKYARD*** shall mean a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from the act or acts are to be used for charity.

JUNK DEALER. The term ***JUNK DEALER*** shall mean a person who operates a junkyard, as defined above, within the Village.

ITINERANT JUNK DEALER. The term ***ITINERANT JUNK DEALER*** shall mean an individual (natural person) who buys, sells, collects or delivers junk within the Village, but who is not an operator of a junkyard within the Village or an employee of an operator of a junkyard within the Village.

BUSINESS PREMISES or ***PREMISES.*** The terms ***BUSINESS PREMISES*** or ***PREMISES*** shall mean the area of a junkyard as described in a junk dealer's license or application for license, as provided for in this section.

§ 174.51 LICENSE REQUIRED.

(A) It shall be unlawful for any person to act as a junk dealer in the Village, whether personally, by agents or employees, singly or along with some other business or enterprise, without first having obtained a license from the Board of Trustees in accordance with the provisions of this section. A junk dealer who operates more than one junkyard within the Village shall be required to have in effect a separate license for each yard.

(B) It shall be unlawful for any individual to act as an itinerant junk dealer in the Village without first having obtained a license from the Board of Trustees in accordance with the provisions of this section.

§ 174.52 ENFORCEMENT.

(A) A Board of Investigators, consisting of the President and Board of Trustees, is created. Except where otherwise provided, a majority of the members of the Board shall constitute a quorum. The Board of Investigators shall appoint a secretary for itself from among the employees of the Village, adopt its own procedural rules, and keep a record of its proceedings and transactions.

(B) The Board of Investigators shall enforce, or aid in the enforcement of, all provisions of this section, and, for this purpose, any member of the Board of Investigators, or its duly authorized representatives, shall have the right and is empowered to enter upon any premises on which any business subject to these provisions is located, or is about to be located, and inspect the premises at any reasonable time. The Board of Investigators is further empowered to issue orders granting, renewing or revoking any license provided for in accordance with the provisions of this section.

§ 174.53 APPLICATION.

An applicant for a license under this section shall file with the President and Board of Trustees a written application signed by the applicant, if an individual, by all partners, if a partnership, and by the president or chief officer of a corporation or other organization, upon forms provided by the Board, together with copies of the application and the prescribed fee. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths.

§ 174.54 INVESTIGATION, APPROVAL AND ISSUANCE OF LICENSE.

(A) Upon receipt of an application for a junk dealer's license, the Clerk shall furnish copies of the application to the Board of Trustees. The Secretary shall cause an investigation to be made of the applicant's business responsibility and moral character. The proposed or existing premises and equipment with which the junkyard is being, or is to be, operated shall be examined by the other

members of the Board of Investigators or their duly appointed representatives. No junk dealer's license shall be issued unless the application is approved by all members of the Board of Investigators.

(B) The Investigating Committee shall approve the application only if it finds that the applicant's business responsibility and moral character are satisfactory and that all agents or officers of the applicant, if any, who will take part in the operation of the business are of good character and reputation and capable of operating the business in a manner consistent with the public health, safety and good morals.

(C) The Investigating Committee shall approve the application only if it finds that any proposed or existing buildings or equipment with which the junkyard is being, or is to be, operated conform to the requirements of the Building Code and the requirements of this section.

(D) The Investigating Committee shall approve the application only if it finds that the proposed or existing premises and equipment conform to the requirements of this section and all applicable health laws.

(E) The Investigating Committee shall approve the application only if it finds that the proposed or existing premises and equipment conform to the requirements of this section and all applicable fire laws.

(F) If any of the findings provided for in subsections (B), (C), (D) and (E) above are unfavorable to the applicant, the President shall, within 30 days after the filing of the application, notify the applicant that his application has been denied and that no license will be issued. Upon request, the President shall furnish the applicant with a brief written statement of the grounds upon which the application was denied. If the findings provided for above are favorable to the applicant, the President shall, within 30 days after the filing of the application, issue a junk dealer's license to the applicant if he finds:

(1) That the applicant has obtained from the official charged with administration under the zoning regulations a certificate to the effect that the junkyard will not be a violation of existing

(2) That the applicant has paid the fee prescribed by this section.

(G) The license as issued shall bear the following language on its face: "IMPORTANT - This license applies only to the premises indicated herein and authorizes the licensee to operate a junkyard in a lawful place and manner only; it is not a substitute for any certificate of occupancy, building permit or other certificate or permit that might be required by law of the licensee, and it does not relieve the licensee of the responsibility to have all such required permits or certificates at all times and comply with all laws affecting the above described business."

(H) The Clerk shall keep a permanent record of all applications filed and all licenses issued under this section.

§ 174.55 ITINERANT JUNK DEALERS.

(A) Upon receipt of an application for an itinerant junk dealer's license, the Chairman of the Board of Investigators shall furnish copies of the application to the other members of the Board. The Board of Trustees shall cause an investigation to be made of the applicant's business responsibility and moral character. If the Board finds that the applicant's business responsibility and moral character are satisfactory, and if the license fee has been paid, the President shall, within 30 days after the filing of the application, issue an itinerant junk dealer's license to the applicant. If the Board finds that the applicant's business responsibility and moral character are unsatisfactory, the President shall, within 30 days after the filing of the application, notify the applicant that his application has been denied and that no license will be issued. Upon request, the President shall furnish the applicant with a brief written statement of the grounds upon which the application was denied.

(B) The Clerk shall keep a permanent record of all applications filed and all licenses issued under this section.

§ 174.56 PERIOD OF LICENSE; RENEWAL PROCEDURE; FEES; TRANSFERABILITY.

(A) Unless otherwise provided by the Board of Trustees, any license or renewal license issued shall be effective as of the date of issue and shall expire one year from the date of issue.

(B) An applicant for a renewal license shall file with the President a written application upon forms provided by the Board, signed and sworn to in the same manner required in the case of an original application, together with copies of the application and the required fee. The application shall contain any information about the applicant's demeanor and the conduct and operation of the licensed business during the preceding license period as is reasonably necessary to enable the Board of Investigators to determine the applicant's eligibility for a renewal license.

(C) The annual fee to be paid for any license or renewal license shall be as set forth by the Board of Trustees from time to time.

(D) No license issued under this section shall be transferred or assigned or used by any person other than the licensee and no junk dealer's license shall be used at any location other than the one described in the application upon which it was issued.

§ 174.57 GENERAL OPERATING REQUIREMENTS; INSPECTIONS.

(A) The following general operating requirements shall apply to all junk dealers licensed under the provisions of this section:

- (1) The license issued shall be plainly displayed on the business premises.
- (2) The junkyard shall at all times be maintained in a sanitary condition.
- (3) No space not covered by the license shall be used in the licensed business.
- (4) No water shall be allowed to stand in any place on the premises in a manner as to afford a breeding place for mosquitoes.

(5) Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches.

(6) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless the refuse is junk as defined above and is in use in the licensed business.

(7) No junk shall be allowed to rest upon or protrude over any public streets, walkway or curb or become scattered or blown off the business premises.

(8) Junk shall be stored in piles not exceeding 10 feet in height and shall be arranged so as to permit easy access to all junk for fire fighting purposes.

(9) No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.

(10) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.

(11) No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the Building Code; no junk or other material shall be burned on the premises in the open, except in accordance with the Fire Prevention Code.

(12) No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on Sundays, Christmas, Thanksgiving or at any time between the hours of 6:00 p.m. and 7:00 a.m.

(13) The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence. Entrances and exits shall not be wider or more numerous than reasonably necessary for conducting the licensed business.

(14) The licensee shall permit inspection of the business premises by any member or representative of a member of the Board of Investigators at any reasonable time.

(15) No licensed junk dealer or his agent or employee shall purchase or receive any junk for use in the licensed business from any minor without the written consent of a parent or guardian of the minor. The writing shall be available for inspection by any member, or representative of a member, of the Board of Investigators.

(16) Each acquisition of junk shall be recorded in English in a permanent type register kept on the business premises, giving the name and residence address of the person from whom acquired, a description of the junk acquired and the date of the transaction. This data shall be available for inspection by any member, or representative of a member, of the Board of Investigators.

(17) No junkyard shall be allowed to become a nuisance, nor shall any junkyard be operated in a manner so as to become injurious to the health, safety or welfare of the community or of any residents nearby.

(B) The following general operating requirements shall apply to all licensed itinerant junk dealers:

(1) The licensee shall have the license in his or her immediate possession at all times when acting as an itinerant junk dealer in the Village and shall exhibit it to any person upon request.

(2) The licensee shall not purchase or receive any junk for use in the licensed business from any minor without the written consent of a parent or guardian of the minor. The writing shall be retained and shall be produced within a reasonable time upon the request of any member, or representative of a member, of the Board of Investigators.

(3) Each acquisition of junk shall be recorded in English in a permanent type register kept on the business premises, giving the name and residence address of the person from whom acquired, a description of the junk acquired and the date of the transaction. This data shall be retained and shall be made available for inspection by any member, or representative of a member, of the Board of Investigators.

(C) The Board of Investigators or its duly authorized representatives shall inspect the junkyard of all licensed junk dealers at least once a year to determine whether the yards are being operated in accordance with the provisions of this section and other applicable provisions of law.

§ 174.58 REVOCATION AND SUSPENSION; HEARING.

(A) When the Board of Trustees determines that the public interest so requires, it shall revoke or suspend the license of any junk dealer or itinerant junk dealer when it finds, after due investigation, that:

(1) The junk dealer or any agent or officer of the dealer who takes part in the operation of the licensed business, or the itinerant junk dealer, is not of good character or reputation or is not capable of operating the licensed business or carrying on the licensed activity in a manner consistent with the public health, safety and good morals; or

(2) The junk dealer has failed to comply with the provisions of this section or any provision of law applicable to the premises, equipment or operation of the licensed business, or the itinerant junk dealer has failed to comply with this section or any provision of law applicable to the equipment or licensed operations; or

(3) The licensee has obtained his license through any fraud or misstatement; or

(4) The licensed business or activity is being conducted in a manner detrimental to the health, safety or general welfare of the public, or is a nuisance, or is being operating or carried on in any unlawful manner; or

(5) The licensed business or activity is no longer being operated or conducted,

(B) Any person aggrieved by an order of the Board of Trustees granting, denying, renewing or revoking a license for a proposed or existing business or activity subject to the provisions of this section may file a written request for a hearing before the Board within 10 days after issuance of the order. The Board of Trustees shall give notice of a public hearing upon this request, to be held in not less than five days after service of the notice on the person requesting the hearing. The Board shall, also give notice of the hearing to other persons directly interested in the order in question. At the hearing, the Board shall determine whether the granting, denial, renewal or revocation of the license was in accordance with the provisions of this section and shall issue written findings of fact, conclusions of law and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the Clerk and served by the Board of Trustees upon all parties appearing or represented at the hearing.