

TITLE XI
BUSINESS REGULATIONS

Updated March 23, 2017
Alcoholic Beverages, Video Gaming and Raffle Permits
Updated June 23, 2016
Outside Restaurants (Café) and Drinking in Public Places
Updated October 9, 2014
Solicitation of Contributions on Highways
Updated July 24, 2014
Solicitors Code
Updated June 14, 2012
Video Gaming Act

TITLE XI: BUSINESS REGULATIONS

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§ 114.01 REGISTRATION REQUIRED

No person, firm, or corporation shall conduct, engage in, maintain, operate, carry on, or manage any business, occupation, activity, or establishment, either by himself or itself, or through an agent, employee, or partner, for which a registration is required by this chapter or by any municipal ordinance, without first having obtained an approved annual registration for such business, occupation, activity, or establishment. Whenever a registration 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 therefore, actively or passively, or if he or it performs or attempts to perform any part of such business, activity, or occupation in the municipality. (Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.02 APPLICATIONS

Applications for all registrations and permits shall be made to the Village Clerk or other duly authorized representative in writing on a form provided for that purpose, except as otherwise provided. If the applicant is an individual (sole proprietorship), the application shall contain his name, residence address and residential telephone number. If the applicant is a partnership or other non-corporate business entity, the application shall contain the name, residential address, and residential telephone number of each partner, principal, or member thereof. If the applicant is a corporation, the application shall contain the name, residential address, and residential telephone number of each principal officer and the registered agent thereof. Each application also shall contain:

- (A) A designation of the type of permit desired;
 - (B) The location or proposed location of the place of business, occupation, or activity;
 - (C) The applicable fee to be paid as provided in § 114.21;
 - (D) The number of the certificate of registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable; and
 - (E) Such additional information as may be needed for the proper guidance of municipal officials in the evaluation of such application, including proof of any insurance policy or bond required by this chapter or any other ordinance of the Village.
- (Ord. 97-11-20-04, passed 11-20-97)

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§ 114.03 INVESTIGATION

(A) Where this chapter authorizes or necessitates an investigation or inspection by any department or official of the municipality before the issuance of a registration certificate and requires the approval by such department or official regarding the proper location or condition of the premises in which the business, occupation, or activity for which a registration is applied to be managed, conducted, operated, or carried on or regarding the condition and nature of the equipment and methods intended to be used by the applicant in such business, occupation, or activity, then the Village Clerk or other duly authorized representative shall transmit to the appropriate official or department such information necessary for the required investigation or inspection.

(B) The designated official or department shall:

(1) Make all necessary investigations and inspections, and the results thereof shall be reported in writing to the Village Clerk or other duly authorized representative; and

(2) Indicate on the application a recommendation for the approval or disapproval thereof.

(C) Upon receipt of all related investigative and inspection reports, the Village Clerk or other duly authorized representative shall forward such reports, together with the application, to the President of the Village Board for final determination.

(Ord. 97-11-20-04, passed 11-20-97)

§ 114.04 APPROVAL; DISAPPROVAL

(A) If after due consideration of the information contained within the application and related investigative and inspection reports the President of the Village Board determines that the application is satisfactory, he shall approve the application. Thereupon, the Village Clerk or other duly authorized representative shall notify the applicant that the application has been approved. The registration or permit shall be signed by the President of the Village Board, attested by the Village Clerk or other duly authorized representative, then issued to the applicant.

(B) If after due consideration of the information contained within the application and related investigative and inspection reports the President of the Village Board determines that matters concerning the application are unsatisfactory, he shall disapprove the application, indicating the reasons therefore. Thereupon, the Village Clerk or other duly authorized representative shall notify the applicant that the application has not been approved and that no registration or permit be issued. If the President of the Village Board denies the application, the applicant shall have seven days within which to file a written appeal of the denial with the Village Clerk or other duly authorized representative shall notify the Village Board and a hearing date shall be scheduled as early as practically possible. The Village Clerk or other duly authorized representative shall notify the applicant of the date set for hearing.

(Ord. 97-11-20-04, passed 11-20-97)

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§ 114.05 REGISTRATION TERM; EXPIRATION; RENEWAL

(A) Each registration shall indicate its term. All annual registrations shall be operative and the registration year for the municipality shall commence on the 1st day of January of each year. No registration shall be granted for a period longer than one year. Except where otherwise provided herein, every registration shall expire on the 31st day of December following the date of issuance.

(B) Except as otherwise provided herein, each registration may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a registration renewal shall be the same as the requirements and procedures for granting a new registration.

(Ord. 97-11-20-04, passed 11-20-97)

§ 114.06 REGISTRATIONS NOT ASSIGNABLE; UNLAWFUL USE

No registration or permit may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person, firm, or corporation shall use or display any registration certificate, tag, badge, or sticker which has been improperly acquired. No person, firm, or corporation shall alter, deface, forge, or counterfeit any registration, certificate, plate, tag, badge, or sticker issued by the municipality.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.07 BUILDING AND PREMISES

No registration shall be issued for the conduct of any business, and no registration 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 the municipality and the State of Illinois.

(Ord. 97-11-20-04, passed 11-20-97)

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§ 114.08 LOCATION

No registration or permit for the operation of a business, establishment, or activity in the municipality shall be construed to permit its operation in more than one location in the municipality. A separate registration or permit shall be required for each location (except for contractors). A contractor may use one registration or permit shall be required for each location (except for contractors). A contractor may use one registration to conduct business at multiple locations in the Village. A contractor is any person engaged in the business or activity of constructing, altering, or repairing buildings or other structures or sidewalks or street pavement including, but not limited to, cement, concrete, or paving contractors, masonry contractors, carpentry contractors, lathing contractors, roofing contractors, heating contractors, air conditioning and refrigeration contractors, steam fitting contractors, plumbing contractors, general contractors, and electrical contractors. Any person who is engaged in the construction, repair, or alteration of any building, structure, or street or sidewalk pavement within the Village for which a building permit is required is presumed to be a contractor and must be registered hereunder unless such presumption is rebutted. For the purpose of this chapter, 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 of parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification. The location of any registered business or occupation, other than the sale of alcoholic liquors or the location of any permitted act, may be changed, provided that the Village Clerk or other duly authorized representative's office shall be given sufficient notice of such intended change in location to determine that the operation for which the registration is required conforms with all applicable ordinances and regulations of the municipality and its new location. (Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.09 NUISANCE PROHIBITED

(A) *Generally.* No business or establishment, whether or not registered, shall be so conducted or operated as to constitute a nuisance, in fact: and no building, vehicle, 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. Any charge of conducting or operating a nuisance may be made under the provisions of this chapter or any other ordinance of the Village.

(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 whatever, which shall be dangerous or detrimental to health shall be allowed to exist in connection with any business or occupation or to be used in any work or labor performed in the municipality.

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(C) *Refuse disposal.*

(1) *Refuse container.* The standard refuse container required by this chapter shall be a receptacle of not less than 20 gallons capacity of constructed or impervious and sturdy material with a tight fitting cover and equipped with handles properly placed to facilitate handling. All refuse which is placed for collection service outside any building structure must be kept in standard refuse containers unless another type of container is approved by the Village Board due to the unusual nature of the refuse produced by the business. All other provisions of Village ordinances governing refuse containers where not inconsistent herewith continue to apply.

(2) *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.

(3) *Removal of refuse by some businesses or occupations.* Every person owning or controlling any hotel, restaurant, café, retail food establishment, or other business or occupation of more than 32 gallons of refuse is normally produced weekly shall cause all substances deposited in such containers to be removed as often as shall be necessary, including daily removal from his premises, to insure the healthful environment surrounding such establishment. Such removal shall be at his own expense.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.10 WORKING CONDITIONS

(A) *Health requirements.* No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place shall allow or cause any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat, cleanliness, or in conflict with health, life safety codes, or ordinances.

(B) *Sanitation.* All such places of employment shall be kept in a clean condition, free from the 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 otherwise which are injurious to health. Sufficient washroom facilities for all employees shall be provided and such facilities shall be properly ventilated.

(C) *Heat required.* It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory, workshop, retail business, or other commercial establishment, to maintain and operate the factory, workshop, retail business, or other commercial establishment in compliance with all applicable provisions of the Property Maintenance Code adopted by the Village.

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(D) *Inspection.* The appropriate municipal officials shall visit or cause to be visited all such places of employment in the 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.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.11 BUSINESS OPEN TO PUBLIC

(A) All businesses or commercial establishments registered under this chapter which invite the public generally into their establishments for the purpose of conducting business, commercial activity, or any other activity registered under this chapter shall be subject to the following regulations in addition to all other applicable provisions of the ordinances of the Village.

(B) All areas within the registered premises where the public may enter shall be kept in a safe and sanitary condition.

(C) All business or commercial establishments subject to this section shall refrain from all deceptive trade practices as defined by state or federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business registration of the establishment may be revoked pursuant to the provisions of this chapter.

(D) It shall be unlawful to employ, in any premises open to the public or engaged in the transportation processing, preparation of packaging of food or beverages, any person who the employer knows or should have known, based upon reasonable observation, was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knows or should have known that he was afflicted with or a carrier of any such disease to work in or about any such premises.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.12 INSPECTIONS

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

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(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provision of this chapter, or of any ordinance or regulations, or to detect violations thereof, it shall be the duty of the registered party or the person in charge of the premises to give to any duly authorized officer or employee of the 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 President of the Village Board may revoke under the provisions of this chapter the registration of any owner or operator of a registered business in the municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take any adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.13 CONTRACTORS

(A) (1) It shall be the absolute and irrevocable responsibility of all contractors registered hereunder to secure the appropriate and necessary building permits required by Village ordinance before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish the whole or any part of any building, structure, or sidewalk or street pavements. It shall also be the duty if all contractors registered hereunder to comply with all the provisions of Village ordinances relating to or regulating their activities as contractors and, in addition thereto, to remove or cause to be removed at least once each week from the site of said contractor's activities all trash, refuse, and waste materials. Contractors shall, at all times, keep the site of activities in an orderly condition, free from standing water, unguarded dangerous implements and health and safety hazards. Contractors shall not obstruct traffic, streets, or sidewalks, nor permit dirt or waste materials from falling or being carried into such public ways.

(2) Any and all requirements of county, state, federal jurisdictions shall be complied with, and proof of such shall be validated by submittal of a legible copy of any such certificate, license, or identification provided.

(B) *Inspection.* The provisions of this article are declared to be of a regulatory nature, and it shall be at all times the duty of the Chief of Police, the Health Officer, and the Building Official, or their duly appointed designee, to investigate whether persons engaged as building contractors are properly registered and that their activities are being conducted and operated in accordance with the provisions of any adopted ordinance applicable thereto. All required inspections by the Building Department shall be requested by the responsible contractor(s) at least 24 hours ahead of a desired time. Holidays and weekends are not to be calculated within any 24 hour period.

(Ord. 97-11-20-04, passed 11-20-97; Am. Ord. 97-11-20-05, passed 11-20-97)
Penalty, see § 114.99

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§ 114.14 ENFORCEMENT

(A) Whenever a person, firm, or corporation shall neglect or refuse to procure any registration required by this chapter, or otherwise violates the term of this chapter, the President of the Village Board and/or registration officer as duly appointed under the chapter is authorized to cause appropriate legal action and proceedings to be instituted to enforce the registration requirement.

(B) The registration officer, Village Board or other duly designated individual shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. When necessary and expedient, he may call upon the Chief of Police to assist in such enforcement, and it shall be the duty of the Chief of Police to perform such enforcement acts as may be required of him.

(C) All municipal employees duly authorized and acting as inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other municipal ordinances relating to the registration of business and occupations and their regulations.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.15 SUSPENSION; REVOCATION OF REGISTRATION OR PERMIT

(A) When the conduct or operation of any business, occupation, activity, or establishment, whether registered or unregistered, shall constitute a nuisance in fact, and a clear and present danger to the public health, safety, or general welfare, or where the holder of any registration shall have refused to allow an inception of his premises or has refused to furnish a sample of his goods for testing, the President of the Village Board shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

(B) Within eight days after a registration or permit is suspended, the President of the Village Board shall call a hearing for the purpose of determining whether or not the registration or permit should be revoked.

(C) Registrations and permits issued by the municipality, unless otherwise provided, may be revoked by the President of the Village Board after notice and hearing as provided in § 114.15(D) and § 114.15(E) for any of the following causes:

(1) Any fraud, misrepresentation, or false statement contained in the application for the registration or permit.

(2) Any violation by the registered party or permittee of provisions of this chapter or other ordinances of the municipality relating to the registration or permit.

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(3) Conviction of the registered party or permittee of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business operation within the Village.

(4) Failure of the registered party or permittee to pay any fine, penalty, or charge owed to the Village.

(5) Refusal to permit an inspection or sampling or any interference with a duly authorized municipal officer or employee while in the reasonable performance of his duties in making such inspections as provided in § 114.12.

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

(D) Notice of the hearing for revocation of a registration or permit, except in § 114.15(B) above, 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 registered party or permittee at his last known address, at least five days prior to the date set for the hearing. If the registered party shall request a continuance of the date of hearing, said registered party registration shall be suspended pending a hearing on the complaint.

(E) At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The registered party or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The President of the Village Board shall preside and render the decision.

(F) A stenographic or electronically recorded record of the hearings shall be kept. The Village shall pay the cost of attendance fees of the reporter and the cost of the transcript if such transcript should be ordered by the Village. The registered party or permittee shall pay the cost of any transcript ordered by him.

(G) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the President of the Village Board shall file a written decision in which he has summarized the evidence and has stated the reasons for his decision.
(Ord. 97-11-20-04, passed 11-20-97)

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§ 114.16 APPEAL

Any person aggrieved by the decision of the President of the Village Board in regard to the denial of an application for a business registration, as provided in this chapter, or in connection with the revocation of a registration or permit, or the closing of an establishment dangerous to the public, as provided in this chapter, shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Village Clerk or other duly authorized representative within ten days after notice of a denial of an application or a revocation of a registration or permit, a written statement under oath setting forth specifically the grounds for appeal. The Village Board 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 registered or permittee in the same manner as provided in § 114.14. The decision of the Corporate Authorities on such appeal shall be final.

(Ord. 97-11-20-04, passed 11-20-97)

§ 114.17 REGISTRATION TO BE POSTED; DESTRUCTION, REMOVAL OF REGISTRATION

It shall be the duty of any person conducting a registered business in the municipality to keep his registration displayed at all times in a prominent place on the premises, machine, or vehicle used for such business. No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner, any registration, certificate, plate, or sticker, which has been issued by the municipality except when such registration, certificate, plate, or sticker has been discontinued or the registered premises have been abandoned. Nothing herein shall prevent the President of the Village Board or his duly authorized representative from removing any registration, certificate, plate, or sticker from the possession of a former registered party or his premises, any vehicle or any machine when said registration has been revoked under the provisions of this chapter.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.18 BUSINESS VEHICLES

(A) Whenever the number of vehicles used is the basis, in whole or in part, for a registration fee, the Village Clerk or other duly authorized representative shall furnish the registered party with a tag or sticker of each vehicle covered by the registered party, and such tag or sticker shall be posted or affixed in a conspicuous place on each such vehicle.

(B) Whenever any registered party under this chapter shall make use of one or more motor vehicles in the registered activity, such registered party shall carry at all times public liability insurance with a responsible insured qualified to do business in Illinois to insure payment of loss or damage resulting from an occurrence arising out of or caused by the operation or use of any such vehicles, but each vehicle shall be insured for the sum of \$30,000 for property damage.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

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§ 114.19 MORE THAN ONE REGISTRATION REQUIRED

Unless otherwise provided in this chapter, each individual business or commercial activity within the municipality shall be required to obtain only one registration but shall be required to comply with all applicable regulations contained in this chapter or elsewhere. The registration fee required to be paid by an individual business which is subject to two or more registrations in this chapter shall be the largest of those applicable. A business shall be considered to be individual only if it is owned by identical persons or entities, is contained within one single building and conducts activities that are closely related.
(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.20 ADOPTION BY REFERENCE

Whenever within this chapter any regulation or public record is adopted and incorporated by reference, the manner of their adoption and incorporation shall have complied with the provisions of the Illinois Compiled Statutes allowing such incorporation and adoption.
(Ord. 97-11-20-04, passed 11-20-97)

§ 114.21 REGISTRATION FEES

(A) Registration fees under the terms of this chapter for the businesses, occupations, activities, and uses set forth shall be as provided in the fee schedule as set forth in § 114.21(B). Registration fees shall be paid annually unless otherwise provided, and proof of any bond or liability insurance policy required by this chapter shall be provided with the registration fee.

(B) *Fee schedule.* Any and all individuals, firms, corporations, partnerships, or those otherwise required to register with the Village shall be subject to the following fees:

- (1) Initial registration: \$25 annual (per calendar year).
- (2) Renewal of current, active registration: \$10 annual.
- (3) Reinstatement of expired registration: \$25 (expired over 120 days or May 1).
- (4) Coin operated amusement devices or vending machines: \$5 each machine annually (non-transferable). (Exemptions: Newspaper sale machines located on private property; coin operated telecommunication devices; coin operated washing machines and dryers.)

NOTE: All individuals, companies, or corporations which provide or service any vending machines are considered to be conducting business within the Village and are subject to the requirements of the registration ordinances.

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(C) *Exemption from fee payments.* Except as provided by ordinance to the contrary, any person(s), place, or activity registered or licensed under any other Village ordinance which requires fees, independent to the business registration fees required by this chapter, shall be exempt from the lesser amount fee, yet shall be required to registration and its approval. (Ord. 97-11-20-04, passed 11-20-97; Am. Ord. 97-11-20-05, passed 11-20-97)

§ 114.22 PRORATION OF FEE

From the date of adoption hereof, all existing businesses required to be registered hereunder shall have a period of three months to register. All businesses required to be registered hereunder which register within said three month period shall not be required to pay an initial registration fee. Any business failing to register within said three month period shall be required to pay the \$25 first year registration fee. All businesses shall be required to pay all ensuing registration fees for any following years. (Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.99 PENALTY

Unless otherwise expressly provided, any person, firm, or corporation convicted of violating any provisions of this chapter shall be fines not less than \$50 and not more than \$1000. Every day the violation exists will be deemed to be a separate offense. (Ord. 97-11-20-04, passed 11-20-97; Am. Ord. 97-11-20-05, passed 11-20-97)