

TITLE 4
CHAPTER 1

BUSINESS CERTIFICATES

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4-1-1. Business Certificate Required.

It shall be unlawful to operate or occupy a business or establishment premises as herein defined without having obtained a business certificate from the Village.

4-1-2. Definition.

"Business or Establishment" shall mean those professions, occupations, businesses and/or commercial establishments doing business within the Village, including a building or premises or portion thereof. As defined below Business Certificate is required for a food, industrial, retail, wholesale of service businesses or establishment:

- A. Food Business/Establishment. A building or premises the principal use of which is for the sale or distribution or serving of food, foodstuff or drink (including alcoholic beverages) for consumption on or off premises or in or out the building.

B. Industrial Business/Establishment. A building or premises the principal use of which is for the manufacturing, processing, fabrication and storage, or scientific research and development.

C. Retail and Wholesale Business/Establishment. A building or premises the principal use of which is for the sale or distribution of any commodity for a price or fee by a seller to a consumer (including consignment businesses conducted within a single building) or by one business to another business.

D. Service Business/Establishment. A building or premises the principal use of which is for the rendering of personal or material services for a price or fee whether or not a commodity is worked upon or exchanged including the practice of medicine or dentistry or similar type of medical professional personal services, the practice of law, financial institution or any other business, the regulation of which is conducted exclusively by the State of Illinois.

4-1-3. Entities Subject to Obtaining a Business Certificate.

Whenever in this Code a certificate 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, corporation, partnership or limited liability company or other entity, shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits attempts to perform any part of such business or occupation in the Village.

4-1-4. Application.

An application for a business certificate shall be made in writing to the Village Clerk, or to the designees of the Village Clerk. Each application shall state the name of the applicant, the business certificate or permit desired, the location of the business or establishment, the time covered and the fee to be paid and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or certificate applied for.

4-1-5. Regulations.

The applicant shall comply with all applicable regulations of the Village, including Code Enforcement, the Village's police department and the fire department that has jurisdiction, and each applicant shall permit including the right of inspection.

4-1-6. Exclusions.

The terms and provisions of this Chapter shall not be made applicable to any activity carried on or operated by a government institution.

4-1-7. Forms.

Forms for all certificates and applications therefore, shall be prepared and kept on file by the Village Clerk, and said forms shall state the fee paid thereon, duration of the term and when issued.

4-1-8. Certificate to Bear Signature.

Each certificate or permit issued shall bear the signatures of the President and Village Clerk in the absence of any provision to the contrary.

4-1-9. Investigations and Inspections.

Upon the receipt of an application for a business certificate for a business that is required to be inspected or investigated under Village ordinance or state statute before the issuance of such permit or certificate, the Village Clerk shall refer such application to the proper officer for making such investigation within 48 hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon favorable or otherwise, a reasonable time after receiving the application or a copy thereof.

A. Health Inspection. The Health Officer shall make or cause to be made all inspections in connection with such certificates for the protection of health, the care and handling of food and the prevention of nuisances and of the spread of disease.

B. Code Enforcement. The Code Enforcement Officer shall make or cause to be made any such inspections relative to the construction of buildings or ordinance as are required of him.

C. Fire inspection. No business certificate shall be issued unless the Fire Department has caused an inspection to be made of the premises to determine that no fire hazard exists, and a report of such inspection given to the Village Clerk.

D. Miscellaneous Inspections. All other investigations, except where otherwise provided, shall be made by the Chief of Police, his designee, or by some officer designate by the President.

E. Duties and obligations of Applicant/Certificate Holder.

1. Whenever inspections of the premises used for or in connection with the operation of a certificated business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the certificate holder, of the person in charge of the premises to inspected, to admit thereto for the purpose of making such inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

2. Whenever the analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of any certificate holder of the municipality whose business is governed by such provision to give to any authorized officer or employee of the municipality requesting the same, sufficient samples of such material or commodity for such analysis upon request.

F. Penalties; Revocation

In addition to any other penalty which may be provided, the President may revoke the certificate of any certificated proprietor of any certificated business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the desired commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. Provided that no certificate shall be revoked for such cause unless written demand is made upon the certificate holder or person in charge of the premises, in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

4-1-10. Payment of Fees.

In the absence of provisions to the contrary, all fees and charges for certificates or permits shall be paid in advance at the time application therefore is made to the Village Clerk. . Except as otherwise provided, all certificate fees shall become a part of the general corporate fund.

4-1-11. Validity of Certificates.

All annual business certificates shall begin on May 1, and terminate on April 30 of the following year; provided however that for the year 2011 all business certificates shall begin January 1 and terminate on April 30, 2012.

4-1-12. Pro-rated Fees.

When any business certificate is issued after the first day of February in any year, the certificate fee shall be one-half of the annual certificate fee but only in the event that the Village determines the inspection can be deferred to the following fiscal year.

4-1-13. Building on Premises.

No certificate or permit shall be issued for the conduct of any business, or act, if the premises and building to be used for the purpose does not fully comply with any and all requirements of the Village. No such certificate or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the fire, zoning or building ordinances of the Village, and if issued through mistake, inadvertence, misrepresentation or other reason, it shall not constitute or be considered as an authorization to commit such violation or justify the same.

4-1-14. Change of Location.

The location of any certificates business or occupation, or of any permitted act, may be changed, provided ten days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary.

4-1-15. Revocation.

Any certificate or permit for a limited time may be revoked by the President at any time during the life of such certificate or permit, for any violation by the certificate holder of the ordinance

provisions relating to the certificate or permit, the subject matter of the certificate or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

4-1-16. Posting Certificates.

It shall be the duty of any person conducting a certificated business in the Village to keep his certificate posted in a prominent place on the premises used for such business at all times.

4-1-17. Fees.

Business certificate fees are based on the costs and expenses of inspection and the administrative costs of the Village below; provided however, that additional fees shall be charged for businesses or establishments that required additional inspections such a fire, hazardous material or health inspection.

A.	<u>Business Certificate Fee</u>	\$65.00
B.	<u>Special Events Certificate Fee</u>	\$50.00
C.	<u>Home Occupation Certificate Fee.</u>	\$25.00
D.	<u>Penalties for Late Filing.</u>	

There shall be a penalty applicable to all Business Certificates of \$15.00, for a certificate purchased after the date such certificate fee is due. An additional penalty of \$15.00 shall be assessed for each additional 30 days after the date such certificate fee is due to a maximum of \$60.00.

4-1-18. Special Certificates.

A.. **Private Special Events.** *"Private special events business certificate"* as herein used shall mean any store, plaza, mall or merchant association doing business within the Village that conducts a special promotion that would otherwise require certificates for numerous vendors.

1. Application. An application for a special events certificate shall be made in conformity with the general requirements of this Title relating to applications for business certificates.
2. Regulations.
 - a. No person suffering from any actively contagious or infectious disease shall be employed in or on any private special event receiving a business certificate under this Chapter.
 - b. The area used by the public must be adequately lighted during business hours and shall be kept in a clean and sanitary condition.
 - c. No certificate holder under this Section, nor anyone in his behalf, shall shout, make any outcry, blow a horn, or use any loud speaking sound

device which is capable of being plainly heard upon the streets, avenues or other public places for the purpose of attracting attention to any goods, wares or merchandise which such certificate holder proposes to sell.

d. No business, occupation or activity certificated under this Chapter shall be conducted or operated so as to constitute a nuisance or as to amount to a nuisance in fact.

e. The certificate holder must notify the Village ten days prior to any special promotion.

f. The certificate holder must in addition to these regulations, comply with those certificate regulations for special promotions.

g. The certificate holder shall hire such security personnel as required by the Village.

h. The applicant shall comply with all applicable regulations of the Health Department, Village Codes, Police Department and Fire Department including the right of inspection.

B. Home Occupations. "*Home Occupation*" as herein used shall mean business activity not otherwise certificated by this Title and required under 35 ILCS 120/1 et seq., "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers Use of Consumption" to file reports for such business activity conducted entirely with the dwelling and carried on by the inhabitants thereof or a limousine or livery service, which business activity is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

C. Certificate Required. It shall be unlawful to operate a home occupation as herein defined without having obtained a business certificate..

D. Application. An application for a Home Occupation Certificate shall be made in conformity with the general requirements of this Chapter as set forth above.

E. Regulations.

a. No article shall be sold or offered for sale except such as may be produced on the premises by members of the immediate family, provided, however, articles produced by others may be sold or offered for sale when such articles are shipped directly to the consumer from another legal premise. The delivery of goods or services directly to the consumer from the dwelling shall be prohibited.

b. There shall be no exterior evidence of the conduct of the home occupation.

c. A home occupation shall not create additional vehicular or pedestrian traffic to the dwelling.

- d. A maximum of one vehicle, related to the home occupation, shall be permitted to be maintained on the premises.
- e. The conduct of any home occupation shall not reduce or render unusable areas provided for the required off-street parking or prevent the number of cars intended to be parked in a garage from doing so.
- f. The distribution of articles/products from the dwelling to independent contractors or other employees shall be prohibited.
- g. The applicant shall comply with all applicable regulations of the Department of Code Enforcement, Police Department and Fire Department, including the right of inspection.

4-4-19. Violations of Code and Appeal.

- A. Upon determination by the Village that a business or establishment has been commenced, operated, maintained or conducted in violation of the provisions of this Code, a code violation will be issued to the person, corporation, partnership, limited liability company or other entity operating such business or establishment. Such code violation shall be confirmed by mailing a copy of the order by certified mail return receipt requested.
- B. Any person or entity aggrieved by an order or a finding, determination, notice or action taken under the provisions of this Code may appeal and shall be apprised of his right to appeal to the Village President and Board of Trustees which shall include a right to a hearing.
- C. The certificate holder shall be given at least five days notice of the time and place of the hearing. The Village President shall give the certificate holder, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the Village should not be upheld. In all such cases, the burden of proof shall be upon the person, corporation, partnership, limited liability company or other entity to show that there was no substantial evidence to support the action taken by the Village. At the conclusion of the hearing, the Village President and the Board of Trustees shall make a final and conclusive determination.