

Chapter 1

GENERAL PROVISIONS FOR BUSINESSES, CERTIFICATES, LICENSES AND PERMITS

3-1-1: BUSINESS REGULATION CERTIFICATES:

3-1-1-1: PURPOSE AND JURISDICTION:

- A. Because each commercial establishment located in the village is a basic part of and affects the physical and economic well being of the village necessitating special services from the village in the form of fire, health, sanitation, building and police inspections and services, such commercial establishments shall in all respects be in full compliance with the provisions of this section. This section is designed to provide for the means whereby the village may render the necessary inspections and services to commercial establishments and commercial areas in order to promote, protect, and safeguard the public health, safety and welfare of the citizens of Oak Lawn and to enable the effecting of an accurate record of commercial establishments located and carrying on commercial activities or commerce within the village.
- B. The commercial establishments so regulated may or may not have their principal place of business located within the village.
- C. The business regulation fees provided for herein are not intended to license any business or profession nor are they to be construed as an endorsement of the competency or skill of any individual, company, corporation or other entity. Only governmental activities and other approved eleemosynary activities will be issued a certificate without charge, except as may be required herein.
- D. Business regulation fees based upon square foot area are predicated upon the premise that there is a finite amount of square footage in all of the commercial zoning districts within the village. These commercial districts require substantial services over and above the services provided for single-family homes and other residential districts. The business activities conducted within the finite square foot area of the commercial districts of the village require these extra services regardless of the activity being conducted within each commercial space. Therefore, the fee is based equitably upon the square foot area of each place of business as a minimum fee.

The basis for the fee schedule may be based on additional factors other than square foot area of the business establishment.

Other fee charges are added for activities listed in section 3-1-1-7, table A of this chapter. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19, 86-3-11)

3-1-1-2: RULES AND DEFINITIONS:

A. Rules Of Word Construction: The language set forth in the text of this section shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.
5. Whenever a word or term defined hereinafter appears in the text of this section, its meaning shall be construed as set forth in the definition thereof; and any word herein defined shall be construed in the same sense as that word.
6. All measurements are expressed in square feet and shall be to the nearest integral square foot; if a fraction is one-half ($1/2$) square foot or more, the integral square foot next above shall be taken.
7. Regulatory fees for vending machines shall be applied to the individual machine, and not to the business location, and said vending machines cannot be relocated within the Village without the issuance of a new certificate, upon notification, in writing, to the Director of Administrative Services of such relocation.

B. Definitions: The following words and terms wherever they occur in this Section shall be construed as herein defined:

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building.

ADVERTISING SIGN: Any sign which directs attention to a business, commodity, service, activity or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

BASEMENT: The portion of a building located partly underground but having less than one-half ($1/2$) its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR: The portion of a building partly or wholly underground but having one-half ($1/2$) or more than one-half ($1/2$) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

COMMERCIAL ESTABLISHMENTS AND/OR ACTIVITIES: Includes the following types of commercial activities located or conducted within the Village.

1. Retail sales shall include the exchange of any commodity for a price or fee by a seller to a consumer.
2. Service businesses shall include any service performed or rendered for a price or fee whether or not a commodity is worked upon or exchanged.

3. Manufacturing businesses shall include any activity where a product is produced for distribution to any retail or service business.
4. Wholesale and/or storage shall include any other business or business activity between raw materials to delivery to the final consumer.
5. Any business activity, retail, service, manufacturing, wholesale and/or storage which is conducted within the Village, whose principal place of business may or may not be located within the Village, but is listed as requiring a business certificate herein.
6. A commercial establishment under this Section is deemed to be any person, company, firm, partnership, corporation or other legal entity chartered, licensed, incorporated or declared to be in existence for the purpose of making a profit from its activities. The provisions of this Section shall apply to profit-oriented activities but are not applicable to recognized not-for-profit or eleemosynary establishments or activities except as may be provided herein.

FLOOR AREA: The sum of the gross horizontal areas of all of the several floors of a building and its accessory buildings measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two (2) buildings or business establishments on each of the respective floors, and shall include the basement floor, a cellar floor, motor vehicle parking space when such space is used in conjunction with a drive-in commercial establishment, and commercial establishments, devoted to the sale, service and/or repair of motor vehicles, floor space used for mechanical equipment, whether open or enclosed, penthouse attic space, balconies, mezzanines, porches, verandas and floor area devoted to and occupied by accessory uses.

FOOD PROCESSING ESTABLISHMENT: A commercial establishment in which food is processed, prepared, packaged, or distributed for human consumption. This does not include a food service establishment or a retail food store.

FOOD SERVICE ESTABLISHMENT: Any place where food that is intended for individual service and consumption is routinely provided completely prepared. The term includes any such place, regardless of whether consumption is in, on, or off the premises and regardless of whether there is a charge for the food. The term does not include a private home where food is prepared for individual family consumption and does not include the location of food vending machines or a retail food store that does not cook or combine ready-to-eat potentially hazardous foods for human consumption.

FOOD SERVICE ESTABLISHMENT TEMPORARY: Any food service establishment which operates for a temporary period of time not to exceed two (2) weeks in connection with a fair, carnival, circus, public exhibition, or similar transitory gatherings.

HOME OCCUPATION BUSINESS CERTIFICATE: The Village is not opposed to the development of a business which starts as a small home occupation providing that the home occupation does not impinge upon the rights and privileges of the abutting and adjoining homeowners and, further, that the home occupation is conducted in such manner that it does not change in any way the neighborhood atmosphere of an R-1, R-2 or R-3 Residential District. Such home occupations must comply with the provisions of Section 4-1-6 (Home Occupations) of this Code. A home occupation business certificate is required and the fee is as set forth in the fee schedule.

OFFICE: Any service performed or rendered, whether for profit, control or nonprofit. Common uses found in this definition shall include but are not necessarily limited to the following activities:

1. Insurance, real estate, financial institutions, finance companies and other similar business and professional offices.

2. Medical clinics, doctors, dentists, lawyers, accountants, architects, designers offices.

3. Business offices, such as district offices, sales offices, or branch offices.

Any multiple use of the same office facilities will require an individual registration for each separate use. Accounting records will be used to determine if separate or multiple uses are being conducted in the same office facilities.

OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

RESTAURANT, BANQUET HALL: A food service establishment, other than a full service restaurant, which caters to groups of people who are there for a specific purpose which may or may not include the consumption of food.

RESTAURANT, CAFETERIA: A food service establishment where the food is served from various types of containers while the customer passes along a line of such foods which are on display for his choice. The customer enters the building, picks up a tray, follows the line, makes his food selection, carries the tray to the table and then consumes the food. All food is consumed solely on the premises.

RESTAURANT, CARRY-OUT: A food service establishment, without interior or exterior facilities for eating, where the customer either preorders his selection or places an order in person. The food is packaged and the customer carries out the food off of the premises of the establishment for consumption elsewhere, usually, but not always in his own home. A drive-thru only restaurant facility shall be considered a carry-out restaurant; however, if used in combination with any other type restaurant facility, the restaurant shall be considered a mixed use restaurant.

RESTAURANT, FAST FOOD: A food service establishment where the customer enters the establishment, places an order at a counter, receives his order either on a tray (other than a cafeteria) or in some form of package and then either consumes the food in the building where such food is prepared or elsewhere, on or off the premises, excepting therefrom the carry-out food type establishment where no food is consumed either inside or outside on the premises where the food is prepared.

RESTAURANT, FULL SERVICE: Where the customer is seated, a waiter or waitress takes the customer's order, brings food and after the customer has consumed same, clears the table in preparation for the next customer. All food is consumed inside of the establishment.

RESTAURANT, MIXED USE: A food service establishment which combines two (2) or more of the restaurant uses defined above.

RETAIL FOOD STORE: A grocery store, meat market, poultry market, fish market, fresh fruit and vegetable market, confectionery, nut store, bakery, or any other establishment whether fixed or moveable, where food, intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail.

SEATING: The number of seats within a restaurant which includes fixed stools and booths, a constant number of seats which corresponds to a fixed seat and table plan, and the seats which might be set up during a banquet in an open room or in addition to a fixed seating plan. For the

purpose of determining the number of seats in an open room without a fixed seat and table plan, the number of seats shall be one seat for each fifteen (15) square feet of gross floor area. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19, 86-3-11, 87-17-72)

3-1-1-3: CERTIFICATE REQUIRED:

It shall be unlawful for any person to engage in the business of a commercial establishment, business and/or commercial enterprise or activities as herein enumerated or as otherwise provided herein without having first obtained a certificate therefor. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19)

3-1-1-4: APPLICATION FOR CERTIFICATE:

All commercial establishments with buildings or premises in the Village shall file with the Department of Administrative Services, an application for the regulatory certificate to operate the commercial establishment in the Village no later than April 30 of each year or at such time as the commercial establishment desires to commence operation in the Village. Application forms for such documents shall be made available by the Village. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19; 1985 Code)

3-1-1-5: RESTRICTIONS ON CERTIFICATES:

No certificate for the operation of a commercial establishment in the village shall be issued if one or more of the following conditions are determined by the village manager, or such other officer as may be designated by the village manager, to exist:

- A. The building or premises of the commercial establishment does not comply with the provisions and terms of the building code, zoning title, fire regulations, health regulations, or with all ordinances and regulations of the village.
- B. The building or premises of the commercial establishment is in a condition of being unsanitary or unsafe so as to endanger the public safety, health or welfare.
- C. The owner of the commercial establishment or such legal entity comprising the commercial establishment is indebted to the village. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19)

3-1-1-6: ISSUANCE OF CERTIFICATE; TERM; INVESTIGATION; FEES:

- A. Subject to the terms and provisions of this chapter, the director of administrative services, or such personnel as may be designated by the director of administrative services, shall be in charge of issuing certificates. Prior to the issuance of a certificate, said director of administrative services, or such personnel as may be designated by the director of administrative services, shall cause investigations to be made by the health and sanitation officer and the building, fire and police departments in regard to the applicant, the business establishment and the facts stated in the application. Said officer and departments shall make a report of their investigations, favorable or otherwise, within ten (10) days after receiving the request for said investigation. Where a certificate is issued, it shall begin on May 1 of the year for which such document is issued and shall terminate on April 30 of the next year. No certificate shall be issued at the yearly rate of fees except for the full regulatory year; provided, however, where such document is issued on or after November 1, the regulatory fee shall be one-half ($\frac{1}{2}$) of the yearly fee for the unexpired term of the regulatory year.
- B. The required fee for each certificate issued shall be collected upon application. In no event shall any rebate or refund be made of any regulatory fee, or part thereof, by reason of death or by any reason of nonuse of the certificate or discontinuance of the operation of the commercial establishment. The cashier will stamp all receipts for new business applications with the following:

"DEPOSIT ONLY"

*DOES NOT CONSTITUTE
AUTHORITY TO OPERATE.
CERTIFICATE WILL BE
ISSUED AFTER INSPECTION
BY VILLAGE OPERATING
DEPARTMENTS.*

(Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19; 1985 Code; Ord. 86-3-11)

3-1-1-7: FEE SCHEDULES:

- A. The enumerated commercial establishments or activities listed in this section are illustrative only.
- B. Floor area shall be calculated as herein defined. Total floor area applicable for the determination of the yearly regulatory fee shall include the sum total of all the floor area in use or reserved for or retained for the use of the commercial establishment, including, but not restricted to, principal and accessory floor area, cellars and basements, storage or detached accessory buildings, even though any such floor area may be temporarily vacant or not in use.

TABLE A¹

The commercial establishments listed in this table may or may not have their principal place of business located within the village, but are conducting commercial activities or business within the village. The following business regulation fees enumerated in this section are for establishments or activities which cannot feasibly have their fees determined on a square foot basis, or are additional

fees for special categories of establishments or activities and are to be in addition to the square foot area fee.

	For 2004	For 2005	For 2006 And Subsequent Years
Advertising distributor of printed material or samples using 5 or more employees	\$143.00	\$186.00	\$215.00
Advertising signs	\$0.15 per square foot of advertising surface, \$7.15 minimum	\$0.20 per square foot of advertising surface, \$9.30 minimum	\$0.23 per square foot of advertising surface, \$10.75 minimum
Alarm systems (See section <u>3-12-6</u> of this title.)	(See section <u>3-12-6</u> of this title.)	(See section <u>3-12-6</u> of this title.)	(See section <u>3-12-6</u> of this title.)
Ambulance service (in town)	\$43.00	\$56.00	\$65.00
Ambulatory surgical centers (see <u>title 8, chapter 3</u> of this code) License fee Renewal or reissuance fee	\$7,143.00 \$2,858.00	\$9,286.00 \$3,716.00	\$10,715.00 \$4,288.00
Amusement arcade (10 or more automatic devices) (see section <u>3-4A-2</u> of this title)	\$1,143.00 plus the square foot charge plus the necessary fee for each device	\$1,859.00 plus the square foot charge plus the necessary fee for each device	\$2,145.00 plus the square foot charge plus the necessary fee for each device
Amusement devices (pool tables, skill games, shuffleboard, darts, etc.)	\$143.00 each	\$186.00 each	\$215.00 each
Amusement operators (distributors, placing, leasing or selling)	\$715.00	\$930.00	\$1,075.00
Amusement park	\$385.00 plus \$72.00 per ride plus \$22.00 per day	\$466.00 plus \$94.00 per ride plus \$29.00 per day	\$538.00 plus \$109.00 per ride plus \$34.00 per day
Auctioneers	\$22.00 per day	\$29.00 per day	\$34.00 per day
Automatic vending machine operator's business	\$50.00	\$65.00	\$75.00
Automatic vending machines (per machine) - For purposes of this	\$50.00	\$65.00	\$75.00

licensing provision, a rack of vending machines, containing up to 4 vending machines, with each vending machine within said rack offering only 1 product and only 1 type of said product, with only 1 coin slot for said vending machine (e.g., a gumball machine), shall be considered a "single vending machine" requiring only 1 license. Where such a rack contains more than 4 vending machines, a separate vending machine license shall be required for every 4 vending machines, or portion thereof, in said rack.			
Automobile filling stations Storage capacity: 0_4,000 gallons Over 4,000 gallons (Repair work in conjunction with station shall be additional and shall be based on square footage, table B of this section.)	\$7.15 per each dispenser plus: \$143.00 \$143.00 plus \$10.00 per each thousand gallons or portion thereof over 4,000 gallons	\$9.30 per each dispenser plus: \$186.00 \$143.00 plus \$13.00 per each thousand gallons or portion thereof over 4,000 gallons	\$10.75 per each dispenser plus: \$215.00 \$143.00 plus \$15.00 per each thousand gallons or portion thereof over 4,000 gallons
Automobile wreckers (tow truck) owned by station operator (first unit exempt)	\$72.00 per unit plus copy of insurance	\$94.00 per unit plus copy of insurance	\$109.00 per unit plus copy of insurance
Automobile wreckers (tow trucks, including tow trucks operated by relocators)	\$143.00 per tow truck plus \$10,000.00 bond or copy of insurance	\$186.00 per tow truck plus \$10,000.00 bond or copy of insurance	\$215.00 per tow truck plus \$10,000.00 bond or copy of insurance
Bakery trucks (out of town)	\$43.00	\$56.00	\$65.00
Bars	(See Liquor.)	(See Liquor.)	(See Liquor.)
Bench advertising	\$14.25 per bench	\$19.00 per bench	\$22.00 per bench
Board up service contractors	\$107.00	\$140.00	\$161.00
Bowling or pinball alleys (plus other license requirements)	\$29.00 per alley	\$38.00 per alley	\$44.00 per alley
Building movers	\$143.00 per day plus insurance	\$186.00 per day plus insurance	\$215.00 per day plus insurance

Car wash Attendant operated	\$143.00 per lane, more than 2 car positions	\$186.00 per lane, more than 2 car positions	\$215.00 per lane, more than 2 car positions
Automatic	\$50.00 per stall, up to 2 car positions	\$65.00 per stall, up to 2 car positions	\$75.00 per stall, up to 2 car positions
Do it yourself	\$50.00 per stall, up to 2 car positions	\$65.00 per stall, up to 2 car positions	\$75.00 per stall, up to 2 car positions
Carnivals and circuses	\$143.00 per day	\$186.00 per day	\$215.00 per day
Carpenters	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Catch basin cleaners	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Cement contractors	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Coal or wood (out of town)	\$43.00	\$56.00	\$65.00
Coin operated car wash, automatic	(See Car wash.)	(See Car wash.)	(See Car wash.)
Coin operated car wash, do it yourself	(See Car wash.)	(See Car wash.)	(See Car wash.)
Coin operated music box, jukebox	(See Music or juke box.)	(See Music or juke box.)	(See Music or juke box.)
Concrete ready mix trucks (out of town)	\$72.00	\$94.00	\$109.00
Contractors (without a licensed business location in the village) (Contractors with a business registration certificate for a business location within the village are not required to pay this additional fee but must provide required insurance.)	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Convalescent homes	\$7.15 per bed	\$9.30 per bed	\$10.75 per bed
Drain layer	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Dry cleaning vehicle (out of town)	\$43.00	\$56.00	\$65.00

Electrical contractor	(See section <u>6-2-4</u> of this code.)	(See section <u>6-2-4</u> of this code.)	(See section <u>6-2-4</u> of this code.)
Excavating	\$79.00 plus insurance	\$103.00 plus insurance	\$119.00 plus insurance
Fence contractors	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Food dispenser (light lunches only)	\$43.00	\$56.00	\$65.00
Fraternal and service club, organizations having their own building	\$36.00 (in addition to liquor license)	\$47.00 (in addition to liquor license)	\$55.00 (in addition to liquor license)
Furniture delivery service	\$43.00	\$56.00	\$65.00
Games of skill	\$143.00 each	\$186.00 each	\$215.00 each
Gas station	(See Automobile filling stations.)	(See Automobile filling stations.)	(See Automobile filling stations.)
General contractors	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Glazing	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Heating, ventilating, air conditioning, refrigeration	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Home occupations (see section <u>4-1-6</u> of this code)	\$50.00	\$65.00	\$75.00
Hospitals/children's hospitals Initial fee	\$2,143.00	\$2,786.00	\$3,215.00
Annual renewal fee (approved for less than 900 beds)	\$1,102.00	\$1,433.00	\$1,654.00
Annual renewal fee (approved for 900 beds or more)	\$1,430.00	\$1,859.00	\$2,145.00
Hotel	(See Motel and hotel.)	(See Motel and hotel.)	(See Motel and hotel.)
House and building wreckers	\$72.00 plus insurance	\$94.00 plus insurance	\$109.00 plus insurance
Ice cream parlor	\$50.00 plus \$1.08 per seat over 25 seats	\$65.00 plus \$1.41 per seat over 25 seats	\$75.00 plus \$1.63 per seat over 25 seats
Ice cream vending business	\$43.00	\$56.00	\$65.00

Ice sales (cube or block)	\$43.00	\$56.00	\$65.00
Ice trucks	\$43.00	\$56.00	\$65.00
Itinerant merchants, peddlers and solicitors (see <u>chapter 5</u> of this title)	\$72.00 per week	\$94.00 per week	\$109.00 per week
Junk wagon or truck	\$72.00	\$94.00	\$109.00
Junkyard	\$715.00 plus insurance	\$930.00 plus insurance	\$1,075.00 plus insurance
Landscaping	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Lathing; plastering	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Launderette and dry cleaning	\$7.15 per machine	\$9.30 per machine	\$10.75 per machine
Laundry truck (out of town)	\$43.00	\$56.00	\$65.00
Limousine service	\$43.00 per limousine	\$56.00 per limousine	\$65.00 per limousine
Liquor distributor	\$143.00	\$186.00	\$215.00
Liquor licenses	(See section <u>3-3-7</u> of this title.)	(See section <u>3-3-7</u> of this title.)	(See section <u>3-3-7</u> of this title.)
Mason	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Massage establishments (See <u>title 8, chapter 4</u> , of this code.)	\$143.00	\$186.00	\$215.00
Masseur, masseuse			
Filing fee	\$36.00	\$47.00	\$55.00
Renewal fee	\$14.30	\$18.60	\$21.50
Milk refrigerators (sales other than grocery stores)	\$43.00	\$56.00	\$65.00
Milk wagons or trucks	\$43.00	\$56.00	\$65.00
Motel and hotel	\$93.00 plus \$36.00 per unit or room	\$121.00 plus \$47.00 per unit or room	\$140.00 plus \$55.00 per unit or room
Music or juke box (coin operated)	\$143.00	\$186.00	\$215.00
Oil delivery trucks (out of town)	\$43.00	\$56.00	\$65.00

Painting and decorating	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Paving	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Pinball games	\$143.00	\$186.00	\$215.00
Pool and billiard	\$50.00 plus \$143.00 per table	\$65.00 plus \$186.00 per table	\$75.00 plus \$215.00 per table
Precious metals dealers	\$143.00	\$186.00	\$215.00
Public passenger vehicles, taxicabs, limousine service	\$43.00 per vehicle	\$56.00 per vehicle	\$65.00 per vehicle
Restaurant, banquet hall	\$50.00 for 25 seats \$1.08 per seat over 25 seats	\$65.00 for 25 seats \$1.41 per seat over 25 seats	\$75.00 for 25 seats \$1.63 per seat over 25 seats
Restaurant, cafeteria	\$50.00 for 25 seats \$1.08 per seat over 25 seats	\$65.00 for 25 seats \$1.41 per seat over 25 seats	\$75.00 for 25 seats \$1.63 per seat over 25 seats
Restaurant, fast food	\$50.00 for 25 seats \$1.08 per seat over 25 seats	\$65.00 for 25 seats \$1.41 per seat over 25 seats	\$75.00 for 25 seats \$1.63 per seat over 25 seats
Restaurant, full service	\$50.00 for 25 seats \$1.08 per seat over 25 seats	\$65.00 for 25 seats \$1.41 per seat over 25 seats	\$75.00 for 25 seats \$1.63 per seat over 25 seats
Restaurant, mixed use	\$50.00 for 25 seats \$1.08 per seat over 25 seats	\$65.00 for 25 seats \$1.41 per seat over 25 seats	\$75.00 for 25 seats \$1.63 per seat over 25 seats
Roller and ice rinks	\$358.00 plus commodities	\$466.00 plus commodities	\$538.00 plus commodities
Roofing contractors	(A copy of current certification from the state)	(A copy of current certification from the state)	(A copy of current certification from the state)
Roofing insulation	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance

Saloons	(See Liquor.)	(See Liquor.)	(See Liquor.)
Scavengers	\$643.00 plus insurance (requires board of trustees' approval)	\$836.00 plus insurance (requires board of trustees' approval)	\$965.00 plus insurance (requires board of trustees' approval)
Sheet metal contractor	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Structural iron, wood, cement	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Taverns	(See Liquor.)	(See Liquor.)	(See Liquor.)
Taxicabs	\$43.00 each	\$56.00 each	\$65.00 each
Teen nights	\$72.00 per teen night	\$94.00 per teen night	\$109.00 per teen night
Teenage cabarets/juice bars	Initial license fee for issuance of a new license \$3,572.00; subsequent renewal license \$50.00 per 1,000 square feet per year	Initial license fee for issuance of a new license \$4,644.00; subsequent renewal license \$65.00 per 1,000 square feet per year	Initial license fee for issuance of a new license \$5,359.00; subsequent renewal license \$75.00 per 1,000 square feet per year
Telemarketing	\$7.15 per telephone	\$9.30 per telephone	\$10.75 per telephone
Theater, entertainment (See section <u>3-4E-1</u> of this title.)	\$715.00	\$930.00	\$1,075.00
Theater, outdoor	\$858.00	\$1,116.00	\$1,288.00
Trailer or mobile home park	\$143.00 plus \$29.00 per trailer site	\$186.00 plus \$38.00 per trailer site	\$215.00 plus \$44.00 per trailer site
Trampoline amusement grounds (See chapter 4, article <u>G</u> of this title.)	\$43.00	\$56.00	\$65.00
Tree trimming company	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Truck and/or trailer rentals	\$43.00	\$56.00	\$65.00
Trucks, wholesale establishment	\$43.00	\$56.00	\$65.00

Tuck pointing and cleaning	\$65.00 plus insurance	\$85.00 plus insurance	\$99.00 plus insurance
Vehicles Carrying food products for retail sales (out of town)	\$43.00 each	\$56.00 each	\$65.00 each \$100.00 each for 2009 and subsequent years
Each vehicle whose place of business is not within the corporate limits of the village but does business within the corporate limits of the village	\$43.00 each	\$56.00 each	\$65.00 each \$100.00 each for 2009 and subsequent years
Weighmasters	\$43.00 each	\$56.00 each	\$65.00 each

Where a license listed in table A of this section requires insurance in addition to the payment of a license fee, said insurance shall comply with the following:

1. During the term of the license, the licensee shall maintain the following types of insurance in not less than the specified amounts:
 - a. Comprehensive general liability: Five hundred thousand dollars (\$500,000.00) per occurrence;
 - b. Auto/liability: Combined single limit amount of five hundred thousand dollars (\$500,000.00) on any licensee owned, and/or hired, and/or nonowned motor vehicles engaged in operations within the scope of the licensee's business; and
 - c. Workers' compensation: Statutory; employers' liability five hundred thousand dollars (\$500,000.00) (only required if the licensee has employees).
2. The licensee shall furnish to the village satisfactory proof of coverage of the above insurance requirements, by a reliable company or companies, before being issued a new license or a renewal of an existing license. Such proof shall consist of certificates executed by the respective insurance companies and filed with the village. Said certificates shall contain a clause to the effect that, for the duration of the license, the insurance policy shall not be canceled, expire or be changed as to the amount of coverage without written notification at least thirty (30) days in advance to the village.
3. It shall be the obligation of the licensee to make sure that current certificates of insurance are on file with the village at all times during the license period. Where proper insurance and proof thereof is a condition of a license issued pursuant to this title, if the required insurance lapses without the filing of an updated certificate of insurance the licensee shall be deemed to have forfeited his/her/their/its license and said license shall be null and void.

TABLE B²

Listed below are representative businesses whose principal place of business is located within a building within the village. All fees shown are based on a minimum square foot area of less than one thousand five hundred (1,500) square feet. For the full fee of a business located in premises with over one thousand five hundred (1,500) square feet, see table C of this section.

The minimum regulatory fee schedule enumerated below shall not be construed to be all inclusive, and all other commercial establishments, business and/or commercial enterprises not specifically enumerated herein, and having floor area as herein defined shall pay a yearly regulatory fee as set forth herein:

	<u>2004</u>	<u>2005</u>	<u>2006 And Subsequent Years</u>
Advertising agency	\$50 .00	\$65 .00	\$75 .00
Amusements (outdoor and/or indoor)	50 .00	65 .00	75 .00
Animal kennel	50 .00	65 .00	75 .00
Automobile accessories	50 .00	65 .00	75 .00
Automobile repair shop	50 .00	65 .00	75 .00
Automobile salesroom	50 .00	65 .00	75 .00
Bakery	50 .00	65 .00	75 .00
Bank	50 .00	65 .00	75 .00
Barbershop	50 .00	65 .00	75 .00
Beverage dealer	50 .00	65 .00	75 .00
Bicycle shop	50 .00	65 .00	75 .00
Billposting and sign painting	50 .00	65 .00	75 .00
Broker, stock	50 .00	65 .00	75 .00
Building material	50 .00	65 .00	75 .00
Camera shop	50 .00	65 .00	75 .00
Candy manufacturer	50 .00	65 .00	75 .00
Candy store	50 .00	65 .00	75 .00
Coal yard	50 .00	65 .00	75 .00
Contractor's storage yard	50 .00	65 .00	75 .00

Curtain cleaning	50 .00	65 .00	75 .00
Dance studio	50 .00	65 .00	75 .00
Daycare center	50 .00	65 .00	75 .00
Delicatessen store	50 .00	65 .00	75 .00
Department store, under one management/owner (leased departments, see section 3-1-1-8 of this chapter)	50 .00	65 .00	75 .00
(all others)	50 .00	65 .00	75 .00
Driving schools	50 .00	65 .00	75 .00
Dry cleaning agency	50 .00	65 .00	75 .00
Dry cleaning done on premises	50 .00	65 .00	75 .00
Dry goods store	50 .00	65 .00	75 .00
Electrical appliances, radio, television	50 .00	65 .00	75 .00
Employment agency	50 .00	65 .00	75 .00
Feed store	50 .00	65 .00	75 .00
Financial institution	50 .00	65 .00	75 .00
Fish market	50 .00	65 .00	75 .00
Florist	50 .00	65 .00	75 .00
Fruit store	50 .00	65 .00	75 .00
Furniture store	50 .00	65 .00	75 .00
Greenhouse, nursery stock	50 .00	65 .00	75 .00
Grocery store	50 .00	65 .00	75 .00
Gun shop	50 .00	65 .00	75 .00
Hardware and paint	50 .00	65 .00	75 .00
Health clubs	50 .00	65 .00	75 .00
Jewelry store	50 .00	65 .00	75 .00
Junk peddlers	50 .00	65 .00	75 .00
Land sale office	50 .00	65 .00	75 .00

Landscaping	50 .00	65 .00	75 .00
Laundry	50 .00	65 .00	75 .00
Laundry, hand	50 .00	65 .00	75 .00
Lawyer's office	50 .00	65 .00	75 .00
Linoleum store, plastic tile	50 .00	65 .00	75 .00
Loan office	50 .00	65 .00	75 .00
Lumberyard	50 .00	65 .00	75 .00
Manufacturer	50 .00	65 .00	75 .00
Meat market	50 .00	65 .00	75 .00
Men's and women's clothes	50 .00	65 .00	75 .00
Milk store	50 .00	65 .00	75 .00
Millinery store	50 .00	65 .00	75 .00
Money or currency exchange	50 .00	65 .00	75 .00
Motor repair	50 .00	65 .00	75 .00
Music store	50 .00	65 .00	75 .00
Newspaper agency	50 .00	65 .00	75 .00
Novelty or gift shop	50 .00	65 .00	75 .00
Offices	50 .00	65 .00	75 .00
Paint store	50 .00	65 .00	75 .00
Permanent facial makeup business, when affiliated with a beauty salon (process uses a pen with ink applied only under the first layer of skin, with touchup required annually)	50 .00	65 .00	75 .00
Pet shop	50 .00	65 .00	75 .00
Photograph store	50 .00	65 .00	75 .00
Plumbing supply store	50 .00	65 .00	75 .00
Poultry store	50 .00	65 .00	75 .00
Printing shop	50 .00	65 .00	75 .00

Radio and television	50 .00	65 .00	75 .00
Restaurant, carryout (no seats)	50 .00	65 .00	75 .00
Savings and loan association (federal or state)	50 .00	65 .00	75 .00
Shades, drapery and blinds	50 .00	65 .00	75 .00
Sheet metal shop	50 .00	65 .00	75 .00
Shoe repair shop	50 .00	65 .00	75 .00
Shoe store	50 .00	65 .00	75 .00
Shoeshine parlor	50 .00	65 .00	75 .00
Shooting gallery, miniature golf	50 .00	65 .00	75 .00
Sporting goods store	50 .00	65 .00	75 .00
Stationery and books	50 .00	65 .00	75 .00
Stockbrokers	50 .00	65 .00	75 .00
Tailor shop	50 .00	65 .00	75 .00
Television and radio	50 .00	65 .00	75 .00
Tile; ceramic, plastic, glass, metal	50 .00	65 .00	75 .00
Travel agency	50 .00	65 .00	75 .00
Undertaking establishment	50 .00	65 .00	75 .00
Upholstery shop	50 .00	65 .00	75 .00
Water softener	50 .00	65 .00	75 .00
Weapons	50 .00	65 .00	75 .00
Window washing	50 .00	65 .00	75 .00
Workshop	50 .00	65 .00	75 .00
Any other commercial establishment not herein listed, provided the regulation of said profession or occupation, by home rule units, has not been specifically preempted by state statute	50 .00	65 .00	75 .00

TABLE C³

<u>Classification</u>	<u>Step</u>	<u>Floor/Land Area In Square Feet</u>	<u>2004 Registration Fee</u>	<u>2005 Registration Fee</u>	<u>2006 And Subsequent Year Registration Fee</u>
Office, manufacturing,	1	1 to 1,500	\$ 50 .00	\$ 65 .00	\$ 75 .00
retail, service,	2	1,501 to 3,000	86 .00	112 .00	130 .00
storage, wholesale	3	3,001 to 6,000	115 .00	150 .00	173 .00
	4	6,001 to 9,000	143 .00	186 .00	215 .00
	5	9,001 to 12,000	179 .00	233 .00	269 .00
	6	12,001 to 15,000	200 .00	260 .00	300 .00
	7	15,001 to 20,000	243 .00	316 .00	365 .00
	8	20,001 to 30,000	286 .00	372 .00	430 .00
	9	30,001 to 40,000	343 .00	446 .00	515 .00
	10	40,001 to 60,000	429 .00	558 .00	644 .00
	11	60,001 to 80,000	529 .00	688 .00	794 .00
	12	80,001 to 100,000	643 .00	836 .00	965 .00
	13	100,001 to 140,000	822 .00	1,069 .00	1,234 .00
	14	140,001 to 180,000	965 .00	1,255 .00	1,448 .00

	15	180,001 to 220,000	1,108 .00	1,441 .00	1,663 .00
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(Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19, 76-28-58, 77-21-35, 79-24-42, 81-6-11, 85-5-15, 85-10-27; 1985 Code; Ords. 86-3-11, 86-6-15, 86-9-30, 86-11-46, 87-17-72, 89-21-67, 90-19-79, 92-23-84, 93-14-58, 96-4-16, 96-4-17, 96-7-32, 96-9-45, 97-9-38, 03-11-41, 03-20-81, 04-03-13, 04-05-21, 08-23-77)

3-1-1-8: LOCATION OF BUSINESS:

- A. There shall be a business certificate for each place of business or location. For the purposes of this section, a "place of business" shall be defined as a building or series of connected buildings on one lot or parcel of ground, and be operated or owned by the same person and conducting the same general business activity.
- B. Where two (2) or more separate businesses, separately owned or operated, share floor space in the same building or on the same parcel of ground, then each shall be deemed a separate business and shall be required to obtain a separate business certificate based on the floor area each separately uses.
- C. In the event a commercial establishment moves its place of operation from one location in the village to another location in the village, charge for a new regulatory certificate shall be for the established prevailing rate for the new location, with due credit given for the charge for the original effective document. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19)

3-1-1-9: RECORDS AND STANDARDS:

The building department shall cause to be maintained a record of all commercial establishments and commercial regulatory documents which may from time to time be deemed necessary for the purpose of classifying, inspecting, serving and regulating all commercial establishments in the village. Subject to the terms and provisions of this section, upon payment in full of the required document fee to the village, the village shall issue a certificate or similar evidence of regulation which shall be displayed by the owner of the commercial establishment in a conspicuous place. Such evidence of regulation shall bear the signature of the village president and village clerk. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19)

3-1-1-10: REVOCATION OF CERTIFICATE, APPEALS:

- A. If, after a certificate has been issued by the village, the commercial establishment or firm is found to be in violation of any of the standards listed in sections 3-1-1-5 and 3-1-1-9 of this chapter, the inspection officer shall so notify the owner/operator of the establishment or firm of the violation and set a time limit for the correction of same commensurate with the seriousness of the violation. If the violation is not corrected within the time specified or if the violation is of such a serious nature as to be of immediate danger to the health, safety and welfare of the people, then the commercial establishment or firm shall be closed by order of the village manager, until such time as the violation has been corrected.
- B. If the commercial establishment or firm is in violation of the standards of sections 3-1-1-5 and 3-1-1-9 of this chapter, three (3) or more times within the fiscal year or fails to procure a required certificate within three (3) months after the required renewal date, the village manager may recommend a "show cause" hearing before the appeals board to show cause why its business certificate should not be suspended or revoked.
- C. If the appeals board finds sufficient cause to suspend or revoke the establishment's or firm's business certificate, the business or firm shall cease operations for the period specified by the appeals board.
- D. If the business or firm wishes to appeal the decision of the appeals board, it shall apply to the village manager, in writing, for a hearing before the president and board of trustees. During the appeal, the business shall remain closed. The president and board of trustees shall not overturn the suspension or revocation of the business certificate except by a favorable vote of two-thirds ($\frac{2}{3}$) of all members of the board of trustees.
- E. In addition to the above procedures in regard to business regulation certificate revocations for violations of sections 3-1-1-5 and 3-1-1-9 of this chapter, the provisions of section 3-1-6 of this chapter, in relation to license, permit and business regulation certificate revocation, shall also apply in regard to the revocation of business regulation certificates. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19; 1985 Code; Ords. 92-11-45, 93-9-24)

3-1-1-11: EXEMPTIONS FROM PROVISIONS:

The terms and provisions of this section shall not be made applicable to any activity carried on or operated by a governmental institution or jurisdiction or by any recognized eleemosynary institution or organization, except that said institutions, jurisdictions or organizations shall comply with conditions set forth in section 3-1-1-5 of this chapter. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19, 86-3-11)

3-1-1-12: ENFORCEMENT AND PENALTIES:

A. **Enforcement:** It shall be the duty of the village manager to administer and enforce the terms and provisions of this section 3-1-1, and to make or cause to be made such inspections of buildings or premises as may be necessary to accomplish such administration or enforcement.

B. Penalties:

1. **General:** Any person violating any provision of this section 3-1-1 shall be fined an amount not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
2. **Certificate Renewals:** A grace period of thirty (30) days begins on May 1 of each year for the renewal of business certificates. If a commercial establishment fails to renew its business certificate by May 30 of each year, an additional fee equal to twenty five percent (25%) of the base fee shall be charged for each month after May 30. Delinquency may also result in suspension and/or revocation of the right to conduct commercial activities within the village. (Ords. 68(8)-1-3, 68(8)-2-14, 71-13-31, 74-12-19; 1985 Code; Ord. 99-5-11)

3-1-2: PERMIT APPLICATION AND FEES:

Applications for all permits required by this code or by ordinance shall be made in writing to the village clerk in the absence of the provision to the contrary. Each application shall state the name of the applicant, the permit desired, the location to be used, if any, 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. Such application shall contain a statement that the applicant gives permission to the village, its employees or agents, to enter the premises at any time for the purpose of inspection. Unless otherwise provided, forms for all permits and applications therefor shall be prepared and kept on file by the village clerk.

In the absence of provisions to the contrary, all fees and charges for permits shall be paid in advance at the time application therefor is made to the village clerk. (1951 Code 7-1, 7-3, 7-6)

3-1-3: SIGNATURES REQUIRED:

Each license or permit issued shall bear the signatures of the president and village clerk in the absence of any provision to the contrary. (1951 Code 7-4)

3-1-4: INVESTIGATIONS AND INSPECTIONS:

A. **Procedure For Investigations:** Upon the receipt of an application for a license or permit where this code or ordinances of the village necessitate an inspection or investigation before the issuance of such permit or license, the village clerk shall refer such application to the proper officer for making such

investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigations or inspection shall make a report thereof favorable or otherwise, within ten (10) days after receiving the application or a copy thereof.

1. The health and sanitation officer shall make or cause to be made all inspections in connection with such licenses for the protection of health, the care and handling of food and the prevention of nuisances and of the spread of disease.
2. The director of office of quality control shall make or cause to be made any such inspections relative to the construction of buildings or other structures.
3. The fire department shall make inspections relative to fire hazards.
4. All other investigations, except where otherwise provided, shall be made by the chief of police or by some officer designated by the manager.

B. Inspections, Analyses:

1. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation or permitted activity are provided for or required, or are reasonably necessary to secure compliance with any provision or to detect violations thereof, it shall be the duty of the licensee or permittee, or the person in charge of the premises to be 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 assure conformance with any provision or to detect violations thereof, it shall be the duty of any licensee or permittee whose business or activity is governed by such provision to give to any authorized officer or employee of the village requesting the same, sufficient samples of such material or commodity for such analysis upon request.
3. In addition to any other penalty which may be provided, the president may revoke the license or permit of any person who refuses to permit any 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 license or permit shall be revoked for such cause unless written demand is made upon the licensee 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. (1951 Code 7-5, 7-12; 1985 Code)

3-1-5: TERM AND TRANSFERABILITY OF LICENSE, PERMIT OR CERTIFICATE:

- A. A business license, certificate or permit shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this chapter provided, and shall not constitute property; nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily; or subject to being encumbered or hypothecated. Except as provided in subsection B of this section, such business license, certificate or permit shall not descend by the laws of the testate or intestate devolution, but it shall cease upon the death of the holder of the

business license, certificate or permit; provided, that executors or administrators of the estate of any such deceased holder, and the trustee of any insolvent or bankrupt holder, when such estate consists in part of such business under order of the appropriate court, may exercise the privileges of the deceased's or insolvent's or bankrupt's business license, certificate or permit after the death of such decedent, or such insolvency or bankruptcy until the expiration of such business license, certificate or permit, but not longer than six (6) months after the death, bankruptcy or insolvency of such holder.

- B. A business license, certificate or permit may, upon the holder's death, descend only to the holder's spouse or children and in the event such holder is not survived by a spouse or child then to the holder's mother or father; provided, however, any such survivor must possess the same qualifications required by the deceased holder. The passage of a license pursuant to the terms of this subsection shall not require the payment of any fees.

Nothing contained in this subsection shall create any vested or property right in any business license, certificate or permit in any person whatsoever, nor shall it limit or restrict the right of the village to at any time amend or repeal this subsection.

- C. When the licensee is a partnership or corporation, the business license, certificate or permit shall terminate whenever fifty percent (50%) or more of the ownership interest therein changes from that shown on the original application. In such event, the partnership or corporation, through its officers, must make application for the issuance of a new business license, certificate or permit as provided herein. Provided, however, that the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original application who owned fifty percent (50%) or more of the ownership interest of such partnership or corporation at the time the original application was filed with the village. (Ord. 82-7-25)

3-1-6: REVOCATION OF LICENSES, PERMITS AND BUSINESS REGULATION CERTIFICATES AUTHORIZED:

- A. For the purposes of this section, the term "business license" shall mean any business license, permit or business regulation certificate issued by the village of Oak Lawn.
- B. Notwithstanding anything in this chapter to the contrary, the president and board of trustees shall have the authority to fine a business licensee, revoke the business license or suspend the business license (in whole or in part) after notice and a hearing for any of the following causes:
1. Fraud, misrepresentation, or false statement contained in the application for the business license;
 2. Fraud, deceptive practices, misrepresentation, or false statement made in the course of carrying on the business;
 3. Any violation of federal law, state law or village ordinance with respect to the operation of the business or the condition of the business premises;

4. Conviction of the licensee, operator or manager of any crime, felony or misdemeanor committed on the business premises, including, but not limited to, pornography, prostitution, gambling, illegal possession or distribution of drugs or cannabis, bribery of a governmental official, etc.;
 5. Conviction of any customer of any crime, felony or misdemeanor committed on the business premises with the sufferance or permission of the licensee, operator or manager, including, but not limited to, pornography, prostitution, gambling, illegal possession or distribution of drugs or cannabis, bribery of a governmental official, etc.;
 6. Conducting the business in an unlawful manner or in such manner as to constitute a nuisance or breach of the peace or menace to the health, safety or general welfare of the public;
 7. Failure of the business licensee to pay any fine or penalty owing to the village;
 8. Refusal to permit an inspection or sampling or any interference with a duly authorized village officer or employee while in the performance of his duties in making such inspections in the manner provided by law.
- C. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing.
- D. At the hearing, the business licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The village manager or his designee shall present the case on behalf of the village. Formal rules of evidence shall not apply. At the conclusion of the hearing, the president and board of trustees shall determine whether a violation has been proven by a preponderance of the evidence presented at the public hearing.
- E. If the president and board of trustees determine that the business licensee has violated any of the provisions of subsection B of this section, the licensee may be fined for each such violation in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day that a violation occurs shall be deemed a separate offense.
- F. In lieu of or in addition to a fine, the president and board of trustees may revoke the business license for cause. If the business license is revoked, the revocation shall remain in effect for not less than thirty (30) days nor more than two (2) years.
- G. In lieu of or in addition to a fine, the president and board of trustees may suspend the business license, either entirely or only with respect to a certain aspect of the business, for cause. If the business license is suspended, the suspension shall remain in effect for not less than one day nor more than thirty (30) days. (1951 Code 7-13; Ord. 86-11-45; 1985 Code; Ord. 06-22-129)

3-1-7: BUSINESS REGULATIONS AND RESTRICTIONS:

3-1-7-1: DISCLOSURE OF OWNERSHIP INTEREST IN ENTITIES:

Whenever any corporation, partnership, association, business trust, estate, two (2) or more persons having a joint or common interest, other commercial or legal entity, trustee of a land trust, or any beneficiary or beneficiaries thereof make applications to the village for action requiring an ordinance, or ordinance amendment, permit or license, board of trustee approval, or other village department or agency approval, with respect to sale or purchase of real estate, zoning, licensing, building or occupancy permit, vacation of streets or alleys, leases and contracts, the following disclosures and information shall be certified and attached to the application:

- A. In the case of a corporation whose shares are registered on a national securities exchange pursuant to the securities exchange act of 1934, the names and addresses of all shareholders owning shares equal to or in excess of ten percent (10%) of the proportionate ownership interest and the percentage of interest of each therein; or

In the case of a corporation whose shares are not registered on a national securities exchange pursuant to the securities exchange act of 1934, a list of the names and addresses of all shareholders and the percentage of interest of each therein.

Any corporation required by law to file a statement providing substantially the information required by this subsection with any other governmental agency may file a duplicate of such statement.

- B. In the case of partnerships, associations, two (2) or more persons having a joint or common interest, the name and address of each partner or associate or person and the percentage of interest of each therein.
- C. In the case of land trusts, business trusts, estates, or other similar commercial or legal entity, the identity of each beneficiary of such trust, estate, or commercial or legal entity, including name, address and percentage of interest of each therein.
- D. Whenever any interest required to be disclosed in subsections A, B and C of this section is held by an agent or agents, or a nominee or nominees, the principals for whom such agents or nominees hold such interest shall also be disclosed. The application of a spouse or any other party, if constructively controlled by another person, or legal entity as set forth above, shall state the name and address of such person or entity possessing such constructive control and the relationship under which such control is being or may be exercised. Whenever a stock or beneficial interest is held by a corporation or other legal entity, such shareholder or beneficiary shall also make disclosure as required by subsections A, B and C of this section.
- E. A statement under oath that the applicant has withheld no disclosures as to economic interests in the undertaking nor reserved any information, data or plan as to the intended use or purpose for which it seeks board of trustees or other village department or agency action.

All disclosures and information shall be current as of the date upon which the application is presented to the board of trustees or other village department or agency, and shall be maintained current until

such time as the board of trustees or other Village department or agency shall take action on the application.

Notwithstanding any of the above provisions, the Village Attorney may require any such additional information from any applicant which is reasonably intended to achieve full disclosure relevant to the application for action by the Board of Trustees or other Village department or agency.

Any failure to comply with the provisions of this Section shall render any ordinance, ordinance amendment, permit or license, Board of Trustee approval or other Village department or agency approval or other Village action in behalf of the applicant failing to comply, voidable at the option of the Board of Trustees. (Ords. 76-11-22, 83-24-66)

3-1-7-2: NUISANCE BUSINESSES PROHIBITED:

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (1951 Code 7-11)

3-1-7-3: RENAL UNITS, INTEREST ON SECURITY DEPOSITS:

- A. A lessor of residential real property who receives a security deposit from a lessee to secure the payment of rent or compensation for damage to property shall pay interest to the lessee computed from the date of the deposit at a rate of three percent (3%) per year on any such deposit held by the lessor for more than one year, provided, however, that all terms and conditions of the lease have been fully complied with by the lessee. In the event the lessee fails to fully comply with all terms and conditions of the lease, the lessor may retain all interest earned on any such security deposit.
- B. When a lease is terminated by either party and interest on a security deposit is due, the lessor has the right to inspect the apartment for damages in order to determine whether the security deposit shall be refunded, and should there be damages in excess of the amount of said security deposit, the interest due thereon need not be paid but may be applied to reduce the damages.
- C. When the term of the lease is for two (2) years or less, the interest due the lessee on the security deposit shall be retained by the lessor and paid to the lessee within thirty (30) days after the end of the term, upon inspection of the premises by the lessor and determination that no damages, other than those caused by ordinary use, have occurred.
- D. When the term of a lease is greater than two (2) years, the interest owed thereon by the lessor shall be paid every two (2) years and at the expiration of the lease, in each instance after an inspection for damages by the lessor.

- E. When a lease in excess of six (6) months is renewed, at its expiration the lessor shall pay the lessee all interest accrued to the renewal date within thirty (30) days after said expiration date. (Ord. 75-26-101; 1985 Code; Ord. 92-08-36)

3-1-7-4: COMMUNITY EVENTS CALENDAR; SCHEDULING OF EVENTS, CARNIVALS, ETC:

- A. Community Events Calendar: The Village Clerk shall maintain a community events calendar upon which the dates of all carnivals, public solicitation of funds and other related public affairs shall be scheduled.
- B. Time for Filing Application for Event:
1. The Clerk shall not accept an application for a carnival or other public event less than thirty (30) days prior to the event.
 2. Nonprofit organizations may request in writing that events be scheduled on the community events calendar no more than one year in advance.
 3. Nonprofit organizations having annual events shall have a preference for dates the succeeding year if a request is made within five (5) business days after a just-concluded scheduled event.
- C. Carnivals: See Section 3-4H-3 of this Code.
- D. Appeals: If, upon application, a person or organization is denied a particular date on the community events calendar by the Village Clerk, an appeal in writing may be made to the Village Manager. If the scheduling cannot be resolved by the Village Manager within fifteen (15) days after receipt of the written appeal, the person or organization may request by letter a hearing by the Board of Trustees.
- E. Applicability of Other Code Provisions: Nothing in this Section, other than the manner of applying for dates shall repeal the regulations of solicitors⁴ by the Village or the regulation of carnivals⁵. (Ord. 76-10-21)

3-1-7-5: GUN SHOP LOCATION RESTRICTIONS:

- A. For purposes of this Section and Section 3-1-1-7 of this Code, a "gun shop" shall be defined as a commercial business location within the Village at which any person licensed by the Federal Bureau of Alcohol, Tobacco and Firearms as a "dealer" pursuant to 18 U.S.C. section 923(a)(3)(B) or section 923

(a)(3)(C) and possessing a "Type 01" Federal license (excluding any person licensed solely as a "collector" pursuant to 18 U.S.C. section 923(b) and possessing a "Type 03" Federal license) engages in the business (as defined in 18 U.S.C. section 921(a)(21)) of selling firearms (as defined by 430 Illinois Compiled Statutes 65/1.1).

- B. As of the effective date of this Section (November 19, 1994), the Village Clerk shall not issue a gun shop license to any person for any gun shop that is located within one-quarter (0.25) miles of the grounds of a school (any public or private elementary or secondary school, community college, college or university) or public park (any land or buildings set apart for public recreation and owned by any unit of government or any land owned by the Village), as measured from the property lines of the respective properties.
- C. The restriction on location contained in subsection B of this Section shall not apply to any location which, on the effective date of this Section (November 19, 1994), was occupied by a person in possession of a validly issued gun shop license. (Ords. 94-21-98, 95-16-58)

3-1-7-6: DISCLOSURE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY CONTACTS:

- A. As a condition of any business license, permit or business regulation certificate issued pursuant to this Code, the holder of said business license, permit or business regulation certificate shall be required to notify the Village's Department of Quality Control in the event that said business licensee, permittee or business regulation certificate holder is contacted by the Illinois Environmental Protection Agency relative to any project or property located within the boundaries of the Village. (Ord. 96-4-19)

3-1-8: CONSUMER FRAUD AND DECEPTIVE PRACTICES:

3-1-8-1: DEFINITIONS:

For the purposes of this Section 3-1-8, certain words and terms are hereby defined as follows:

ADVERTISEMENT: The attempt by publication, dissemination, solicitation or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise and includes every word devised to disguise any form of business solicitation by using such terms as "renewal", "invoice", "bill", "statement" or "reminder", to create an impression of existing obligation when there is none, or other language to mislead any person in relation to any sought after commercial transaction.

MERCHANDISE: Any objects, wares, goods, commodities, intangibles, real estate or services.

PERSON: Any natural person or his legal representative, partnership, corporation (domestic and foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, or trustee thereof.

SALE: Any sale, offer for sale, or attempt to sell any merchandise for cash or on credit. (Ord. 86-11-45)

3-1-8-2: CONSUMER FRAUD AND DECEPTIVE PRACTICES PROHIBITED:

It shall be unlawful for any person to act, use or employ any deception, fraud, false pretense, false promise, misrepresentation, or to conceal, suppress, or omit any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale for cash or on credit or advertisement of any merchandise, whether or not any person has in fact been misled; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; and provided, further, that nothing herein contained shall apply to any advertisement which is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission. Acts or omissions which are considered a violation of this Section shall include, but not be limited to, the following:

- A. Representing that merchandise is new, if it is deteriorated, altered, reconditioned, reclaimed, used or second-hand.
- B. Representing that merchandise or services are of a particular standard, grade or quality, or that merchandise is represented to be of a particular style or model, if it is not.
- C. Failing to deliver ordered merchandise, failing to complete a contract for services or failing to complete a contract for services and merchandise, within the time period specified in the order or contract, or, within a period of sixty (60) days from the date of order or contract if no time period for completion and/or delivery is stated in the order or contract, unless the customer is notified in writing of the reason for the delay and such merchandise and/or services are delivered and/or performed, respectively, within thirty (30) days of the date originally set forth in the order or contract as the final due date for delivery and/or completion, or, within a period of ninety (90) days from the date of order or contract if no time period for completion and/or delivery is stated in the order or contract, or a refund is offered within said additional thirty (30) day period.
- D. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions, or engaging in any other pricing conduct causing confusion or misunderstanding.
- E. Representing that merchandise or services are those of another, when, in fact, they are not.

- F. Causing confusion or misunderstanding concerning the source, sponsorship, approval or certification of merchandise or services.
- G. Causing confusion or misunderstanding or false or deceptive representation concerning affiliation, connection or association with, or certification by another.
- H. Representing that merchandise or services have sponsorship approval concerning the source of or certification of merchandise or services when, in fact, they do not have such approval or sponsorship.
- I. Failing to state a material fact, if such failure tends to deceive or mislead.
- J. Advertising for sale at a stated price any items when sufficient quantities of said advertised items are not readily available to be sold to purchasers at the advertised price during the effective period of the advertisement for sale. For the purposes of this Section "readily available" shall mean available to the customer in an area of the store normally used to display this type of merchandise, except in a case where the space available for the items is limited, a sample of the items may be placed in a prominent location, accompanied by a prominent, written notice clearly stating that the items are in stock and may be obtained upon request and "sufficient quantities" shall mean available in quantities sufficient to meet reasonably expected customer demand through medium response.
- K. Charging a higher amount of tax than the legal rate set forth by laws and regulations existing at the time of sale. (Ords. 86-11-45, 86-13-55)

3-1-8-3: PENALTIES FOR VIOLATIONS:

Any person violating the provisions of this Section 3-1-8 shall be fined not less than twenty five dollars (\$25.00), nor more than seven hundred fifty dollars (\$750.00), for each offense. In addition to said fine, any violation of any of the provisions of this Section 3-1-8 may be grounds for revocation of any license, permit or business regulation certificate issued by the Village to any such violator, and in relation thereto, the revocation provisions of Section 3-1-8-4 of this Chapter shall be applicable. (Ords. 86-11-45, 99-5-11)

3-1-8-4: REVOCATION OF LICENSES, PERMITS AND/OR BUSINESS REGULATION CERTIFICATES - CONSUMER FRAUD AND DECEPTIVE PRACTICES HEARING BOARD:

Complaints And Enforcement:

A. **Written Complaint Required:** Any person, firm or corporation aggrieved in any manner by a violation of any provision of Section 3-1-8-2 of this Chapter involving goods and/or services with a value of two hundred dollars (\$200.00) or more, or, the Village President, the Village Manager, the Village Clerk or any Village Trustee, if he or she has knowledge of an alleged violation of any provision of Section 3-1-8-2 of this Chapter, involving goods and/or services with a value of two hundred dollars (\$200.00) or more, may file a written complaint with the Village Manager. The complaint shall be under oath and shall state the following:

1. The name and address of the complainant.
2. The name and address of the person, persons, firm or corporation against whom the complaint is brought.
3. A brief summary of the facts surrounding the alleged violation of Section 3-1-8-2 of this Chapter.
4. The name and address of all persons believed to have knowledge concerning the alleged violation.

The Village Manager's office shall provide a printed complaint form. No fee shall be charged for filing a complaint.

B. **Complaint Filed:** After the filing of the complaint, the Village Manager shall, within ten (10) days, do the following:

1. Serve a copy of the complaint personally or by certified mail on the person, persons, firm or corporation charged.
2. Begin discussions with the parties involved.
3. File a preliminary written report with the President and Board of Trustees outlining the discussions and the action taken. Said report shall also include a copy of the complaint.

C. **Investigation:** The Village Manager shall investigate the complaint, and if he or she determines that probable cause exists in support of the allegations of the complaint, he or she shall set a date for a conference and notify the parties of the time and place thereof. At such conference, the Village Manager shall interview the complainant, the aggrieved party if other than the complainant, and the person, persons, or individuals from the firm or corporation against whom the complaint has been directed, and shall make every effort to resolve the complaint by conciliation. The Village Manager shall keep a log of his or her efforts at conciliation.

D. **Hearing Decision:** If the Village Manager's efforts at conciliation fail, the Village Manager can either advise the parties to handle the matter through either the court system or through the appropriate administrative agency, or the Village Manager can bring the matter before the President and Board of Trustees. If the Village Manager does not elect to bring the matter before the President and Board of Trustees, he or she shall advise the complainant of the complainant's right to bring the matter before the President and Board of Trustees. In addition, if the Village Manager does not elect to bring the matter before the President and Board of Trustees, the Village President, Village Clerk or any Village Trustee may bring the matter before the President and Board of Trustees. If the matter is brought before the President and Board of Trustees, the President and Board of Trustees shall be provided

with copies of the Village Manager's files on the matter, and a recommendation from the Village Manager.

- E. Board Determination: If the matter is brought before the President and Board of Trustees, the President and Board of Trustees, by a majority vote, can either:
1. Decide not to proceed further with the matter and refer the complainant to the courts or an appropriate administrative agency if the complainant wishes to proceed further with the complaint.
 2. Refer the matter to the Village Prosecutor for prosecution on the appropriate Village court date.
 3. Refer the matter to the Consumer Fraud and Deceptive Practices Hearing Board for hearing on the alleged violation of Section 3-1-8-2 of this Chapter.

If the President and Board of Trustees cannot decide upon a course of action by a majority vote, there shall be no further action in regard to the matter by the Village.

- F. The Consumer Fraud And Deceptive Practices Hearing Board: The Consumer Fraud and Deceptive Practices Hearing Board shall consist of the Village President and all Trustees currently holding office. Said Consumer Fraud and Deceptive Practices Hearing Board shall meet on an as needed basis to hear consumer fraud and deceptive practice complaints referred to it by the President and Board of Trustees.

- G. Hearing By Consumer Fraud And Deceptive Practices Hearing Board: Such hearing shall be conducted upon notice by certified mail to all parties, at least ten (10) days prior to the hearing. The Hearing Board shall provide a court reporter to take a transcript of the hearing. At the hearing, the complainant shall have the burden of proof to prove, by a preponderance of the evidence, that the person, persons, firm or corporation, against whom the complaint has been brought has/have violated Section 3-1-8-2 of this Chapter. All evidence shall be under oath, administered by an officer authorized to administer oaths. All parties may be represented by counsel at their election and shall have the right to call witnesses and to cross examine witnesses. At the close of the hearing, the Hearing Board shall issue written findings of fact.

- H. Action By The Hearing Board: At the close of the hearing, the Hearing Board may take any one of the following actions:

1. Resolve the complaint by conciliation;
2. Dismiss the complaint;
3. Refer the matter to the Village Prosecutor for prosecution on the appropriate Village court date;
4. Suspend the business license, permit and/or business regulation certificate of the person, persons, firm or corporation against whom the complaint was brought for a period of not more than twenty one (21) days;
5. Revoke the business license, permit and/or business regulation certificate of the person, persons, firm or corporation against whom the complaint was brought. In the event that the Hearing Board's

order is for revocation, said person, persons, firm or corporation shall not be allowed to reapply for a business license, permit and/or business regulation certificate for a period of six (6) months following the revocation. In addition, any decision of the Hearing Board to revoke any business license, permit or business regulation certificate shall be subject to an automatic appeal to the President and Board of Trustees.

I. **Limitation Of Time To File Complaints:** Any complaint shall be barred from consideration unless it is filed with the Village Manager within six (6) months after the alleged consumer fraud or deceptive practice occurred.

J. **Issue Of Subpoenas:** The complainant, the person, persons, firm or corporation charged, the Village Manager, or Hearing Board on its own motion, may have subpoenas issued in the name of the Hearing Board for persons to appear at hearings before the Hearing Board and for the examination of documents. Subpoenas shall only be issued to persons or for documents which have a substantial evidentiary connection with a complaint. Service of such subpoenas shall be made in the same manner as in civil actions and shall be enforceable through the Circuit Court of Cook County. (Ord. 86-11-45)

3-1-9: CONTRACTORS WORKING ON PROJECTS FOR THE VILLAGE; LICENSES:

Notwithstanding any other provisions of this Code, in the event that any contractor who has been awarded a contract to do work for the Village does not have any and all required Village licenses, said contractor may not be required to obtain said licenses, but shall in this case be required to obtain, in lieu thereof, a temporary work certificate from the Department of Quality Control. Said temporary work certificate shall be issued at no fee and shall authorize said contractor to work within the Village solely for the purposes of performing the work to be done under the contract with the Village. If said contractor desires to do other work within the Village, said contractor shall be required to obtain all necessary licenses, permits and bonds as required by this Code. (Ord. 90-13-63)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: This table shall be effective January 1, 2004.

Footnote 2: This table shall be effective January 1, 2004.

Footnote 3: This table shall be effective January 1, 2004.

Footnote 4: See Chapter 5 of this Title.

Footnote 5: See Article 4H of this Title.