

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL BUSINESS LICENSING

111. ALCOHOLIC LIQUOR

112. AMUSEMENTS AND ENTERTAINMENTS

113. GARAGES AND FILLING STATIONS

114. HOSPITALS; SCHOOLS; OTHER CARE PROVIDERS

115. MERCHANTS PROVIDING PRODUCTS

116. MERCHANTS PROVIDING SERVICES

117. JUNK DEALERS

118. PEDDLERS AND SOLICITORS

119. RAFFLES

120. VEHICLES FOR HIRE

La Grange - Business Regulations

CHAPTER 110: GENERAL BUSINESS LICENSING

Section

General Provisions

- 110.01 Definitions
- 110.02 License registration required
- 110.03 License and fee supplemental to others
- 110.04 Applications for new licenses or registrations
- 110.05 Applications for license renewals
- 110.06 License eligibility determination
- 110.07 License approval and issuance
- 110.08 Form and signature
- 110.09 License conditions
- 110.10 License term and expiration
- 110.11 License denial
- 110.12 Appeal of denial
- 110.13 Suspension or revocation of license
- 110.14 Appeal of suspension or revocation
- 110.15 Regulatory inspections
- 110.16 Posting of license
- 110.17 Records
- 110.18 No attachment or assignment of license
- 110.19 Penalties
- 110.20 License fees
- 110.21 Schedule of fees

§ 110.01 DEFINITIONS.

The following terms shall have the meanings ascribed to them for all purposes of this Chapter.

LICENSE. A privilege granted by the Village after the fulfillment of all conditions precedent that are expressly provided herein. Every license granted by the Village pursuant to this Chapter 110.01, and every renewal thereof, shall be purely a personal privilege, shall not constitute property, and shall not otherwise be construed in any manner to create any other right or interest to such license.

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

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

LICENSE ELIGIBILITY DETERMINATION. The review and determination of licensability made by the Village Manager in advance of the issuance of or renewal of any license.

VILLAGE MANAGER. The La Grange Village Manager or his or her designee.

(Ord. 0-02-06, passed 2-25-02)

§ 110.02 LICENSE OR REGISTRATION REQUIRED.

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage in any way any business or activity, or occupation, for any period of time and at any time, without first obtaining a license for the business, activity, or occupation, and paying the required fee. This license requirement shall not apply to the following businesses, activities, or occupations, which shall require only a registration:

accountants, architects, attorneys, barbers and cosmetologists, business schools, dentists, doctors, home day care operators, insurance brokers, land surveyors, lie detector operators, optometrists, pharmacists, physical therapists, podiatrists, professional engineers, psychologists, real estate brokers, shorthand reporters, social workers, structural engineers, veterinarians, water well contractors, and such others as are exempted by operation of State law.

The aforementioned occupations shall be required only to file a registration of their business or occupation with no fee being charged for the registration. Information provided on the registration shall be as provided in Section 110.04 of this Chapter.

The test to determine whether one or more than one business, activity, or occupation is being conducted shall depend on the formalities of ownership of the business, activity, or occupation. When a business, activity, or occupation operates a licensable activity at more than one location, a separate license shall be required for each location irrespective of ownership considerations. If all buildings containing the principal or accessory uses are connected or are located on the same lot or parcel, and are operated and managed by the same person or owner, and are an establishment with the same zoning code use classification, then the business, activity, or occupation shall require only one license. (Ord. 0-02-06, passed 2-25-02)

§ 110.03 LICENSE AND FEE SUPPLEMENTAL TO OTHERS.

The licenses and fees required by this Chapter 110 shall be in addition to any vehicle license, building permit, inspection fees, or any other licenses or fees that may be required by any other provision of this Code or any Village ordinance. (Ord. 0-02-06, passed 2-25-02)

§ 110.04 APPLICATIONS FOR NEW LICENSES OR REGISTRATIONS.

Each application for a license required by this Chapter shall be made in writing by the owner of the business, activity, or occupation to the Village Manager on a form provided by the Village for that purpose. All applicants may be required to swear to any statement made in, or in connection with, an application for the issuance of any license. A renewal application shall be required for the renewal of any license at its expiration. If at any time during the term of any license the information required by this Section changes in any significant way, such as but not limited to a change of address or the conviction of an applicant of a felony, then the applicant, within 20 days after the change of information, shall provide the updated or revised information to the Village Manager. Each application shall include the following information:

(A) *Names and general information.* In the case of an individual or individuals: the name, residential street address, and driver's license number of each applicant; in the case of a partnership or unincorporated association: the name, residential street address, and driver's license number of each partner or member thereof; in the case of a corporation: the name and residence street address of each of its principal officers, as well as the state of incorporation, the date qualified to do business in Illinois, and the name, street address, and driver's license number of its registered agent.

(B) *Business addresses.* The street address and description of the premises or place of business, activity, or occupation (or the proposed premises or place of business, activity, or occupation) that is to be operated under the requested license.

(C) *Character and description.* The character and general description of the business, activity, or occupation for which the license is requested.

(D) *Experience.* The length of time that the applicant has engaged in the business, activity, or occupation for which the license is requested.

(E) *Previous applications to Village.* Whether the applicant has made any previous applications to the Village for the purpose of engaging in the business, activity, or occupation for which the license is requested, and the disposition of those applications.

(F) *Previous applications to others.* Whether the applicant has made any previous applications to any other municipality or public entity for the purpose of engaging in the business, activity, or occupation for which the license is requested, and the disposition of those applications.

(G) *Revocation or suspension of any license.* Whether any other license from any public entity obtained by the applicant for the purpose of engaging in the business, activity, or occupation of that nature has ever been revoked or suspended for any reason by the entity that issued the license or by any other entity with jurisdiction.

(H) *Violations of law.* Whether the applicant has ever been convicted of a felony or of a violation of any Federal or State of Illinois or other state law or regulation.

(I) *Retail sales tax number.* The applicant's retail sales tax number.

(J) *Responsible person.* The name, address, and telephone number of a person to contact in case of an emergency.

(K) *Employee And Vehicle Numbers.* The number of employees and the number of vehicles employed in the business, activity, or occupation.

(L) *Other information.* Any other information that the Village Manager may reasonably prescribe.
(Ord. 0-02-06, passed 2-25-02)

§ 110.05 APPLICATIONS FOR LICENSE RENEWALS.

Each application for renewal of a license shall be made in writing by the owner to the Village Manager on a form provided by the Village for that purpose. All applicants may be required to swear to any statement made in, or in connection with, an application for renewal of any license. Each application for renewal of a license shall include any information that the Village Manager may reasonably prescribe. Such renewal application also shall include:

A. *Violations of law.* Whether the applicant's business, activity, or occupation has ever been cited for a violation of federal, State of Illinois, or local law during the term of the license sought to be renewed.

B. *Civil actions.* A list of all Civil actions brought against the business in the previous year for conduct related to the operation of the business. (Ord. 0-02-06, passed 2-25-02)

§ 110.06 LICENSE ELIGIBILITY.

After receipt of an application for any license or renewal of a license, the Village Manager shall determine whether the application and the subject business, activity, or occupation complies with all of the requirements of all applicable laws, ordinances, and regulations. If the license application, license eligibility determination, or any other information reasonably relied on by the Village Manager reveal any of the following circumstances, then the applicant shall not be eligible for a license or renewal of a license:

1. The licensee's intentional or careless misrepresentation of any material fact on any license application, or the existence of any false statement or information therein.
2. The noncompliance of the applicant, the building, the business, the activity, or the occupation for which a license or renewal of a license is sought, or the location of such building, business, activity, or occupation, with this Code or with any other Village code, ordinance, or regulation, including without limitation all building, health, fire safety, sanitary, and zoning regulations.
3. The noncompliance of the applicant with any applicable State of Illinois law or administrative regulation, including among other things the applicant's failure to obtain any necessary license, permit, retail sales tax number, or other approval from the State of Illinois.
4. The failure of the applicant at any time to provide to the appropriate Village officials convenient and reasonable access to the location of the subject business, activity, or occupation; or to provide other data or information that the Village Manager reasonably requires as part of the license eligibility determination.
5. The operation by the applicant of a business, activity, or occupation for any period of time in a previous year without a license, when the business, activity, or occupation was required to have a license. This circumstance shall be not to be grounds for denial of a license if, but only if, the applicant first pays all past due license fees and all fines and penalties.
6. The operation by the applicant of a business, activity, or occupation in a previous year in violation of any federal, State of Illinois, or local law or regulation, including without limitation the provisions of this Chapter.
7. The previous conviction of the applicant on a felony or any other crime of moral turpitude, or the unsuccessful defense by the applicant of a criminal or civil proceeding wherein he or she was charged with fraud, misrepresentation, or unscrupulous business practices. However, if the conviction or unsuccessful defense occurred more than four years prior to the date of application, and the Village Manager determines that the issuance of the requested license will not endanger the safety or welfare of the general public, then the Village Manager shall not disapprove the application solely on this ground.
8. The determination by the Village Manager that the business, activity, or occupation for which a license or license renewal is sought will pose an undue risk to the safety or welfare of the general public or will otherwise create a public nuisance.
9. The violation by the applicant of any condition imposed on the license or licensee by, or pursuant to, this Chapter.

And, in the case of a license renewal:

10. Whether the business, activity, or occupation has been operated or conducted properly, or has instead been operated or conducted in a manner substantially adverse to the best interests of the Village, the Village's residents, and the customers or clients of the business, activity, or occupation.

11. Whether the business, activity, or occupation has been subject of criminal complaints.

Under no circumstances will a license or registration be issued to a business holding only a post office box or mailing box within the Village. Each licensed or registered business must have a principal place of business and a physical presence in the Village.

(Ord. 0-02-06, passed 2-25-02)

§ 110.07 LICENSE APPROVAL AND ISSUANCE OR DENIAL.

A. *New licenses.* If, after due consideration of the information contained in the license application, the information obtained through the license eligibility determination, and any other information reasonably relied upon, the Village Manager determines (1) that the application has been properly completed, and (2) that the applicant has complied with all of the requirements of all federal, State of Illinois, and local laws and regulations, including without limitation the provisions of this Chapter, then the Village Manager shall approve the application. The Village Manager shall issue the license thereafter, but only after payment by the applicant of the applicable fee.

B. *License Renewals.* If, after due consideration of the information contained in the application for a license renewal, the information obtained through the license eligibility determination (including without limitation information related to the operations or conduct of the business, activity, or occupation), and any other information reasonably relied upon, the Village Manger determines (1) that the application has been properly completed, and (2) that the applicant has complied with all of the requirements of all Federal, State of Illinois, and local laws and regulations, including without limitation the provisions of this Chapter, and (3) that the business, activity, or occupation has been operated or conducted in a manner not substantially adverse to the best interests of the Village, Village residents, and the customers or clients of such business, activity, or occupation, then the Village Manager shall approve the application for a license renewal. The Village Manager shall issue the license renewal thereafter, but only after payment by the applicant of the applicable fee.

C. *Notice Of Denial.* If any application for a license or renewal of a license is denied, then the Village Manager shall notify the applicant in writing of the reasons for the denial.

(Ord. 0-02-06, passed 2-25-02)

§ 110.08 APPEAL OF DENIAL.

A. Any person aggrieved by the action of the Village Manager in denying any license or any renewal of a license may appeal the decision to the Board of Trustees within 10 days after the Village Manager's denial. Such appeal shall be made by the applicant in writing submitted to the Village Manager.

B. The Board of Trustees, or a hearing officer appointed by the Board of Trustees, shall conduct a hearing on the appeal as follows:

1. The applicant shall be given five days' advance notice of the hearing date.

2. The hearing shall be public.

La Grange - Business Regulations

3. The applicant may present and submit evidence and witnesses to rebut the reasons cited by the Village Manager for denial of the license or the renewal of the license. The Village Manager may present and submit evidence on behalf of the Village.

C. Based on the hearing record, the Board of Trustees may grant the license or the renewal of the license or may affirm the Village Manager's decision to deny the license or the renewal of the license. The decision of the Board of Trustees or hearing officer shall be made at a public meeting within 15 days after the close of the hearing. The Board of Trustees shall cause the applicant to be notified within three days after such decision is made. If the Board of Trustees or hearing officer does not make its decision within 15 days, or if the applicant is not notified within three days after such decision, then the applicant's appeal shall be deemed denied.

D. The decision of the Board of Trustees or duly appointed hearing officer shall be final.
(Ord. 0-02-06, passed 2-25-02)

§ 110.09 FORM AND SIGNATURE.

All license applications, renewal applications, and licenses shall be kept on file by the Village Manager. Each license issued shall bear the signature, or facsimile thereof, of the Village Clerk, in the absence of any provision to the contrary. (Ord. 0-02-06, passed 2-25-02)

§ 110.10 LICENSE CONDITIONS.

The Board of Trustees may impose, by ordinance, any appropriate conditions on any license issued pursuant to this Chapter 110. In addition, all licenses shall be subject to the provisions stated in this Chapter and subject to the following conditions:

A. *Quality of operations.* Every business, activity, or occupation for which a license is issued or renewed shall be operated or conducted in a manner not substantially adverse to the best interests of the Village, Village residents, and the customers or clients of the business, activity, or occupation.

B. *Malfesance or misfeasance.* No owner, employee, or agent of any business, activity, or occupation for which a license is issued or renewed shall engage in any act of malfesance or any act of misfeasance while engaged in the operation or conduct of the business, activity, or occupation.
(Ord. 0-02-06, passed 2-25-02)

§ 110.11 LICENSE TERM AND EXPIRATION.

A. *Term; expiration.* All licenses shall be valid for a period not exceeding one year. Every license shall expire on the first April 30 after it is issued, unless otherwise provided by this Chapter and on the face of the license.

B. *Courtesy notice.* The Village Manager shall endeavor to notify each licensee of the impending expiration of that licensee's license, which notice shall be provided at least three weeks prior to the date of expiration of the license. Under no circumstances, however, shall the failure of the Village Manager to make any such notification, or of the licensee to receive any such notification:

1. Excuse the licensee from the obligation to seek renewal of its license.

2. Create any right in the licensee to the continuation or reissuance of any license.
3. Be a defense in any action related to the operation of a business, activity, or occupation without a license.
(Ord. 0-02-06, passed 2-25-02)

§ 110.12 SUSPENSION OR REVOCATION OF LICENSE.

A. *Revocation.* The Village Manager may revoke any license for cause, after notice and hearing as provided in this Chapter. Such revocation of a license may be in addition to any fine or penalty that may otherwise be imposed, and shall not preclude prosecution or imposition of other penalties for violation of other provisions of this Code or any other applicable Village code, ordinance, or regulation. If a license is revoked, then the Village Manager shall notify the licensee in writing of the reasons for the revocation. Any one of the following circumstances shall constitute cause for the revocation of a license:

1. The licensee's failure to comply continuously with all conditions precedent to license approval, or the licensee's violation of any provisions of this Code relating to the license, the subject matter of the license, or the licensed premises.
2. The licensee's refusal to permit any authorized inspector to take adequate samples or to make inspections, or interference with the inspector in the performance of his or her duties pursuant to Section 110.14 of this Chapter. No license shall be revoked for this cause unless written demand by the Village Manager is made on the licensee, or on the person in charge of the licensed premises, stating that the inspection or sample is desired, which demand shall be made at the time that the inspection or sample is sought.
3. A determination by the Village Manager, after investigation, that the licensee is operating or conducting a licensed business, activity, or occupation in a manner substantially adverse to the best interests of the Village, Village residents, or the customers or clients of the business, activity, or occupation.
4. A determination by the Village Manager, after investigation, that the licensee is operating or conducting a licensed business, activity, or occupation in such a manner as to constitute (a) a breach of peace, (b) a menace to the health, safety or welfare of the public, or (c) a disturbance of the peace or comfort of Village residents.
5. The licensed business, activity, or occupation is conducted in violation of any applicable regulation or provision of this Code or any other Village code, ordinance, or regulation.
6. The licensed business, activity, or occupation is conducted in violation of any applicable State of Illinois law or administrative regulation, or the licensee has failed to obtain or retain a necessary State of Illinois license, permit, retail sales tax number, or other required approval.
7. The licensed business, activity, or occupation is conducted in violation of any applicable Federal law.
8. The licensee is convicted of a felony or has unsuccessfully defended a criminal or civil proceeding wherein the licensee was charged with fraud, misrepresentation, unscrupulous business conduct, or any felony or misdemeanor involving moral turpitude.

La Grange - Business Regulations

9. The existence of any fact or condition that, if it had existed at the time of the original application for the license, would have warranted the denial of the license application.

10. The licensee fails to pay any fee, fine, or penalty owing to the Village.

B. Suspension. The Village Manager, after written notice to a licensee but prior to hearing, may suspend any license if the Village Manager determines that immediate action is necessary (1) because the licensee is operating or conducting the business, activity, or occupation in a manner substantially adverse to the best interests of the Village, Village residents, or the customers or clients of such business, activity, or occupation, or (2) because the continuation of the business, activity, or occupation for which the license was issued poses a present and imminent danger to the public health and safety. Notice to the licensee shall be by certified mail, return receipt requested, or by the conspicuous posting of the notice of suspension on the door of the business or in another prominent place within the business. Suspension shall take effect after receipt by the licensee of the Village Manager notice of suspension. It shall be a violation of this Section to move, remove, or otherwise tamper with any duly posted notice of suspension.

(Ord. 0-02-06, passed 2-25-02)

§ 110.13 APPEAL OF SUSPENSION OR REVOCATION.

A. Opportunity To Appeal. Any person aggrieved by the action of the Village Manager in suspending or revoking any license may appeal the decision to the Board of Trustees within 10 days after the Village Manager's denial. Such appeal shall be made by the applicant in writing submitted to the Village Manager.

B. Hearing. The Board of Trustees, or a hearing officer appointed by the Board of Trustees, shall conduct a hearing on the appeal as follows:

1. The applicant shall be given five days' advance notice of the hearing date.
2. The hearing shall be public.

3. The applicant may present and submit evidence and witnesses to rebut the reasons cited by the Village Manager for suspension or revocation of the license. The Village Manager may present and submit evidence on behalf of the Village.

C. Action Of Board. Based on the hearing record, the Board of Trustees may reinstate the license or may affirm the Village Manager's decision to suspend or revoke the license. The decision of the Board of Trustees or hearing officer shall be made within 10 days after the close of the hearing. If the Board of Trustees or hearing officer does not act on the appeal within 10 days after the close of the hearing, then the applicant's appeal shall be deemed denied.

D. Decision Is Final. The decision of the Board of Trustees or duly appointed hearing officer shall be final.
(Ord. 0-02-06, passed 2-25-02)

§ 110.14 REGULATORY INSPECTIONS.

A. Village Inspections Authorized: Subject only to constitutional limitations, every licensee shall permit authorized Village officials to enter the business, activity, or occupational premises, including those areas of the premises not open to the general public, for the purpose of conducting inspections to determine compliance with

regulations applicable under the Village building, fire, safety, sanitary, and other codes and ordinances and for the purpose of taking necessary samples of any commodity or material to determine whether the licensee has complied with all applicable regulatory requirements. The cost of inspections is part of the basis for the license fees established in Section 110.19 of this Chapter and, accordingly, no separate fee for such inspections shall be charged except as specifically provided otherwise in Section 110.19 of this Chapter.

B. Village Manager Responsibility. The Village Manager shall determine whether a licensee is complying with all applicable regulatory requirements during the period of the license. The Village Manager may authorize other Village personnel to make whatever inspections of the premises of a licensed business, activity, or occupation are reasonably necessary to secure compliance with any code or ordinance provision, or to detect violations thereof, or to protect the public health and safety.

C. Licensee responsibility: The licensee, or the person in charge of the licensed premises, shall admit the authorized Village Inspector into the licensed premises for the purpose of making inspection during all business hours and, in addition, at any other reasonable hour. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code or ordinance provision or to detect violations thereof, the licensee whose business is governed by such provisions shall give, to any authorized Village officer or employee requesting the same, sufficient samples of such material or commodity for such analysis.
(Ord. 0-02-06, passed 2-25-02)

§ 110.15 POSTING OF LICENSE.

Every person conducting a licensed business, activity, or occupation shall keep the applicable license posted in a prominent place on the business premises, licensed vehicle or licensed machine or device at all times. No license that is not currently in full force and effect shall be posted or displayed. (Ord. 0-02-06, passed 2-25-02)

§ 110.16 RECORDS.

The Village Manager shall cause to be kept a record of every license issued, the amount of the fee paid, the purpose for which such license was issued, the location where the licensed business, activity, or occupation is conducted, and the name of the licensee or person receiving the license. (Ord. 0-02-06, passed 2-25-02)

§ 110.17 NO ATTACHMENT OR ASSIGNMENT OF LICENSE.

No license issued hereunder shall be subject to attachment, garnishment or execution, nor shall it be alienable, transferable, or assignable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. As used herein, to "alienate" or to "transfer" a license shall include the giving, selling, or conveyance of a license or of 50 percent or more of the total number of shares of stock, or securities convertible into stock, of a corporation or entity that holds a license. (Ord. 0-02-06, passed 2-25-02)

§ 110.18 PENALTIES.

A. General penalty. Any person convicted of violating any provision of this Chapter shall be fined not less than \$50.00 nor more than \$750.00 for each such offense. A separate offense shall be deemed committed on each day during, or on which, a violation occurs or continues.

La Grange - Business Regulations

B. *Failure To Obtain License.* Any business, activity, or occupation that continues without a license having been secured therefor as provided in this Chapter shall be subject to a fine of not less than \$50.00 nor more than \$750.00 for each day that a license is not in effect after notice by the Village that a license must be secured.

C. *Other remedies.* The availability or imposition of any of the foregoing penalties or fines shall not limit or preclude any other remedy or remedies by way of injunction or other relief available to the Village, either at law or in equity.

(Ord. 0-02-06, passed 2-25-02)

§ 110.19 LICENSE FEES.

A. *Prepayment of fee required.* All license applications and license renewal applications shall be accompanied by the full amount of the fee payable for such license as provided in Section 110.20 of this Chapter. If a license cannot be issued at the time when the application is made, then the Village Manager shall issue a receipt to the applicant for the money paid in advance. All such receipts shall have plainly indicated thereon that the receipt of payment of the license fee is not to be construed as the issuance of a license. No such receipt, and no payment of any license fee in advance of the issuance of the license, shall entitle or authorize any person to any of the privileges conferred by the issuance of any license or to the opening or maintaining of any business, activity, or occupation contrary to any provision of this Code.

B. *Proration.* In the case of licenses issued on an annual basis, a license for the balance of the year will be issued on or after January 1 of any year for one-half of the annual fee as provided herein. When such a license is issued at any time before January 1 of any year, the entire annual fee shall be required.

C. *No refunds or rebates.* No license fee, or part thereof, shall be refunded or rebated by reason of the death or departure of the licensee, the non-use of the license, discontinuance of the business, activity, or occupation for which the license was granted, change of location or occupation of the licensee, or suspension or revocation of the license.

D. *Refund if denial.* Whenever a license or the renewal of a license is not approved, the license fee paid in advance, if any, shall be refunded to the applicant.

(Ord. 0-02-06, passed 2-25-02)

§ 110.20 FEE SCHEDULE.

The license and registration fees shall be as follows:

Annual business license fee for all businesses (with the exception of those otherwise listed and those pre-empted by state law)	\$50
Gasoline/service stations	75
Nursing homes	200
Category I - Food service establishment (pre-packaged)	100
Category II - Food service establishment (some preparation, same day service, fast food)	200
Category III - Food service establishment (significant food preparation and storage)	300
Retail food store, less than 5,000 square feet	100
Retail food store, more than 5,000 square feet	200

General Business Licensing

13

Mobile food units	50
Temporary food service facilities	25
Commercial solid waste haulers	5,000
Recycling facility	2,500
Theaters	40/seat
Tobacco License	50
Vending machines	25
Amusement devices (Juke Boxes, Games)	100
General contractors	75
Carpenter contractors	50
Cement contractors	50
Electrical contractors	50
Excavating contractors	50
Mason contractors	50
Roofing contractors	50
Plumbing contractors	50
Sewer builders	50
Heating, ventilating and air conditioning contractors	50
Board-up contractors	50

('69 Code, § 110-90) (Ord. 0-84-04, passed 2-13-84; Ord. 0-93-31, passed 4-12-93; Ord. 0-02-06, passed 2-25-02)