
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 19-052**

**AN ORDINANCE AMENDING
THE VILLAGE OF HOMER GLEN
VILLAGE CODE RELATING TO
BUSINESS LICENSES**

**GEORGE YUKICH, Village President
CHRISTINA NEITZKE-TROIKE, Village Clerk**

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Trustees

AN ORDINANCE AMENDING THE VILLAGE OF HOMER GLEN
VILLAGE CODE RELATING TO BUSINESS LICENSES

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, the Village of Homer Glen has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is intended to address the issuance and proper administration of business licenses within the Village of Homer Glen.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. Incorporation of Recitals. The above recitals are hereby declared to be true and correct and findings of the Village Board of the Village of Homer Glen and are incorporated herein as if set forth in this Section 1.

Section 2. That Article I. Chapter 83 of the Village Code of the Village of Homer Glen be and the same is amended to reflect the following language:

ARTICLE I. BUSINESS LICENSE ADMINISTRATIVE REGULATIONS

§ 83-1. License required; Subjects of Licensing Authority.

- A. It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage any business, occupation, activity or establishment, either by himself, herself or itself, or through an agent, employee, or partner, for which a license is required by this Article, without first having obtained a license for such business, occupation, activity or establishment. A license is required when any person, by himself, herself or through an agent, employee, or partner, is held forth as being engaged in the business, or if he or she solicits patronage therefor, actively or passively, or if he or she performs or attempts to perform any part of such business in the Village.
- B. License shall not be required for any amusement, entertainment or exhibition given by residents of the Village who are not engaged therein as a business for personal profit or gain and the proceeds of which are exclusively for the benefit of a charitable organization registered with the Illinois Attorney General pursuant to the Solicitation for Charity Act (225 ILCS 460/0.01 et seq.), for any entity organized as a bona fide not-for-profit corporation or organization under the laws of the State of Illinois or another state or for any governmental unit or agency.

§ 83-2. License procedure.

- A. All persons desiring to operate a commercial activity or establishment within the Village shall file with the Village Clerk an application for a license to operate the commercial activity in the Village within thirty (30) days of commencing operations in the Village. Thereafter, prior to a person's continued operation of such a licensable commercial activity or establishment in a subsequent license year, said person shall file a renewal application not later than December 31 prior to each subsequent license year. In the event such person fails to file said renewal application by January 31 of the following year, a late fee of 100% of the total license fee shall be charged and be payable at the time of application. However, if application is not made by February 28, a citation will be issued to the business owner and a mandatory court appearance is required. Delinquency may also result in suspension and/or revocation of the right to conduct commercial activities within the Village. In the event of suspension or revocation of the right to conduct commercial activities within the Village, the Village shall deliver written notice to the place of business that said business is operating without a license and shall be closed by order of the Village, until said business comes into compliance with the requirements of this Article. No license shall be renewed unless and until the licensee has paid all other outstanding fines and fees due the Village.
- B. Applications.
Applications for all licenses required hereunder shall be made to the Village Clerk in writing on a form provided for that purpose, except as otherwise provided herein.
- C. If the licensee is a partnership or other noncorporate business entity, the license form shall contain the name, residential address and residential telephone number of each partner, principal, or member thereof. If the registrant is a corporation, the form shall contain the name, residential address and residential telephone number of each principal officer and registered agent thereof. Each form shall also contain such information as may be prescribed by the Village, including, but not limited to, the location to be used, the zoning classification applicable to such location (including the existence of any special use permits or variations with respect to such location), the nature of the business to be conducted, a description of any and all materials or substances proposed to be stored at the location in question, whether the registrant intends to hold the location in question open to the public, identification numbers assigned or used by state and federal taxing authorities, and the number of persons expected to be employed from time to time at the location in question.
- D. License applications shall be prepared and kept on file by the Village Clerk.

§ 83-3. License term and expiration.

All licenses shall be for terms of one year, beginning on January 1 and ending December 31, and all businesses shall obtain their license within 30 days after becoming subject to the license requirements of this article. Upon expiration, all businesses must relicense. Upon compliance with all of the applicable requirements of this article, the Village shall issue evidence of license to each business hereunder, which evidence of license shall be conspicuously posted in such licensed place of business.

The Village Clerk shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least thirty (30) days prior to such expiration date; provided, however, that a failure to make such notification or the licensee's failure to receive it, shall not exclude the licensee from the obligation to obtain a new license or a renewal.

The requirements and procedures for granting and issuing a license shall be the same as the requirements and procedures for granting a new license.

§ 83-4. License fees.

- A. The fee for license is set forth in Chapter 114, Article II, of the Village Code; except that any business subject to this article that fails to license within the time period required by this Article shall be assessed a late fee as set forth in Chapter 114, Article II and described in §83-2 of this Article. All fees and charges for license shall be paid at the time the license application form is submitted to the Village. The aforesaid fee shall be waived for any business for the then-current calendar year and license term that initially becomes subject to the license requirements of this article on or after October 1 of such year and term, but such business shall be subject to the applicable license fees in all subsequent calendar year license terms.
- B. Except as otherwise provided, all license fees shall become a part of the general corporate fund to reimburse said fund for the costs incurred in processing the forms for the license required herein. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of death or departure of the licensee; nor shall any rebate or refund be made by reason of discontinuance of the business operation.

§ 83-5. Location.

- A. A separate license shall be required for each location of any business. For the purposes of this article, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

- B. The location of any licensed business may be changed, provided that 10 days' notice thereof is given to the Village in the absence of any provision to the contrary; provided, however, that the business complies with all applicable ordinances and regulations of the Village.
- C. While every effort shall be made during the business license process to determine whether or not the licensee can lawfully conduct the proposed business in compliance with the applicable requirements of the underlying zoning district and Chapter 220, Zoning, of the Village Code, license hereunder does not in any way constitute approval by the Village of Homer Glen of the conduct of the licensed business at the location in question, and it shall be the sole responsibility of the licensee to obtain any and all other permits or approvals required under Chapter 220, Zoning (or under other applicable Village ordinances), to conduct the licensed business at the location in question.

§ 83-6. Penalty.

Any person, firm or corporation who or which violates any provision of this article shall be subject to a fine of not less than \$75 and not more than \$1,000. A separate offense shall be deemed committed on each day a violation occurs or continues to occur.

§ 83-7. Inspections and Investigations.

Subsequent to the receipt of an application for a license where ordinances of the Village necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk and/or Village Manager shall refer such application to the proper Village officer or employee for conducting such investigation. The officer or employee charged with the duty of making the investigation or inspection shall make a report thereon to the Village Clerk and/or Village Manager addressing the standards and other requirements set forth in this Article.

The Village Manager shall make or cause to be made any such inspections relative to the construction and/or safety of buildings or other structures. The Village reserves the right to inspect or investigate any licensed business within the Village, to ensure compliance with any Village code, regulations or other legal requirements.

In every case there shall be at least one inspection of the applicant's commercial premises by the Village or their designee, for the purpose of ensuring the public health and safety.

§ 83-8. Approval; Disapproval.

If, after due consideration of the information contained in the application, the Village Clerk determines the application is satisfactory, he or she shall approve the application. The business license shall be signed by both the Village Clerk and Mayor and shall be sent via regular U.S. Postal Service to the business address, listed on the submitted application.

If, after due consideration of the information contained within the application, the Village Clerk determines that matters concerning the application are unsatisfactory, he or she shall disapprove the application, indicating the reasons therefor. The Village Clerk shall notify the applicant that the application has not been approved, the reason(s) for the denial and that no license will be issued.

§ 83-9. Licenses Not Assignable; Unlawful Use.

No license or permit may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person shall use or display any license certificate which has been improperly acquired.

No person shall alter, deface, forge, or counterfeit any license or certificate issued by the Village.

§ 83-10. Change in Business.

When the licensee requests a change in location but all other business attributes remain the same, the Village Clerk shall transfer the current active business license to the new location.

When there has been a change in ownership of an active business, the new owner must apply for new occupancy and business license. The fee for this is the same as reflected in Chapter 114-11.

When any active business changes only the name of the business and all other attributes, including ownership, remain the same, the owner shall submit a \$30 processing fee along with a new business license application.

§ 83-11. Records and Standards.

The Village Clerk shall maintain a record of all commercial and/or home establishments and licenses issued under this Chapter. These records shall be used for the purpose of classifying, inspecting, and licensing all business establishments in the Village. Subject to the terms and provisions of this Chapter, upon submittal of a business renewal application and payment in full of the required license fee to the Village, the Village Clerk shall issue the license or certificate which shall be displayed by the owner of the establishments in a conspicuous place of the licensed premise within ten (10) days after receipt of said license.

No license for the operations of a commercial and/or home establishment in the Village shall be issued if one or more of the following conditions are determined to exist:

1. The building or premises of the establishment does not comply with the provisions and terms of the Village's Building Code, Zoning Code, fire regulations, health regulations, or with other applicable ordinances and regulations of the Village.
2. The building or premises of the establishment are in a condition of being unsanitary or unsafe so as to endanger the public safety, health or welfare.

3. The owner of the establishment or such legal entity comprising the commercial establishment is indebted to the Village.

§ 83-12. Health Requirements.

No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place shall allow or cause any room or part thereof to be overcrowded in inadequate or faulty in respect to light, ventilation, heat or cleanliness.

§ 83-13. Sanitation.

All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisances, also so far as practicable, such premises shall be free from all gases, vapors, dust or otherwise which are injurious to health. Sufficient washroom facilities for all employees shall be provided and such facilities shall be properly ventilated.

§ 83-14. Heat Required.

It shall be the duty of every person owning or controlling the heating mechanism which furnishes heat to any factory, workshop, retail business, or other commercial establishments, to maintain a temperature when workers are present within such establishment of not less than sixty-five (65) degrees Fahrenheit without such undue restriction of ventilation so as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory, garage, or workshop where the business conducted therein is of such nature that a lower temperature than sixty-five (65) degrees Fahrenheit is necessary or expedient for work or manufacturing process of such business.

§ 83-15. Inspection Authority.

It shall be the duty of the Village Manager, or their designee, to determine whether or not all licenses are in compliance with all applicable ordinances and regulatory requirements during the period of the license. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Article, or any ordinance, or are reasonably necessary to ensure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the Village who is duly authorized by the Manager to make such inspection at any reasonable time that such admission or entry is requested.

Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of this Article or any other adopted ordinances or regulations, to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon official Village request.

In addition to any other penalty which may be provided, the Village Manager may

revoke under the provisions of this Chapter the license of any owner or operator of a licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of their duties.

§ 83-16. Suspension, Revocation and Appeal.

A. When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance or a clear and present danger to the public health, safety or general welfare, or where the holder of any license has refused to allow an inspection of his premises or has refused to furnish a sample of their goods for testing, the Village shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

Within ten (10) days after a license is suspended pursuant to this paragraph A, the Village shall call a hearing in accordance with subsection C for the purpose of determining whether or not the license should be revoked.

B. Unless otherwise provided, any license issued under this Article may be suspended or revoked by the Village Manager after notice and hearing as provided in this subsection C for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license.
2. Any violation by the licensee of a provision of this Article, any applicable federal or state law, or any other Village Code or Ordinance provisions relating to the license, the subject matter of the license, or to the licensed premises occupied.
3. Conviction of the licensee of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest and legitimate business operation within the Village.
4. Failure of the licensee to pay the license fee or any other indebtedness, charge, fine or penalty owing to the Village.
5. Refusal to permit inspections or interference with an authorized Village officer or employee while in the performance of his duties in making such inspections as provided in this Article.
6. When the conduct of any licensee, agent or employee is so inimical to the public health, safety or general welfare and/or the continued operation of the business constitutes a nuisance and thus gives rise to an emergency.

Said suspension or revocation, if ordered, shall be in addition to any other provision imposing a penalty for the violation of any section of the codes or ordinances of the

Village.

- C. The Village shall conduct a hearing for the purpose of determining whether or not the license should be suspended or revoked in accordance with the following:
1. Notice of the hearing for suspension or revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice may be hand delivered or mailed by certified mail, return receipt requested, to the licensee to their last known address at least five (5) days prior to the date set for the hearing.
 2. An attorney designated by the corporate authorities shall represent the Village at the hearing. The licensee shall be permitted counsel and have the right to submit evidence and cross examine witnesses. The Village Hearing Officer shall serve as the hearing officer and shall render the decision, which may include suspension for up to 10 days, or revocation, and/or the payment of fines and performance of other actions.
 3. At or prior to the hearing, the parties may enter into an agreement which establishes a series of actions to be taken and/or fines to be paid which will avoid suspension or revocation at that time.
- D. Any person aggrieved by the decision of the Village Manager in connection with the suspension or revocation of a license as provided in this Section, shall have the right of appeal to the Village Board of Trustees. Such appeal shall be taken by filing with the Village Board of Trustees, within ten (10) days after notice of suspension or revocation, a written statement under oath setting forth specifically the grounds for appeal. The Village Board of Trustees shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in this Section. The decision of a majority of the Village Board of Trustees present at the hearing of such appeal shall be required to reverse the decision of the Village Manager.

§ 83-17. License to be Posted, Destruction, Removal of License.

It shall be the duty of any person conducting a licensed business in the Village to keep the license displayed at all times in a prominent place on the premises, machine or vehicle used for such business.

No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate, or sticker which has been issued by the Village except when such license, certificate, plate or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Village Manager, or her or his duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, their

premises, any vehicle or plate or any machine when said license has been revoked under the provisions of this Article.

§ 83-18. License not to Preclude Other Licenses.

The license required in this Article shall be in addition to any vehicle license, liquor license, gaming license, building permit, inspection fees or any other fees or charges that may be required by other Village ordinances, whether now existing or hereafter adopted.

§ 83-19. Prohibited Activities.

Peddlers, itinerant vendors and transient merchants are prohibited within the corporate limits of the Village of Homer Glen. The following definitions apply to this Section:

“Transient Merchant” means any person who is engaged temporarily in the retail sale of goods, wares or merchandise, and in pursuance of such sales occupies any building, room, vehicle, structure, or unoccupied or unimproved lot for the purpose of conducting such sale.

“Itinerant Vendor” means any person who transports tangible personal property for retail sale who does not maintain an established office, distribution house, warehouse, service center or residence from which such business is conducted.

“Peddler” means a person who travels about selling, bartering or exchanging small ware which they carry with them on their person or on a wagon, truck, push cart or moveable receptacle of any kind.

§ 83-20. Activities Excepted.

The Prohibited Activities set forth in §83-19 shall not apply to:

1. Any person selling vegetables, fruit or perishable farm products at an established Village market or other location on the private property of a consenting owner;
2. Any person delivering tangible personal property who is fulfilling an order for such property which was selected or placed by mail or other means; or
3. Any person carrying samples of goods and taking orders for delivering at a later date;
4. Any person selling food or merchandise as part of a Village approved special event.

§ 83-21. Prohibited Conduct.

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on or manage any business, occupation, activity or establishment, either by himself or through an agent, employee or partner, contrary to the standards and regulations set forth in this Article.

Section 3. That §114-11 of the Village Code of the Village of Homer Glen be and the same is amended to reflect the following language:

§ 114-11. Clerk's office.

Service	Fee
Tobacco	
License	\$250
Business	
Commercial License	\$30
Home Business License	\$30
Late Commercial License Fee	\$30
Late Home Business License Fee	\$30
Freedom of Information Act (FOIA)	
First 50 pages	Free
8.5 x 11 copy	\$0.15 each
Oversized copy	Cost of production
Certification	\$1 per document, plus copy cost
Color copy	\$0.20 each

Section 4. Severability. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this ordinance.

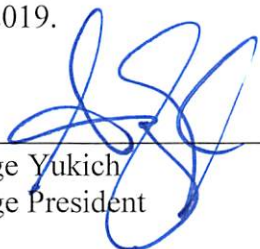
Section 5. Repealer. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date and Duration. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January, 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue.

Adopted this 26th day of November, 2019 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Burian	X			
Gray	X			
Holtz			X	
Pazmino	X			
Rodgers	X			
Sweas	X			
Yukich (Village President)				
TOTAL	5		1	-

APPROVED by the Village President on November 26, 2019.



 George Yukich
 Village President

ATTEST:



 Christina Neitzke-Troike
 Village Clerk

