

## **CHAPTER 113 BUSINESS LICENSES**

### **Section 113.01 Definitions.**

For the purposes of this Chapter, each of the following terms shall have the meaning herein described to it:

(A) **BUSINESS** - any occupation, profession, establishment, concern, or enterprise conducted for profit, except those occupations or professions licensed exclusively by the State of Illinois or instrumentally thereof. In addition, where two (2) or more separate businesses by the above definition, separately owned or operated, share floor space in the same building or on the same parcel of ground and the floor space is subdivided, each shall be deemed a separate business based on the floor area that each separately uses. Notwithstanding the foregoing, the ownership and leasing of buildings, structures, or properties (real or personal), shall not, in and of themselves, constitute a business for the purposes of this Chapter 113.

(B) **TOTAL FLOOR AREA** - shall include the sum of all the floor area in use or reserved for or retained for the use of business, including but not limited to, principal and accessory floor area, cellars and basements, storage, or detached accessory buildings, even if any such floor area may be temporarily vacant or not in use.

### **Section 113.02 License Required.**

No person, firm, corporation, limited liability company, partnership, or any other entity shall conduct, engage in, maintain, operate, carry on, or manage any business, occupation, activity, or establishment either by himself, herself, itself, or through an agent, employee or partner, without first having obtained a business license under this Chapter for such business, occupation, activity, or establishment.

In all instances where a license is required by the Village, such license shall be granted and signed by the Village Manager and attested by the Village Clerk under the seal of the Village unless otherwise provided in this Chapter.

The obtaining of a business license pursuant to this Chapter in no way precludes the responsibility for obtaining other licenses, permits, approvals, or inspections as required by the Village of Romeoville Code of Ordinances or applicable State or Federal laws or regulations.

Whenever a license, permit, approval, or inspection is required by the Municipal Code of the Village of Romeoville or applicable State or Federal laws or regulations for the maintenance, operation, or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement of obtaining such license, permit, approval, or inspection if, by himself, herself, itself, or through an agent, employee, or partner, he/she or it is held forth as being engaged in the business, activity, or occupation or if he/she or it solicits

patronage therefor, actively or passively, or if he/she or it performs or attempts to perform any part of such business, activity, or occupation in the Village.

### **Section 113.03 Exemptions.**

(A) Persons, firms, corporations, organizations, or entities that are registered with or organized by the State of Illinois for bona fide governmental, charitable, religious, fraternal, civic, patriotic, social, or purposes not including pecuniary profit or those possessing and maintaining a valid federal tax exemption under Section 501(c) of the Internal Revenue Code shall be exempt from having to purchase and/or maintain a business license under the provisions of this Chapter but shall be required to register annually with the Village for informational purposes on forms for such purpose as approved from time to time by the Community Development Department. Nothing in this Subsection (A) shall exempt such persons, firms, corporations, organizations, or entities from any other applicable ordinances of the Village, including but not limited to the inspectional requirements of Chapters 91, 150 and 155 of the Village Code of Ordinances.

(B) Persons, firms, corporations, organizations, or entities engaged in any business that the Village of Romeoville is preempted from licensing or regulating under the laws of the State of Illinois or the United States shall be exempt from having to purchase or maintain a business license under the provisions of this Chapter but shall be required to register annually with the Village for informational purposes on forms for such purpose as approved from time to time by the Community Development Department. Nothing in this Subsection (B) shall exempt such persons, firms, corporations, organizations, or entities from any otherwise applicable ordinances of the Village, including but not limited to the inspectional requirements of Chapters 91, 150 and 155 of the Village Code of Ordinances.

### **Section 113.04 Existing Businesses.**

All persons, firms, organizations, or entities owning or operating existing businesses within the Village of Romeoville that are not exempt from the provisions of this Chapter shall apply for and obtain an initial business license under the provisions of this Chapter not later than thirty (30) days from the date of the adoption of this Chapter. Such initial business license shall be valid and in effect from issuance until December 31, 2021. After December 31, 2021, all persons, firms, organizations, or entities owning or operating existing businesses within the Village of Romeoville that are not exempt from the provisions of this Chapter shall apply for and obtain business licenses in accordance with and subject to the provisions of Section 113.17.

### **Section 113.05 Applications.**

Applications for all business licenses (or for exempt registrations) shall be made to the Community Development Department in writing on a form provided for that purpose. Application forms (and exempt registration forms) shall be made available at the Village Hall at 1050 W. Romeo Road, Romeoville, Illinois 60446. Completed application/registration forms shall be submitted to the Community Development Department a minimum of fifteen (15) days prior to the license/registration being required to allow for proper examination and investigation.

If the applicant is an individual (sole proprietorship), the application shall contain the individual's name, residence address, telephone number, and email address. If the applicant is a partnership, the application shall contain the name, address, telephone number, and email address of each partner thereof. If the applicant is a corporation, LLC, or other entity the application shall contain the name, address, telephone number, and email address of each principal officer or manager and the registered agent or office thereof.

Each application also shall contain:

- (A) A designation of the type or kind of business for which the license is desired;
- (B) The location or proposed location of the place of business, occupation or activity;
- (C) The applicable fee to be paid as provided in Section 43.01;
- (D) The number of the certificate of registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax if applicable;
- (E) The social security and driver's license numbers of any individual applicant and the federal and state tax identification number of all other applicants; and
- (F) Such additional information as may be needed for the proper guidance of Village officials in the evaluation of such application or other information as required under any other Chapter of this Code of Ordinances, including proof of any insurance policy or bond required by this ordinance.

#### **Section 113.06 Application/License Fee.**

Application and license fees shall be payable in accordance with the requirements of Chapters 43 and 156 of this Code. Except as otherwise expressly provided in this Chapter, there shall be no proration or reduction of a required application or license fee based on the date of the license application, the termination of the operations of the licensed business, the revocation or suspension of a business license or any other cause or reason. Notwithstanding anything herein to the contrary, the application and license fees shall be waived once but only with respect to the initial issuance of a license pursuant to this Chapter for the year in which this Chapter is adopted for any person or entity that: (i) as of the date of the adoption of this Chapter holds an existing, fully paid, current, and valid business license issued by the Village pursuant to the applicable Village ordinances in existence as of the date of the adoption of this Chapter; (ii) is in compliance with the provisions of this Chapter and all otherwise applicable ordinances of the Village and Federal or State statutes as of the date of the adoption of this Chapter; and (iii) makes application for a business license under the provisions of this Chapter within the time specified in Section 113.04.

#### **Section 113.07 Investigation.**

Upon the receipt of a complete application for a license by the Community Development Department, all relevant Village departments shall review the application and any information or materials provided

in support thereof and report thereon within fifteen (15) days to the Community Development Department and prior to the issuance of any business license by the Village. This time period may be extended by agreement between the Village and the applicant. If after such review the application demonstrates that the applicant has complied with the requirements of this Chapter, the Village shall within seven (7) days issue such license, subject to the payment of the applicable fees. If such review of the application demonstrates the existence of any of the conditions hereinafter set forth in this Section 113.07, the Village shall within seven (7) days thereafter notify the applicant in writing of such denial, the reasons for such denial, and the process to appeal a license denial pursuant to the applicable provisions of this Chapter. Such notifications shall be deemed to be properly served when sent by registered mail, return receipt requested or by a nationally recognized overnight carrier to the applicant's most recent address disclosed to the Village within any license application or when personally delivered or served upon the applicant as evidenced by the written affidavit of the person making such delivery or service.

#### **Section 113.08 Inspections.**

- (A) 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 ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village or to detect or investigate 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 to make such inspection at any reasonable time that such admission or entry is requested. Without otherwise limiting or modifying the foregoing, it shall additionally be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making inspections to determine compliance with the applicable ordinances of the Village any officer or employee of the Village who is duly authorized to make inspections on behalf of the Village in the case of any change in the ownership, occupancy, or use of the premises from which the licensed business is operated.
- (B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulations, or 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 request.
- (C) Whenever the premises used for or in connection with the operation of a licensed business or occupation is located in a leased space, the provisions of the Village Rental Property Inspection Ordinance found under Chapter 155 shall apply to such premises. No business license shall be issued to a business or occupation located in a leased space without a valid rental property certificate of occupancy evidencing the landlord's or owner's compliance with the requirements of Chapter 155 of this Code.
- (D) In the event that any licensee or applicant for a license declines to permit any inspection of premises otherwise required or contemplated by any of the provisions of this Chapter, the Village, in

addition to pursuing any other remedy or penalty or taking any other action contemplated by this Chapter, may apply to the Circuit Court for the issuance of an administrative search warrant for the purposes of conducting the contemplated inspection.

#### **Section 113.09 Transferability of Licenses.**

Except as otherwise specifically provided in this Chapter, a license issued under this Chapter is personal to the applicant/licensee, and may not be sold, transferred, assigned, or conveyed. In the event of any change in the ownership of a corporation, limited liability company, or other entity holding a license under the provisions of this Chapter, the licensee in question shall provide the Community Development Department notification of such change in ownership, in the form of an amended business license application, and the same shall be reviewed in the manner provided in Section 113.07 of this Chapter. In the event that the amended application is approved, no additional license fee shall be due with respect to the year in which the amended application is approved.

#### **Section 113.10 Building and Premises.**

No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village of Romeoville and the State of Illinois, and any license issued to conduct a business under this Chapter may be suspended or revoked in accordance with the provisions of this Chapter in the event that the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village of Romeoville and the State of Illinois. Without otherwise limiting the generality of the foregoing, no license shall be issued for any business to be conducted within leased premises if the owner or lessor of such premises does not possess a current and valid certificate of occupancy issued pursuant to Chapter 155 of the Village Code of Ordinances.

#### **Section 113.11 Location.**

(A) No license or permit for the operation of a business, establishment, or activity in the Village of Romeoville shall be construed to permit its operation in more than one location in the Village. A separate license or permit shall be required for each location. For the purposes of this Chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses:

- (1) Shall be physically and structurally connected or shall be located on the same lot or parcel;
- (2) Shall be operated and managed by the same person, entity, or owner; and
- (3) Shall be devoted to a single line of business.

(B) The location of any licensed business or occupation, other than for the sale of alcoholic liquors, or the location of any permitted act may be changed and/or physically expanded without payment of a new or separate license fee, provided that the Community Development Department shall be given

prior notice of such intended change in or physical expansion of a licensed business location to determine that the new location for which the license is required conforms with all applicable ordinances and regulations of the Village at its new location. Such notice shall be provided by the filing of an amended business license application, and the same shall be reviewed in the manner provided in Section 113.07 of this Chapter. In the event that the amended application is approved, no additional license fee shall be due with respect to the year in which the amended application is approved.

#### **Section 113.12 Nuisances Prohibited.**

(A) All businesses required to be licensed hereunder shall be conducted or operated so as not to constitute a nuisance under the provisions of this Code or the laws of the State of Illinois (including the common law thereof), and no building, vehicle, structure, yard, lot, premises, or part thereof shall be used, kept, maintained, or operated in connection with any business required to be licensed hereunder so as to occasion any nuisance thereunder or so as to be dangerous to life or detrimental to health.

(B) All businesses required to be licensed hereunder shall be kept in a clean condition, free from the effluvia of sewer, drain, privy, stable, or other nuisance. Such premises shall be free from all gases, vapors, dust, infestation, vermin, rodents, insects, garbage or refuse (except as may be properly stored in containers for pickup/disposal), disease vectors, or other conditions which are injurious to health. Sufficient washroom facilities for employees and customers shall be provided in accordance with all applicable laws and ordinances and such facilities shall be properly ventilated.

(C) The appropriate Village officials shall visit, or cause to be visited, all such businesses required to be licensed hereunder within the Village as often as they shall deem necessary to assure compliance with the provisions of this Section 113.12 and to have such arrangements made as may be decreed necessary for the health and safety of the employees.

#### **Section 113.13 Revocation or Suspension.**

(A) In addition to any fine or other penalty which may be provided for under this Chapter, the Village Manager may by written notice issued to a licensee as hereinafter provided revoke or suspend for not more than thirty (30) days the license of any owner or operator of a licensed business in the Village for any of the following reasons:

(1) Any fraud, misrepresentation, misleading or incorrect statement, or material omission contained in the initial or any renewal application or made in carrying on the licensed business;

(2) Failure to pay any fees, fines, charges, penalties, or other sums due and owing to the Village, or failure to perform in accordance with its terms any obligation owed to the Village whether resulting from contract or otherwise;

(3) Conviction of any misdemeanor or felony violation of the Illinois Criminal Code or of any provision of the Village Code of Ordinances as amended by any person issued a license under this Chapter, where such conviction reasonably evidences an inability to operate the licensed business within the Village of Romeoville in compliance with the requirements of this Chapter;

- (4) Refusal to permit any inspection required or permitted under this Chapter or any other applicable provisions of this Code, or interfering with or obstructing any Village employee engaged in performing such an inspection;
- (5) Conviction of any violation of any provision of any Village ordinance or Illinois State statute, without limitation, that applies in any way to the license issued hereunder or the conduct of the licensed business pursuant thereto;
- (6) Failure to maintain and/or produce on demand proof of any current inspection required by any Federal, State, or County agency where current proof of such an inspection is required by applicable law as a condition to the operation of the business in question;
- (7) Failure to obtain and maintain in full force and effect any license, permit, or approval otherwise required by this Code or other applicable law in connection with the operation of the business in question;
- (8) Prior failure by the applicant or licensee (or any partner, officer, manager, member, director, principal, or other affiliate thereof) to comply with applicable provisions of this Code or other applicable laws pertaining to the operation of any business for which a license would be required by the provisions of this Chapter;
- (9) Failure to comply with the provisions of all applicable Village ordinances or Federal or State statutes that apply in any way to the license issued hereunder or to the conduct of the license issued hereunder or to the conduct of the licensed business pursuant thereto; or
- (10) Existence of any fact, matter, or condition demonstrating the applicant's inability to legally operate the licensed business in compliance with all applicable law, ordinances and regulations.

No licensee having had a license revoked under this Chapter shall be eligible for a new license under this Chapter for the balance of the unexpired term of the revoked license, plus one year thereafter. Any licensee having had a license revoked or suspended shall immediately cease and terminate all operation of the licensed business and close the premises of the licensed business to the public upon the issuance of the revocation, and no licensee holding a suspended license shall resume the conduct of the licensed business or permit the entry of the public to the premises of the licensed business prior to the expiration of the term of the suspension, except as may be otherwise provided for herein.

(B) When the Village Manager becomes aware of violations of Section 113.13(A) sufficient to support the revocation or suspension for not more than thirty (30) days of a business license under the provisions of this Section, the Village Manager may by written notice to the licensee revoke or suspend for not more than thirty (30) days the business license of such licensee. Such notice shall at a minimum (i) set forth with reasonable specificity the factual allegations and ordinance violations at issue; (ii) contain a statement of the right of the licensee to appeal the revocation or suspension pursuant to the provisions of Section 42A.20 of the Village Code of Ordinances and that such an appeal stays the effect of any business license revocation or suspension pending the disposition of the appeal and (iii) a

statement that in the absence of a timely filed appeal, the revocation or suspension at issue shall be in effect from and after the expiration of the time established for filing an appeal by Section 42A.20 of the Village Code of Ordinances. The notice may but need not contain a statement of terms of a proposed settlement agreement that, if performed, will enable the licensee to avoid revocation or suspension of the license in question. Upon receipt of such a notice, the licensee may appeal the revocation or suspension pursuant to the procedures set forth in Section 42A.20, and upon receipt of a timely filed appeal, the Village shall schedule an appeal hearing in accordance with said Section 42A.20. Notices of license suspension or revocation shall be deemed properly served when sent by registered mail, return receipt requested or by nationally recognized overnight carrier to the applicant's most recent address disclosed to the Village within any original or renewal license application, or when personally delivered or served upon the licensee, as evidenced by the written affidavit of the person making such delivery or service. Appearance at any subsequent appeal hearing shall constitute a waiver of any alleged defect in the notice or the service thereof.

(C) An attorney designated by the corporate authorities shall represent the Village at the hearing. Such attorney shall present the case as set forth in the notice to the licensee. The licensee may be represented in such hearing by counsel, and the Village and the licensee shall have the right to present and cross examine witnesses and present documentary or other evidence. The formal and technical rules of evidence shall not apply at such a hearing. Evidence shall only be admitted if it is of such character as might be commonly relied upon by reasonably prudent persons in the conduct of their business or affairs. For good cause shown, the Village Manager may continue the hearing from time to time. The Village Manager shall notify the licensee of his decision as to the revocation or suspension of the license in question, the grounds for that decision, and the process established by this Chapter for appealing any such decision adverse to the licensee within seven (7) days after the conclusion of such hearing. At any time prior to or during the course of the hearing, the Village Manager and the licensee shall be authorized to enter into a written settlement agreement specifying a course of action (which may include the payment of fines, expenses, or sums in the nature of restitution) that may be performed by the licensee in lieu of a suspension or revocation of the license in question.

#### **Section 113.14 License to be Posted; Destruction and/or Removal.**

(A) It shall be the duty of any person conducting a licensed business in the Village to keep his license in a prominent place on the premises used for such business at all times.

(B) No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner any license, certificate, plate, or stroke 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 President or his duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his/her premises, any vehicle or any machine when said license has been revoked under this provisions of this Chapter.

#### **Section 113.15 License Period.**



The Business License will be valid for a one year period commencing on January 1st of every year and expiring on December 31st of the same year. The license must be purchased within the first thirty (30) days of January or fines and penalties shall be enforced beginning on February 1st. New businesses locating within the community shall have a thirty (30) day grace period from the date of the opening of the business to obtain the Business License.

**Section 113.16 Penalty.**

- (A) Any person, firm, or corporation violating any provision of this chapter, unless otherwise provided, shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during on or which a violation occurs or continues.
- (B) Any person, firm, or corporation operating without a valid business license shall be fined not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00) for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.
- (C) Any person, firm, or corporation whose license is suspended or revoked under the terms of this chapter or who operates without a valid business license issued by the Village may have their operations suspended and the location of the business closed to the public.
- (D) In addition to the penalties provided for in this Chapter, the Village shall also be authorized to file actions for injunctive or equitable relief to enforce the provisions of this Chapter.