

CHAPTER 1

GENERAL LICENSING PROVISIONS

SECTION:

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4-1-1: **APPLICATIONS:** Applications for all licenses and permits required by this Code shall be made in writing to the Village Clerk; unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license 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 required by the issuing official. (2002 Code)

4-1-2: **PERSONS SUBJECT TO LICENSE:** Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the Village. (2002 Code)

4-1-3: **FORMS:** Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Village Clerk. (2002 Code)

- 4-1-4: **SIGNATURES:** Each license or permit issued shall bear the signatures of the Village President and the Village Clerk in absence of any provision to the contrary. (2002 Code)
- 4-1-5: **INSPECTIONS OR INVESTIGATIONS:** Upon the receipt of an application for a license or permit where laws 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 investigation shall make a report thereon, favorable or otherwise, with ten (10) days after receiving the application or a copy thereof. For the protection of health, the Health Officer and Building Inspector for the Village shall make or cause to be made any such inspections relative to the construction of building or other structures. All other investigations shall be made by some other officer designated by the Village President. (2002 Code)
- 4-1-6: **TERM OF LICENSE:** All annual licenses shall terminate on the last day of the calendar year of the Village, where no provision to the contrary is made. (2002 Code)
- 4-1-7: **BUILDING AND PREMISES:** No license shall be issued for the conduct of any business and no permit shall be issued for anything or act if the premises and building to be used for the purpose do not fully comply with the requirements of the Village. (2002 Code)
- 4-1-8: **CHANGE OF LOCATION:** In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed, provided ten (10) days' notice thereof is given to the Village Clerk; and further provided, the building requirements of this Code are complied with. (2002 Code)
- 4-1-9: **NUISANCES:** No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact. (2002 Code)
- 4-1-10: **POSTING OF LICENSE:** It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times. (2002 Code)
- 4-1-11: **REVOCAION OF LICENSE OR PERMIT; HEARING:** Any license or permit, issued for a limited time, may be revoked by the President and Village Board of Trustees during the life of such license or permit for the violation by the licensee or permittee of any provision relating to the

license or permit, the subject of the license or permit, or the premises occupied; such revocation may be in addition to any fine imposed. The President and Village Board of Trustees shall be authorized to summarily order the cessation of business license or permit for a period not to exceed fifteen (15) days.

- A. Hearing: Within ten (10) days after the Village officials have so acted, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- B. Notice of Hearing: Notice of Hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be sent to the licensee or permittee by certified mail at his last known address or personally served at least five (5) days prior to the date of hearing.
- C. Hearing Procedures: At the hearing, the licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The President shall preside and shall render the decision and recommendation.
- D. Causes for Revocation: Business licenses and permits issued under the Ordinances of the Village, unless otherwise provided, may be revoked by the Village President and Board of Trustees after notice and hearing as provided in Subsections B and C of this Section for any of the following causes:
 - 1. Any fraud, misrepresentation or false statement contained in the application for the license or permit;
 - 2. Any violation by the licensee or permittee of Ordinance provisions or state law relating to the license of permit, the subject matter of the license or permit, or the premises occupied;
 - 3. Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
 - 4. Refusal to permit an inspection or investigation or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspections, as provided in this Code. (2002 Code)

4-1-12: **APPEAL PROCEDURE:**

- A. Right to Appeal: Any applicant aggrieved by the refusal of the Village to issue a license or permit or by the revocation of a license or permit shall have the right to appeal the Village's decision to the Village Board of Trustees. Such appeal shall be requested by submitting a written request to the Village President within five (5) days of the action of the Village which is appealed.
- B. Village Board of Trustees Consideration: The Village Board of Trustees shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his appeal orally or in writing. The Village Board of Trustees shall act on the appeal within seven (7) days of the hearing and shall either uphold the action of the Village or shall direct the issuance of a license or permit which the Village has denied or the reissuance of a license or permit which the Village had revoked.