

## CHAPTER 8

**POP UP RETAILERS ORDINANCE**

## SECTION:

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4-8-1: **NAME:** This Ordinance shall be known and may be cited as the “Pop Up Retailer” Ordinance.

4-8-2: **DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this Chapter:

**BUSINESS:** Any individual or entity "doing," "conducting," "engaging in," "maintaining," "operating," "carrying on" or "managing" a business, occupation or for-profit activity, such terms or one or more of such terms, shall include any person who holds himself/herself forth as being engaged in the business, occupation or activity, or who solicits patronage therefor, either actively or passively or who performs or attempts to perform any part of such business, occupation or activity in the City; and the omission of one or more of these terms shall not be deemed to exclude the activities described by the other terms where such activities are in fact carried on by such person. The term business shall not include any of the following:

- A. Any entity which is exempt from income taxation under Section 501 of the Internal Revenue Code.
- B. An entity which does not maintain a place of business in a building within the City, except for the following which shall be registered: pickup and delivery of laundry or dry cleaning at dwelling units, garbage or refuse pickup.

C. A governmental unit.

D. A public utility or cable television company which is subject to regulation by the Federal Communications Commission or the Illinois Commerce Commission and which operates in the Village pursuant to a franchise agreement with the Village.

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, partnership, corporation, or entity.

POP UP RETAILERS: "Pop-up retail user" means any merchant who occupies or leases for ninety (90) days or less a fixed indoor or outdoor retail space in the Village of Elizabeth for the sale of merchandise or provision of services.

4-8-3: **BUSINESS REGISTRATION REQUIRED:** All businesses as defined herein for which a business registration is not otherwise required under any other provisions of this Code shall be required to register their business. A separate business registration shall be required for each separate place of business. Businesses that have a liquor license pursuant to Chapter 2 of this Title, or a cigarette and tobacco product license pursuant to Chapter 3 of this Title, must also register their business.

4-8-4: **APPLICATION:** An application for a general business registration shall be made in writing under oath to the Village on a form prescribed by the Village Manager or his/her designee. Each application shall contain the following information and such other information as may be required to determine whether the business registration should be granted.

- A. The name, residential address, telephone number, and email address of the applicant, who shall be the principal owner in the case of a noncorporate entity or the president in the case of a corporate entity.
- B. The name of the company/business and the address(es) of the permanent place(s) of business within the Village covered by this application, or, if there are no permanent places within the Village, the address of the permanent place or location most closely involved with the business or activity covered by the application.

- C. The name, telephone number, and email address of business manager or primary business contact.
- D. A description of the business for which the license is requested.
- E. Total number of employees.

4-8-5: **BUSINESS REGISTRATION:** The Village of Elizabeth may issue a general business registration pursuant this Chapter if the application is in proper form, the use is compliant with zoning regulations, and the appropriate business registration fee is paid in advance. All new businesses must undergo an inspection in order to complete the registration process, unless a certificate of occupancy is issued. The inspection is administered by the Village of Elizabeth Fire Department staff. The Village President or his/her designee may also issue a conditional business registration when an investigation or inspection discloses a condition which must be corrected, provided that the applicant has provided satisfactory assurance that the condition will be corrected within a reasonable time, and the conduct of the business or activity pending the correction of the condition will not endanger the public health, safety or welfare.

4-8-6: **TERM OF BUSINESS REGISTRATION RENEWAL:** All business registrations issued pursuant to this Chapter shall expire on March 31 following the date of issuance. General business registrations may be renewed upon payment of the required fees at least six (6) weeks prior to the expiration of the business registration; however, the failure of any business registered under this Chapter to comply with any provisions of this Chapter, or with any applicable provision of local, state, or federal law, may constitute grounds for nonrenewal of the business registration, in the sole discretion of the Village Manager or his/her designee.

4-8-7: **LICENSE REGISTRATION FEES:**

1. Home Based Business	\$0.00 per year
2. Pop Up Retailers	\$25.00 per location per ninety (90) period

*Proration of Fees.* The fee to be paid for any business registration which shall expire less than six (6) months from the date such registration business registration was required to be issued, shall be one-half (½) the annual fee.

*Late Payment Penalty.* Failure to pay the annual renewal fee on any business registration within six (6) weeks of business registration expiration shall result in an additional late charge of ten percent (10%).

4-8-8: **REGULATIONS:**

- A. No business registration shall be assigned, sold or transferred, nor shall any business registration authorize any person other than the applicant to conduct business under such business registration.
- B. The applicant or business registration shall have a duty to notify the Village Manager or his/her designee of any changes in the information contained in an application which is pending or which was the basis for the issuance of business registration.
- C. Registration certification will be provided in electronic format as a receipt upon payment of the business registration fee and shall be made available for review.
- D. No person shall add to, alter, deface, forge or counterfeit any registration which has been issued by the Village.
- E. All registered businesses shall comply with all applicable Village, State and federal laws. Failure to do so may result in the revocation of nonrenewal of a general the business registration as provided herein.