

## Chapter 190

### LICENSES AND PERMITS

**[HISTORY: Derived from Title 2, Ch. 1, Art. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction codes — See Ch. 124.  
Nuisances — See Ch. 208.  
Peace and good order — See Ch. 217.  
Sanitary Code — See Ch. 235.  
Solicitors and canvassers — See Ch. 250.  
Solid waste — See Ch. 255.  
Special events — See Ch. 260.

#### **§ 190-1. Applications.**

Applications for all licenses and permits required shall be made in writing to the Village Clerk in the absence of provisions to the contrary. Each application shall contain: 1) name of the applicant; 2) the permit or license desired; 3) the location to be used, if any; 4) the time covered; and 5) the fee to be paid. Each application also shall contain the number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the license or permit applied for.

#### **§ 190-2. Persons subject to license.**

Whenever in this chapter or in any Village ordinance a license or permit 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, firm or corporation shall be subject to the requirement if by the individual or through the agent, employee or partner.

#### **§ 190-3. Forms and signatures.**

Forms for all licenses and permits and applications shall be prepared and kept on file by the Village Clerk. Each license or permit issued shall bear the signature of the Village President and the Village Clerk in the absence of any provisions to the contrary.

#### **§ 190-4. Investigations.**

A. Upon receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Village Clerk, within 48 hours of such receipt, shall refer the

application to the appropriate official(s) for the making of such investigation or inspection.

- B. The official(s) to whom the application has been referred shall make a report, favorable or otherwise, within 10 days after receiving such application or a copy.
- C. The Village Board shall make or cause to be made an inspection regarding such permits and licenses as related to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Building Inspector shall make or cause to be made any inspections which relate to compliance with the Building Code, Zoning Ordinance and other related regulations. All other investigations, except where otherwise provided, shall be made by the Village Clerk or by some other officer designated by the Village President.
- D. Upon receipt of all related investigative reports, the Village Clerk shall forward such reports, together with the application, to the Village President and Board of Trustees for evaluation and determination.
- E. If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Village Clerk for the inclusion of such additional information as may be specified necessary and appropriate.
- F. If after due consideration of the information contained within the application and the related investigative reports the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefor. Thereupon, the Village Clerk shall be directed to promptly notify the applicant that his or her application is disapproved and that no license or permit will be issued.
- G. If after due consideration of the information contained within the application and the related investigative reports the corporate authorities shall determine that the application is satisfactory, they shall approve the application. The Village Clerk shall then be directed to promptly notify the applicant that his or her application is approved, and the license or permit may be issued.

#### **§ 190-5. Fees.**

In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the Village Clerk in the amounts prescribed by the Village, with the exception of liquor licensing. When the applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated biannually and the fee paid for each half year during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part, by reasons of death or departure of the licensee or permittee, nor shall any

rebate or refund be made by reasons of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment business or activity.

**§ 190-6. Termination of licenses.**

- A. All annual licenses shall be operative and the license year for the Village shall commence on the first day of April of each year and shall terminate on the last day of March of the following year, where no provision to the contrary is made.
- B. The Village Clerk shall notify all licensees of the Village of the time of expiration of the license held by the licensee (if an annual) three weeks prior to the date of such expiration; provided, however, that failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

**§ 190-7. Building and premises.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village and the State of Illinois.

**§ 190-8. Change of location.**

The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that 10 days' notice is given the Village Clerk in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

**§ 190-9. Single location.**

No license for the operation of a business or establishment in the Village shall be construed to permit the operation of a licensed business or establishment in more than one location in the Village; a separate license shall be required for each location of a licensed establishment. 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 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.

**§ 190-10. Nuisances prohibited.**

Generally, no business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle, structure, yard, lot, premises or part shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

**§ 190-11. Unsafe or unhealthful business.**

- A. No building or structure, utilized, constructed or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe or dangerous condition.
- B. No substance, matter or thing of any kind whatever which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

**§ 190-12. Refuse disposal.**

- A. Refuse containers. The standard refuse container required by this chapter shall be a receptacle of not less than 20 gallons' nor more than 32 gallons' capacity, of impervious material and sturdy construction, with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.
- B. Duty to provide refuse containers.
  - (1) The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
  - (2) All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.
- C. Refuse removal. It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed at his or her own cost and expense at least once each week all refuse produced therein.
- D. Removal of restaurant garbage. Every person owning or controlling any hotel, restaurant, cafe or retail food establishment where more than 32 gallons of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his or her premises and to be disposed of at his or her own expense.

**§ 190-13. Working conditions.**

- A. All places of employment shall be constructed and maintained in accordance with the Building Code adopted by the Village (see Chapter 124, Article VII, of the Village Code).<sup>1</sup>
- B. Inspection. The Village Board and the Building Inspector shall cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance with the provisions of this section and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

**§ 190-14. 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 violations, it shall be the duty of the licensee or the person in charge of the premises to admit, 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.
- B. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation or to detect violations, 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. In addition to any other penalty which may be provided, the Village President may revoke 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 the commodity, or who interferes with such officer or employee while in the performance of his other duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the Village after first having presented a warrant authorizing such entry.

**§ 190-15. Suspension, revocation of license or permit.**

- A. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed 10 days.
- B. Within eight days after he or she has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- C. Revocation.
  - (1) Licenses and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in Subsection D of this section for any of the following causes:
    - (a) Any fraud, misrepresentation or false statement contained in the application for the license or permit;

- (b) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
  - (c) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
  - (d) Failure of the licensee or permittee to pay any fine or penalty owing to the Village; and
  - (e) Refusal to permit any inspection or sampling or any interference with a duly authorized Village officer or employee while in the performance of his or her duties in making such inspections, as provided in § 190-14.
- (2) Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.
- D. Notice of the 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 the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address at least five days prior to the date set for the hearing.

**§ 190-16. Appeal.**

Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within 10 days after notice of a denial of any application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee. The decision of the Board of Trustees on such appeal shall be final.

**§ 190-17. License to be posted.**

It shall be the duty of every person conducting a licensed business in the Village to keep his or her license posted in a prominent place on the premises used for such business at all times.