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## CHAPTER 1

### GENERAL LICENSE PROVISIONS

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3-1-1: **SHORT TITLE:** This licensing title shall be known as the *HODGKINS LICENSE CODE*. (1979 Municipal Code §11.01)

3-1-2: **VILLAGE RIGHT TO LICENSE:** Whenever any business is licensed by this Title and the grant of power to license said business is not specifically enumerated in the Illinois Municipal Code, it shall be presumed that the right to license and regulate said business is granted under the police, health and public welfare powers given to the Village under the Illinois Municipal Code and such business shall be issued a Contingency License as provided herein. (1979 Municipal Code §11.11 amd. Ord. 95-1)

3-1-3: **LICENSES REQUIRED:**

- A. No person shall conduct or maintain any of the businesses hereinafter set forth without first obtaining a license therefore. Every business license recipient shall have an office, with an address, water and sanitary facilities except for "mobile offices" as defined in Section 3-7-5 of this Code and mobile caterers and vendors. (Ord. 86-9)
  
- B. In cases where stores carry more than one line of any item, article, merchandise or business or type of business, a separate license is required for each line, and as if such item, article, merchandise or business or type of business were sold or carried on in that line to the exclusion of all other business. Certain licenses are subject to other provisions of Village ordinances, and reference is hereby made to said other ordinances where same may be applicable to the respective licenses enumerated herein. (1979 Municipal Code §11.16; amd. 1985 Code)

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3-1-4:       **APPLICATION FOR LICENSE:** Unless otherwise provided in a separate ordinance or chapter of this Municipal Code, applications shall be made for a license and a fee paid.<sup>1</sup> Applications for licenses under the provisions of this Chapter shall be in writing, in duplicate, on forms furnished by the Village, directed to the President and Board of Trustees and shall contain the name of the applicant, the nature of the business and location thereof. The applicant shall, in addition, furnish satisfactory evidence of good character and repute and such other information as shall be required by the President and Board of Trustees. (1979 Municipal Code §11.08, §11.16)

The President, with the approval of the Board of Trustees, may require the applicant to post a reasonable bond.<sup>2</sup> (1979 Municipal Code §11.03)

3-1-5:       **INVESTIGATIONS, INSPECTIONS:**

- A. Investigation of Applicant: Upon the receipt of an application for a license or permit where ordinances 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 or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The Health Officer shall make or cause to be made all inspections in connection with such licenses for the

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<sup>1</sup>See Article A of this Chapter for license fees.

<sup>2</sup>See Section 1-10-4 of this Municipal Code.

protection of health, the care and handling of food and the prevention of nuisances and of the spread of disease;<sup>3</sup> the Building Commissioner shall make or cause to be made any such inspections relative to the construction of buildings or other structures;<sup>4</sup> and the Pleasantview Fire Protection District shall make all inspections pursuant to the agreement between said District and the Village of Hodgkins. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some officer designated by the President. (1979 Municipal Code §11.09; amd. 1985 Code)

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B. Inspections, Analyses.

1. 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 statute, or are reasonably necessary to secure compliance with any ordinance provision or statute or to detect violations thereof, or for protection of health and safety or public welfare, or under the police powers, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit thereto for the purpose of making such inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.
2. Whenever the analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or statute or to detect violations thereof, it shall be the duty of any licensee of the Village whose business is governed by such provision to give any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.
3. In addition to any other penalty which may be provided, the President may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection or take an adequate sample of the desired commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or

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<sup>3</sup>See Title 4 of this Municipal Code.

<sup>4</sup>See Title 8 of this Municipal Code.

obtain the sample. (1979 Municipal Code §11.11)

3-1-6: **ISSUANCE OF LICENSE:** Licenses herein set forth, unless otherwise specifically provided in a separate ordinance or chapter of this Municipal Code, shall be granted by the President with the approval of the Board of Trustees and upon approval, licenses shall be issued by the Village Clerk upon payment of the required fee. Licenses shall be signed by the President and Clerk and shall set forth therein the purpose and the period for which issued. The Clerk shall keep a register of all licenses issued. (1979 Municipal Code §11.01, §11.02, §11.05)

3-1-7: **TERMS OF LICENSES:**

- A. Annual Business Licenses: All business licenses requiring annual payments shall be issued for a period of one year, commencing on January 1 and expiring on December 31 of each 3-1-7

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year; provided, however, that any person complying with the foregoing and applying for a license at any time subsequent to July 1 of each year, unless otherwise provided in this Title, shall pay a license equal to fifty percent (50%) of the annual license fee, which said license shall expire on December 31 of the year in which same is issued.

- B. Weekly Business Licenses: All business licenses payable on a weekly basis shall be issued on the day requested and shall expire on the seventh day thereafter, and shall be in full force and effect for only the one week after issuance.
- C. Daily Business Licenses: All business Licenses payable on a daily basis shall be issued for the day requested and shall be only in full force and effect for said day as issued. (1979 Municipal Code §11.04; amd. 1985 Code)
- D. Contingency Business Licenses: All business licenses payable on a contingency basis shall be issued for no more than three months or such time as the Board shall enumerate a specific category for such business. Upon such determination, the license fee designated shall apply retroactively to the date of the issuance of the Contingency License with a set off for such fee already paid. (added, Ord. 95-1)

3-1-8: **FRONTAGE CONSENTS:** Whenever the consent of adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the Village Clerk when signed. Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing thereon was properly secured and written on; and that the petition contains the necessary number of signatures required by

ordinance. Consents, once given and filed, shall not be withdrawn; and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.

It shall be unlawful to forge any name to such a petition or falsely represent that the names thereon have been properly placed thereon if such is not the fact.

The frontage consent requirements contained herein shall not be construed as amending or changing any zoning ordinance or provision of the Village; and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business, or the commission of any act in any location where such structure, building, business or act is or are prohibited by any zoning ordinance of the Village.<sup>5</sup> (1979 Municipal Code §11.10)

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**3-1-9: CONDITIONS OF LICENSES:**

- A. License Nontransferable: Licenses issued under the provisions of this Chapter are not assignable. (1979 Municipal Code §11.07)
- B. License to be Posted: It shall be the duty of the 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, or where vehicles or machines are licensed, to be displayed on said vehicles or machines. (1979 Municipal Code §11.12)

**3-1-10: SUSPENSION OR REVOCATION OF LICENSE:**

- A. When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, or where the holder of any license shall have refused to allow an inspection of his premises or has refused to furnish a sample of his goods for testing, the Village President shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.
- B. Within eight (8) days after a license or permit is suspended, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- C. Licenses and permits issued by the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in subsections D and E of this section for any of the following causes:

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<sup>5</sup>See Title 9 of this Municipal Code for the Village zoning regulations.

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 provisions of this Code or other ordinances of the Village relating to the license or 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 where such conviction indicates his inability to operate a safe, honest and legitimate business operation within the Village.
4. Failure of the licensee or permittee to pay any fine, penalty or charge owed to the Village.

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5. Refusal to permit an inspection or sampling or any interference with a duly authorized Village officer or employee while in the reasonable performance of his duties in making inspections as provided in Section 3-1-5 of this Chapter.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this Code or other 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 last known address, at least five (5) days prior to the date set for the hearing. If the licensee shall request a continuance in the date of the hearing, the ten (10) day suspension shall be in effect until two (2) days after the final hearing date.
- E. At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Village President shall preside and shall render the decision.
- F. A stenographic or electrically recorded record of the hearing shall be kept. The Village shall pay the cost of attendance fees of the reporter and the cost of the transcript, if such transcript shall be ordered by the Village. The licensee or permittee shall pay the cost of any transcript ordered by him.

G .Within a reasonable time after the conclusion of the hearing, but not later than thirty (30) days after such conclusion, the Village President shall file a written decision in which he has summarized the evidence and has stated the reasons for his decision.

3-1-11: **APPEAL:** Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license, as provided in this Code, or in connection with the revocation of a license or permit, or the closing of an establishment dangerous to the public, as provided in this Code, shall have the right to appeal to the corporate authorities. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The corporate authorities shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant

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or licensee or permittee in the same manner as provided in subsection 3-1-10D hereof. The decision of the corporate authorities on such appeal shall be final.

3-1-12: **PENALTY; ENFORCEMENT:**

- A. Unless otherwise expressly provided, any business required to have a license under Section 3-1-1 et seq. on April 30 of each year, which does not have said license properly displayed by twelve (12:00) o'clock midnight on said date of the license year, or does not have a valid business license on display by the time provided in this Chapter, shall pay double the amount set forth in Section 3-1A-1 of this Municipal Code for the current required business license. (1979 Municipal Code § 12.04; amd. 1985 Code; amd. Ord 98-10 5/11/98)
- B. Whenever a person shall neglect or refuse to procure any license required by this Code, or otherwise violates the terms of this Chapter, the Village President is authorized to cause appropriate legal action and proceedings to be instituted to enforce the license requirement.
- C. The Clerk shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this Chapter. When necessary and expedient, he may call upon the Chief of Police to assist in such enforcement, and it shall be the duty of the Chief of Police to perform such enforcement acts as may be required of him. All Village employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this Code and other Village ordinances relating to the licensing of businesses and occupations and their regulations. (1985 Code)