

CHAPTER 12

LICENSE AND PERMITS

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Sec. 12.1 Applications

Applications for all licenses and permits required by ordinance shall be made in writing to the Village Clerk in the absence of provision to the contrary. 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 needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

Sec. 12.2 Person 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, firm or corporation shall be subject to the requirement if by himself/herself or through an agent, employee or partner he/she holds himself/herself forth as being engaged in the business or occupation or solicits patronage therefore, actively or passively, or performs or attempts to perform any part of such business or occupation in the Village.

Sec. 12.3 Forms

Forms for all licenses and permits and applications therefore shall be prepared and kept on file by the Village Clerk.

Sec. 12.4 Signatures

Each license or permit issued shall bear the signature of the President and Clerk in the absence of any provision to the contrary.

Sec. 12.5 Investigations

Upon the receipt of an application for a license or permit where the ordinance of the Village necessitates 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 hours of the time of such receipt. The officer charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof. The Zoning Officer shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by some officer designated by the President.

Sec. 12.6 Fees

In the absence of provision to the contrary all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be pursued. Except as otherwise provided, all license fees shall become a part of the corporate fund.

Sec. 12.7 Termination of Licenses

All annual licenses shall terminate on the last day of the fiscal year of the Village where no provision to the contrary is made.

The Village Clerk shall mail to all licensees of the Village a statement at the time of the expiration of the license held by the licensee. If an annual license, such statement shall be mailed three weeks prior to the date of such expiration. Provided, that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to secure a new license or a renewal thereof, nor shall it be a defense in action for operation without a license.

Sec. 12.8 Building and Premises

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the ordinances of the Village. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of any zoning ordinance of the Village.

Sec. 12.9 Change of Location

The location of any licensed business or occupation or of any permitted act may be changed, provided ten days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary, provided that the building, zoning and frontage consent requirements of the ordinances, if any, are complied with.

Sec. 12.10 Location Requirements – Frontage Consents Defined

No person, firm or corporation shall locate, build, construct, operate or maintain any business or structure of any kind for which frontage consents are required in any block in the Village where a majority of the houses abutting on both sides of the street in the block are used exclusively for residential purposes without having first secured the written consent of the owners of a majority of the frontage abutting on such street both sides within such block.

The term *block* as used in this Section shall be construed to mean and include that portion of the street between the two intersections with other public streets nearest the specified location on each side, provided that if on either or both sides of such location there is not an intersection within three hundred feet of the center of the specified location, the block shall be considered as terminating at a point three hundred feet from such center.

The term *street* as used in this Section shall be construed to mean and include such highways as have been dedicated either by common law or statutory dedication as public streets and are actually in use as such, and the term *street* shall not be construed to include or mean merely service highways which are commonly known as alleys.

Sec. 12.11 Frontage Consents

Whenever the consent of adjoining neighboring owners is required as a prerequisite to the conduct, 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.

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 any such petition or to falsely represent that the names thereon have been properly placed thereon if such is not the fact.

Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on and that the petition contains the necessary number of signatures required by ordinance. The frontage consent requirements contained in this Code shall not be construed to amend or change any zoning ordinance 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.

Sec. 12.12 Nuisances

No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.

Sec. 12.13 Inspection

Whenever inspections of the premises are 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 thereto to secure compliance with any ordinance provision or to detect violations thereof, 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 the 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.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the Village whose business is governed by the 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.

In addition to any other penalty which may be provided, the President and Board of Trustees 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 said 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 to obtain the sample.

Sec. 12.14 Revocation

Any license or permit for a limited time may be revoked by the President and Board of Trustees during the life of such license or permit for the violation by the licensee or permittee of any ordinance provisions relating to the license or permit, the subject of the license or permit or to the premises occupied; such revocation may be in addition to any fine imposed.

Sec. 12.15 Posting 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.

Sec. 12.16 Vehicle Tag

Whenever the number of vehicles used is a basis of license fee, the Village Clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use.

Sec. 12.17 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Chapter, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.