

**CHAPTER 32
BUSINESS REGULATIONS**

32.01	Business Registration
32.02	Vending Machines
32.03	Electronic or Mechanical Amusement Devices
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32.01 BUSINESS REGISTRATION

A. PURPOSE: Because each business establishment located in the Village is a basic part of and affects the physical and economic well being of the Village, such business establishments shall in all respects be in full compliance with the provisions contained herein. This Section 32.01 is designed to keep a current listing of businesses operating in the Village, aid the Police Department in its responsibilities, ensure zoning compliance and provide a cross check of sales tax collections.

B. RULES: It shall be unlawful for any person to engage in any businesses or business activities in the Village without first having registered with the Village.

C. PROCEDURE AND DURATION: All businesses with buildings, premises or operating from a residence, in the Village, shall register with the Village, no later than June 30th of each year or at such time as the business desires to commence operation in the Village. Registration forms shall be made available by the Village.

The required fee for each registration shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any fee, or part thereof, by reason of the death of the registrant or by any reason of non-use of the registration or discontinuance of the operation of the business.

D. ANNUAL REGISTRATION FEE: Unless a different fee is provided or required elsewhere within the provisions of this Section 32.01 or any other ordinance of the Village, or the business holds a valid Building Contractor License and the licensee is a Village resident, the annual registration fee to be paid by persons engaged in any business, trade, occupation or calling within the Village shall be \$10.00 per annum. All fees and charges shall be paid at the time a business registration application is filed with the Village.

The annual registration fee shall be due and payable no later than June 30th of each year. Issued business registrations shall expire on the 30th day of June of the

following year. It shall be the responsibility of the registrant to provide a new and updated registration form at the annual renewal date. A renewed business registration will not be issued by the Village until an updated registration form is completed and all the required information is provided.

E. NON-TRANSFERABLE: No registration issued under this Section 32.01 may be transferred or assigned to any other person. Any attempt by a registrant to transfer or assign such registration shall be nullified.

F. DUTIES OF REGISTRANT: It shall be unlawful for any person registered to engage in any business or occupation on premises abutting a public way or for any person using any part of a public way for or in connection with his or her business or occupation to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way so used. It shall also be the duty of the registrant to remove the snow and ice from the sidewalk in front of his or her premises.

G. POSTING REGISTRATION CERTIFICATE: It shall be the duty of any person conducting a registered business in the Village to keep his or her registration posted in a prominent place on the premises used for such business at all times.

H. REPLACEMENT OF REGISTRATION: Whenever a registration needs to be replaced due to loss, theft or vandalism during the fiscal year, a replacement registration must be purchased. The registrant must pay a \$2.00 replacement fee.

I. PENALTY: Any business or person violating Section 32.01 shall be fined not less than \$50.00 nor more than \$500.00 for each violation. For the purposes of this section, each 24 hour period a violation exists shall be considered a separate violation.

32.02 **VENDING MACHINES**

A. LICENSE REQUIRED: It shall be unlawful for any person to own, use, possess or place or permit to be used or placed on the premises owned or controlled by him any merchandise vending machine anywhere in the Village without having first obtained a license from the Village to do so.

B. APPLICATION: Application for such licenses shall be made in writing to the Village. Such applications shall contain the name of the applicant, address at which such sales are to be made and the number of vending machines and shall be filed with the Village together with the license fee herein

after required.

C. ANNUAL FEE: The annual fee for a license as herein required shall be \$30.00 for each machine, except that the annual fee for any machine dispensing tobacco shall be \$50.00.

The license fee for any not-for-profit organization shall be \$10.00 each for the first five machines except that the annual fee for any machine dispensing tobacco shall be \$50.00.

For each machine over five the license fee shall be \$30.00 for each machine except that the annual fee for any machine dispensing tobacco shall be \$50.00.

The annual fee shall be due and payable on the first day of May of each year. Issued licenses shall expire on the 30th day of June of the following year.

D. REPLACEMENT OF LICENSE: Whenever a licensed vending machine is replaced during the fiscal year a replacement license must be purchased. The licensee will pay a \$2.00 transfer fee.

E. LICENSE PLACEMENT: Any license issued to a vending machine should be prominently displayed on the machine.

F. VENDING MACHINE PLACEMENT: All such vending machines shall at all times be kept and placed in plain view of any person or persons who may be in a place of business where such vending machines are kept or used.

G. MINORS: It shall be unlawful for any person under the age of 18 years to operate any coin operated cigarette vending machine licensed in this chapter.

H. PENALTY: Any person, firm or corporation violating this Section 32.02 shall be fined not less than \$50.00 nor more than \$500.00 for each violation. For the purposes of this section, each 24 hour period a violation exists shall be considered a separate violation.

32.03

ELECTRONIC OR MECHANICAL AMUSEMENT DEVICES

A. LICENSE REQUIRED: No person shall have or keep in any place of public resort in the Village any electronic or mechanical amusement devices without a license to do so from the Village. Applications for said licenses shall be made in writing to the Village. Such applications shall contain the name of the applicant, address at which such electronic or mechanical amusement devices are to be kept and the number of such devices, and shall be filed with the Village together with the license fee hereinafter required.

B. ANNUAL FEE: The annual fee for a license as herein required shall be \$30.00 for each machine and control unit for which a usage fee is charged. The annual fee shall be due and payable on the first day of May of each year. All issued licenses shall expire on the 30th day of June of the following year.

The license fee for any not-for-profit organization, or organization that does not charge a fee for use of said machine, shall be \$1.00 each for the first five machines. For each machine over five, the license fee shall be \$30.00 for each machine.

C. REPLACEMENT OF LICENSE: Whenever a licensed electronic or mechanical amusement machine is replaced during the fiscal year a replacement license must be purchased; the licensee will pay a \$2.00 transfer fee.

D. ISSUANCE: No license shall be issued except upon approval by the President and Board of Trustees. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Section 32.03. Upon approval of the application and payment of the license fee, the Village shall issue a stamp bearing a notation, "Village of Lake in the Hills license for the fiscal year of 20__." One license shall be issued for each device licensed and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another.

E. PLACEMENT OF DEVICES, GAMBLING DEVICES PROHIBITED: All such devices shall at all times be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used. Nothing in this article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

F. INSPECTION: The Chief of Police shall inspect or cause the inspection of any place or building in which any such device or devices are operated or set up for operation and to inspect, investigate and test such devices.

G. REVOCATION: In addition to any penalty imposed, the President and Board of Trustees may revoke such license for any violation of this Section 32.03 or of any ordinance pertaining to the conduct of such business.

H. CURFEW: Any device licensed under this Section 32.03 shall not be operated between the hour of 12:01 a.m. Saturday and 6 a.m. Saturday and between 12:01 a.m. Sunday and 6 a.m.

on Sunday; and between the hours of 11 p.m. and 6 a.m. on any other day of the week unless it is located in an establishment selling alcoholic liquor.

I. ADULT SUPERVISION: The use and operation of any device licensed under this section shall at all times be supervised by at least one person over the age of 21 years.

J. PENALTY: any person, firm or corporation violating this Section 32.03 shall be fined not less than \$50.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day of which a violation occurs or continues.

32.04 INDUSTRIAL REVENUE BONDS

A. APPLICATION: Application for industrial or commercial revenue bonds shall be made to the Village Administrator. The application shall be accompanied with a \$500.00 non-refundable fee and such supporting financial documents and information as may be necessary to make a complete and thorough analysis of the applicant. Information required of the applicant includes:

1. Name of the firm that will purchase the bond (if available).
2. A SEC 10-K report of public held corporations required to file.
3. The last five annual reports of the applicant including the most recent year completed. The most current report must be certified by a C.P.A. firm.
4. An updated interim financial status report of the current fiscal year not yet completed.

B. The applicant shall pay the Village for any and all professional fees, Board of Trustees salaries and any and all other Village expenses directly or indirectly incurred by, or charged to, the Village in connection with the subject matter of the bond application. The applicant will immediately deposit with the Administrator the sum of \$3,500.00 to be used by the Village toward defraying all such expenses and fees. At any time that payments from said deposit by the Village have reduced the balance therein to less than \$1,500.00, the applicant shall, immediately upon request from the Administrator, deposit such additional sum as will restore the aforesaid deposit balance to the sum originally deposited. Within 90 days after the closing of the sale of said bond, any

unobligated balance remaining in said fund shall be repaid to the Applicant or his or her assigns.

The aforesaid language of this Section 32.04-B shall be inserted verbatim into the applicant's Memorandum of Intent or other preliminary Memorandum of Agreement, however it may be denominated.

C. Before the Village considers issuance of industrial or commercial revenue bonds, the President and Board of Trustees may require the following statements:

1. A written statement from the Village Attorney that he or she has reviewed, or will review, all documents pertinent to the application and bond issue. The Village Attorney shall state the basis for any fee he or she will charge for his or her services payable by the applicant, as aforesaid.
2. A written recommendation from the Village Auditor based on their study of the information supplied and from other available sources, that the applicant appears to be financially sound. The Village Auditor shall also state the amount of any fee they will charge for their services payable by the applicant as aforesaid, and to be included as a part of the estimate of the cost of the bond issue.

D. The applicant rather than the Village, will find one or more purchasers for said bond and will arrange for the acquisition, construction and equipping of the project.

E. Prior to the issuance and delivery of any such industrial or commercial development revenue bonds there shall have been entered by and between the Applicant/Borrower and the Village appropriate financing agreements upon terms which are mutually satisfactory to both the Village and Applicant/Borrower and which will comply with the provisions of the Act and provide for the payment by the Applicant/Borrower of amounts which will be sufficient in the aggregate to enable the Village to pay when due the principal of, premium, if any, and interest on such bonds.

F. The industrial or commercial revenue bonds to be issued by the Village shall never constitute an indebtedness of the Village or a loan of the credit thereof within the meaning of any constitutional or statutory provision, and such fact shall be plainly stated on the face of each of said bonds. No holder or owner of any of said bonds shall ever have the right to compel any exercise of the taxing power of

the Village to pay said bonds or the interest thereon. The principal of, premium, if any, and interest on such industrial or commercial development revenue bonds to be issued to finance the cost of the project may be secured by a pledge directly to the holders and owners of said bonds, of the income and revenues derived by the Village from the Project pursuant to the aforesaid financing agreements and may be further secured by a security interest in the project or other assets of the applicant.

G. If for any reason whatever, the aforesaid bonds are not issued, sold or delivered, as contemplated herein, there shall be no liability on the part of the Village or any of its officers, agents or employees for such non-issuance, non-delivery or non-acquisition.

H. The making of an application hereunder shall be taken to constitute an absolute and irrevocable undertaking on the part of such applicant, his or her successors and assigns to at all times indemnify the Village, its officers, agents and employees against any and all claims, suits, actions, debts, damages, costs, charges and expenses, including court costs and attorneys fees, and against all liability, losses and damages of any nature whatsoever, that they or any of them, shall or may at any time sustain or be put to by reason of any act done in connection with said application and by reason of the execution by the Village of any and all of such bonds, obligations, or any continuation, extension, alteration or renewal thereof, and any new bond or obligation.

Further, the Applicant, his or her successors and assigns, shall defend against any claims brought or actions filed against the Village with respect to the subject of the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed. In case a claim should be brought or an action filed with respect to the subject of indemnity herein, the Village, at its option, may employ attorneys of its own selection to appear and defend the claim or action on behalf of the Village at the expense of the applicant, his or her successors and assigns.

The applicant shall also reimburse Village for any expenses, attorneys' fees or costs incurred in the enforcement of any part of this indemnity agreement.

Recodified 07/26/01