

ORDINANCE NO. 04 - 40

BUSINESS REGISTRATION ORDINANCE

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the corporate authorities of the Village of East Dundee have determined that it is advisable, necessary, and in the public interest that the Village authorize the adoption of a Business License Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That Chapter 110, **General Licensing Regulations**, Title XI, **Business Regulations**, of the East Dundee Village Code is hereby repealed in its entirety and the following inserted in lieu thereof:

§ 110.01 **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.

§ 110.02 **DEFINITIONS:** For the purpose of this Chapter 110, the following definitions, whether capitalized or not, shall apply unless the context clearly indicates or requires a different meaning.

1. **PERSON:** Any individual, male or female, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity engaging in a business, profession, occupation, trade, pursuit, or activity.
2. **ENGAGING IN BUSINESS:** Persons operating, conducting, doing, carrying on, causing to be carried on or pursuing any business, profession, occupation, trade, pursuit or activity for the purpose of profit.
3. **PLACE OF BUSINESS:** The premises (except a personal residence) main business location or an outlet, branch, or other location thereof, temporary or otherwise, to which the public is expressly or impliedly invited for the purpose of transacting of business. In the event there is no such location, but the business is transacted at the location of the buyer, then the general sales area shall be considered a place of business. Unless a construction contractor has at least one permanent location within the Village, a place of business includes a construction site located therein. Place of business shall not include a business conducted at a personal residence.

§ 110.03 **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.

§ 110.04 **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.

§ 110.05 **ANNUAL REGISTRATION FEE:**

1. **BUSINESS REGISTRATION FEE.** Unless a different fee is provided or required elsewhere within the provisions of the Village Code of Ordinance, 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 as provided in the Village Annual Fee Schedule.
2. **ANNUAL RENEWAL.** 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 January 30th of each year. Issued business registrations shall expire on the 31st day of December of that calendar year. Renewal of business registration shall be for a full 12-month period and shall not be prorated for business conducted for a portion of the 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.

§ 110.06 **TRANSFERABILITY:** Registration is transferable only for the same the location and for the same type of business.

§ 110.07 **DUTIES OF REGISTRANT:** It shall be unlawful for any person registered to engage in any business or occupation on premises not in compliance with the Village Code of Ordinances.

§ 110.08 **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.

§ 110.09 **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 replacement fee as set forth in the Village Annual Fee Schedule.

§ 110.10 **PENALTY:** Any business or person violating Chapter 110 shall be fined an amount a provided in Chapter 10, Section 10.99 General Penalty for each violation. For the purposes of this section, each 24-hour period a violation exists shall be considered a separate violation.

Section Two. Annual Fee Schedule. There shall be added to the Annual Fee Schedule the following provisions:

Chapter 110, General Licensing Regulations, Title XI, Business Regulations:

Annual Registration Fee: Annual registration fees and renewals thereof for Business and Rental Registration shall be due annually on January 31 of each calendar year. There shall be no proration of such fees for new registrations of partial years. The Annual Registration Fee shall be \$25.00 if paid on or before January 31 and an additional \$5.00 per month added thereto for each month such payment is delayed beyond January.

Section Three. Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

Section Four. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval, and publication in pamphlet form as provided by law.

Adopted this 15th day of November, 2004, pursuant to a roll call vote as follows:

AYES: Zaaska, Ruffalo, Bartels, Schack, VanOstenbridge, Scarpelli, President Ahrens

NAYES: None

ABSENT: None

Approved by me this 15th day of November, 2004.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 22nd day of November, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on November 22nd, 2004.

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