

## CHAPTER 32

### BUSINESS REGULATIONS

#### 32.01 DEFINITIONS

(a) "Accessory Use" is a use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building.

(b) "Basement" is the portion of a building located partly underground but having less than one-half of its clear floor to ceiling height below the average grade of the adjoining ground.

(c) "Cellar" is the portion of a building partly or wholly underground but having one-half or more than one-half of its clear floor to ceiling height below the average grade of the adjoining ground.

(d) "Consumer" is a person who uses goods or services of another to satisfy his needs, the needs of another, or to resell, or produce other goods with them.

(e) "Floor Area" is the sum total of the gross horizontal area of all the several floors of a building and its accessory building measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two buildings or establishments on each of the respective floors, and shall include the basement floor, cellar floor, floor space used for mechanical equipment, whether open or enclosed, including such equipment as may be located on the roof, penthouse, attic space, balconies, mezzanines, porches and verandas, and floor area devoted to and occupied by accessory uses.

(f) "Food Establishment" is a building or premises, or a portion thereof, the principal use of which is for the sale or dispensing or distributing or serving of food, foodstuff or drink for consumption on or off the premises, or in or outside of the building.

(g) "Industrial Establishment" is a building or premises, or a portion thereof, the principal use of which is for manufacturing, including assembly, processing, fabrication and storage or scientific research and development, and truck terminals.

(h) "Owner" is any person holding legal title to the property, or any person being a beneficiary under a land trust holding title to the property.

(i) "Person" is any individual, firm, association, partnership, corporation, trust or any other legal entity.

(j) "Retail and Wholesale Establishment" is a building or premises, or portion thereof, the principal use of which is for the sale or distribution of any commodity for a price or fee by a seller to a consumer or by one business to another business.

(k) "Service Establishment" is a building or premises or a portion thereof, the principal use of which is for the rendering of personal or material services for a price or fee whether or not a commodity is worked upon or exchanged and shall include a building or premises, or a portion thereof, the principal use of which is not a food establishment, industrial establishment, or retail and wholesale establishment.

#### 32.02 BUSINESS REGULATION CERTIFICATES REQUIRED

It shall be unlawful for any person to own, operate, lease, or occupy any building or premises, or portion thereof, which is used as a food establishment, industrial establishment, retail and wholesale establishment, or a service establishment prior to or without obtaining a business regulation certificate.

### 32.03 CERTIFICATE FEE

(a) The following schedule sets forth the fees for the different types of establishments. Where a portion of a building or premises is used as one type of establishment, and a portion as another type of establishment, the fee for each portion of the building shall be calculated using the different fee schedules. All fees shall be paid at the time of application for the certificate.

<b>1. Service Establishment Fee</b>	<b>Floor Area in Sq. Ft.</b>
\$ 75.00	0 - 2,500
149.00	2,501 - 5,000
224.00	5,001 - 7,500
298.00	7,501 - 10,000
373.00	10,001 - 12,000
448.00	12,001 - 15,000
522.00	15,001 - 17,500
578.00	17,001 - 20,000
672.00	20,001 or over
<b>2. Retail and Wholesale Establishment Fee</b>	<b>Floor Area in Sq. Ft.</b>
\$ 106.00	0 - 2,500
213.00	2,501 - 5,000
320.00	5,001 - 7,500
426.00	7,501 - 10,000
533.00	10,001 - 12,000
640.00	12,001 - 15,000
746.00	15,001 - 17,500
833.00	17,501 - 20,000
960.00	20,001 or over
<b>3. Industrial Establishment Fee</b>	<b>Floor Area in Sq. Ft.</b>
\$ 160.00	0 - 10,000
320.00	10,001 - 20,000
479.00	20,001 - 30,000
640.00	30,001 - 40,000
800.00	40,001 - 50,000
960.00	50,001 - 75,000
1,120.00	75,001 - 100,000
1,280.00	100,001 - 200,000
1,440.00	200,000 or over
<b>4. Food Establishment Fee</b>	<b>Floor Area in Sq. Ft.</b>
\$ 213.00	0 - 2,500
320.00	2,501 - 5,000
426.00	5,001 - 7,500
533.00	7,501 - 10,000
640.00	10,001 - 12,000
746.00	12,501 - 15,000
853.00	15,001 - 17,500
960.00	17,501 - 20,000
1,067.00	20,000 or over

#### **32.04 COMPUTATION**

Total floor area applicable for the determination of the yearly regulatory fee shall include the sum total of all the floor area in use or reserved for or retained for the use of the flood, service, retail and wholesale or industrial establishment, including but not restricted to principal and accessory floor area, cellars and basements, storage or detached accessory buildings, even though any such floor area may be temporarily vacant or not in use.

All measured area expressed in square feet shall be to the nearest integral square foot; if a fraction is one-half square foot or more, the integral square foot next above shall be taken.

Any premises which can be classified as one or more different type of establishments shall pay the fee which is the largest for the applicable number of square feet.

#### **32.05 CERTIFICATE PERIOD**

Certificates shall be issued for a period of one year which shall begin on May 1 and which shall terminate on April 30 of the following year. All certificates shall be issued at the yearly rate of fee, except where the certificate is issued on or after November 1 for an establishment beginning business after November 1, in which case the fee shall be one-half of the yearly fee.

An additional fee of 50% of the enumerated fee shall be charged for all certificates issued after May 1 of said calendar year; provided, however, that such additional fee shall not be charged to applicants who have commenced business after May 1 of said calendar year and who have made application for the certificate prior to the date of commencing business.

No additional fee shall be charged if an application accompanied by payment was made in time, but the issuance of the certificate was delayed because of the required inspections of the premises were not performed by City officials.

#### **32.06 PROCEDURE**

Certificates shall be issued by the Clerk after investigations by the appropriate building, zoning, fire, health, and police officials to determine if the premises are in compliance with the ordinances of the City of Hickory Hills.

No certificate shall be required for any premises which are vacant, as those premises are not being visited by or used by the public in the transaction of any of the four listed establishments.

In the event that a use of a premises, or portion thereof, is changed during the year, a new certificate must be issued at the established prevailing fee for the premises. No new certificate need be issued if the ownership or occupancy of the premises changes if the use of the premises remains the same.

No certificate shall be issued for any premises if the purpose or activity of the premises does not comply with the ordinances and regulations of the City or the State of Illinois. No certificate shall be issued for any premises which are conducted or operated as a nuisance. No certificate shall be issued for any premises wherein the working conditions are inadequate with respect to overcrowding, light, heat, ventilation or cleanliness.

#### **32.07 DENIAL OF CERTIFICATE**

Should the Clerk not issue a certificate upon the request of any person, her denial and the reasons therefor shall be transmitted to the City Council. Any person aggrieved by the decision of the Clerk in regard to the denial of a certificate shall have the right to appeal to the City Council within 10 days after notice of the denial has been mailed or given.

### **32.08 SUSPENSION OR REVOCATION OF CERTIFICATE**

Whenever the conduct or operation of any premises constitutes a nuisance, is in violation of any City ordinance or State statute, or presents a clear and present danger to the public health, safety, and welfare, the Mayor shall be authorized to summarily order the closing of the premises. Within three days after a premises are closed, the Mayor shall call a hearing for the purpose of determining whether or not the certificate shall be revoked or suspended.

(a) In addition to the above reasons, the Mayor after notice and hearing may revoke any certificate for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application.
2. Any violation on the premises of ordinances of the City or State statute.
3. Conviction of the operator of the premises of any felony or misdemeanor where such conviction indicates an inability to operate a safe, honest, and legitimate business or establishment.
4. Failure of the premises owner or occupant to pay any fine, penalty, charge, fee, water bill, or other bill owed to the City.
5. Refusal to permit any inspection officer entry to premises open to the public or refusal to permit the sampling of any food or beverage.

The notice for any hearing shall be given by mail or personal service on the premises at least three days prior to the date of the hearing. After said hearing, the Mayor shall render his decision within 30 days.

### **32.09 APPEALS TO THE CITY COUNCIL**

Any person aggrieved by the decision of the Clerk as set forth in Section 32.07, or by the Mayor as set forth in Section 32.08, shall have the right to appeal the decision to the City Council by filing a written notice of appeal within 10 days after receipt of the denial or revocation of the certificate. All notices of appeal shall be filed with the City Clerk. The City Council shall establish a time and place for the appeals hearing after which they shall make their decision. Their decision shall be final.

### **32.10 COORDINATION WITH LICENSE PROVISION**

As this ordinance and chapter do not license any business or activity in the City, it is possible that the license provisions of the City may also affect the premises or activity being conducted. In that case, the provisions of this chapter and the license chapter shall both apply.

### **32.11 DISPLAY**

All certificates must be posted in a prominent place.

### **32.12 CABLE AND VIDEO CUSTOMER PROTECTION LAW**

(a) **Customer Service and Privacy Protection Law Adopted.** The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the City boundaries. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the City.

(b) **Enforcement.** The City does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the City.

(c) **Customer Credits.** The City hereby adopts the schedule of customer credits for violations as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

### **32.13 INVALIDITY OF CONFLICTING ORDINANCES**

(a) **Definitions.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Employee* means any individual person permitted and/or hired to work by an employer regardless of the number of hours worked and of the number of persons the employer employs.

*Employer* means any individual, partnership, association, firm, corporation, limited liability company, business trust, or any person or group of persons employing or seeking to employ one or more employees in, or having its principal place of business in, the City of Hickory Hills. The term employer does not mean or include: (i) the government of the United States or a corporation wholly owned by the government of the United States; (ii) an Indian tribe or a corporation wholly owned by an Indian tribe; (iii) the government of the State or any agency or department thereof; or (iv) units of local government.

*Federal and State Law* means any and all applicable statutes and/or regulations of the United States and State of Illinois, as amended from time to time.

#### **(b) Wage and Sick Leave Laws.**

1. Employers shall comply with all Federal and State Laws governing the rate, eligibility, applicability, accrual, use or payment of/for sick leave and minimum wage.

2. No employers shall have, or be obligated to adhere to, any additional or greater obligations with respect to sick leave or minimum wage than as required or established by Federal and State Law.

3. Any additional obligation with respect to sick leave or minimum wages imposed by law (including Cook County ordinances), other than Federal and State Law, upon any employer is hereby declared to be, and shall be deemed to be, in conflict with this section, and superseded and preempted hereby, and shall have no force, effect, or applicability to such employer.

4. Nothing in this section shall be deemed or interpreted as affecting or preventing an employer from imposing upon itself any additional or greater obligation with respect to sick leave or minimum wage voluntarily or by contract.