

CHAPTER 31

LICENSES

31.01 LICENSE REQUIRED

It shall be unlawful for any person to maintain, operate, or conduct any business, activity, or occupation which is licensed by the provisions of this chapter prior to or without obtaining a license.

31.02 LICENSE FEE

(a) The following businesses, activities, or occupations are hereby licensed and the fee for such is set forth opposite thereof:

1.	Automatic vending machines (10 cents or less)	\$ 18.00
	Automatic vending machines (more than 10 cents)	40.00
	Billiard tables, pool tables, snooker tables	100.00
	Cigarette, cigar, and tobacco machines	100.00
	Juke boxes	40.00
	Car washes (per stall non-automated)	35.00
	Car washes (automated)	150.00
	Ice or ice refrigerators (outside only)	40.00
	Washing, drying, and dry cleaning machines	8.00
	Milk refrigerators (outside only)	40.00
2.	Public passenger vehicles (taxicabs, limousines, and buses used for commercial hire)	45.00
	Tow trucks	45.00
	Ambulances	45.00
	Vehicles selling food at retail	45.00
	Wholesale itinerant food vehicles (as defined in the Municipal Code of Chicago)	45.00
3.	Automobile service stations (per pump)	22.00
4.	Auctioneers (per day)	25.00
5.	Advertising distributor (newspapers, pamphlets, or handbills, etc.) and Machine distributors	35.00
7.	Bus shelter and bench advertising (per site)	10.00
8.	Cigarette, cigar, and tobacco (other than vending machine sale)	100.00
9.	Scavengers (10 customers or less)	125.00
	Scavengers (11-50 customers)	200.00
	Scavengers (more than 50 customers)	450.00
10.	Livery stables (per horse based on the average number of horses stabled per month over a 1-year period)	15.00
11.	Motor vehicle leasing establishments (lease or rental price but not less than \$75.00 per year)	1.5%
12.	Home occupations (only as permitted by Sec. 4.04 of Zoning Ordinance)	25.00

13.	Building movers	100.00
	Carpenter contractors	100.00
	Catch basin cleaners	100.00
	Cement contractors	100.00
	Electrical contractors	100.00
	Excavating contractors	100.00
	Fence contractors	100.00
	Fertilizer dispensers	100.00
	Garage contractors	100.00
	General contractors	100.00
	Glazing contractors	100.00
	Heating, ventilating and refrigeration contractors	100.00
	House and building wreckers	100.00
	Landscaping contractors	100.00
	Lathing and plastering contractors	100.00
	Mason contractors	100.00
	Painting and decorating contractors	100.00
	Paving contractors	100.00
	Pool contractors	100.00
	Roofing, siding and insulation contractors	100.00
	Sewer and drain layer contractors	100.00
	Sheet metal contractors	100.00
	Structural, iron, wood and cement contractors	100.00
	Tree trimming contractors	100.00
	Tuckpointing and cleaning contractors	100.00
	All other contractors not specified above	100.00

31.03 LICENSES

(a) Except as provided for contractors licenses, all licenses 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 provided that licenses shall be 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.

(b) All contractors licenses, as listed in Section 31.02(a)13. shall be issued for a period of one year which shall begin on January 1 and which shall terminate on December 31 of that year. No contractors' licenses shall be issued for a half-year.

(c) An additional fee of 50% of the license fee shall be charged for all licenses issued after the due date; provided, however, that such additional fee shall not be charged to applicants who commence business during a year and who have made application for a license prior to the date of commencing business.

(d) No additional fee shall be charged if an application accompanied by payment was made in time, but the issuance of the license was delayed because of the required inspections.

31.04 PROCEDURE

Licenses shall be issued by the Clerk after investigations by the appropriate building, zoning, fire, health, and police officials to determine if any premises are in compliance with City ordinances. No license shall be issued for any activity which is conducted or operated as a nuisance. No license shall be issued for any premises wherein the working conditions are inadequate with respect to overcrowding, light, heat, ventilation, or cleanliness.

31.05 DENIAL OF LICENSE

(a) Should the Clerk not issue a license 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 license shall have the right to appeal to the City Council within 10 days after notice of the denial has been mailed or given.

(b) Whenever the conduct or operation of any premises or business 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 or business. Within three days after a premises or business is closed, the Mayor shall call a hearing for the purpose of determining whether or not the license shall be revoked or suspended.

(c) In addition to the above reasons, the Mayor after notice and hearing may revoke any license 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 statutes.
3. Conviction of the operator of the premises or business 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 or business 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 samplings 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.

31.06 APPEALS TO THE CITY COUNCIL

Any person aggrieved by a decision denying or revoking a license 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 license. 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.

31.07 TRANSFER AND DISPLAY

No license may be transferred from one person or business to another or from one location to another. No machine which has a license may have that license removed to be placed on another machine.

All licenses must be posted in a prominent place, and all machine licenses must be posted on the machine.

31.08 COORDINATION WITH BUSINESS REGULATION PROVISIONS

As this ordinance and chapter licenses certain businesses, activities, and machines, it is possible that the business regulation provisions of the City may also affect the premises or activity being conducted. In that case, the provisions of this chapter and the business regulation chapter shall both apply.

31.09 GARAGE SALES

It shall be unlawful to conduct any garage sale from residentially zoned property except upon the following conditions:

(a) A no-fee permit shall be issued by the City and shall be prominently displayed during the hours of the sale.

(b) Each property is limited to two permits for the period of January 1 through December 31 each year.

(c) The sale is limited to household goods, furnishings, clothing and personal effects which were located and used by the occupants in the dwelling unit located on the premises.

(d) Garage sales are limited to the hours of 9:00 a.m. to 6:00 p.m. on Thursday, Friday and Saturday.

(e) The maximum period of time for a garage sale permit shall be one Thursday/Friday/Saturday period.

(f) No public sidewalk, parkway or street shall be obstructed or used for the sale of goods.

(g) Directory signs and other signs advertising a garage sale may only be located on private property and may not be located on any public right-of-way (including parkway) or on any utility pole. Signs may be displayed no sooner than three days prior to the first day of the sale and must be taken down within one hour after completion of the sale.

(h) If failure to obtain and display a garage sale permit shall be punishable by a fine of \$50 for each day that they garage sale is conducted without the garage sale permit.

31.10 COIN OPERATED AMUSEMENT DEVICES

(a) It shall be unlawful for any person to own, lease, operate or maintain any coin operated amusement device except as permitted in paragraph (b).

(b) Not more than four (4) coin operated amusement devices may be maintained and used on any premise which has in effect a business regulation certificate issued under the provisions of Chapter 32 under the following conditions:

1. Each coin operated amusement device shall have a current license thereon.
2. No coin operated amusement device shall be operated based upon any gambling game such as poker, black jack, craps and similar games.
3. The owner of the coin operated amusement device shall be licensed as required in paragraph (c).

(c) The owner of any coin operated amusement device shall be licensed by the City. The owner shall submit an application in such form as provided by the City and shall undergo a background check. No person may be licensed as the owner of any coin operated amusement device who is not of good character and reputation in the community in which he resides, who has been convicted of a felony, or who has been convicted of gambling or other crime opposed to decency and morality. If the owner of a coin operated amusement device is a holder of a business regulation certificate, then no license fee shall be required of the owner, otherwise a license fee of \$250 per year shall be paid.

(d) A license fee of \$100 per coin operated amusement device shall be paid per year.

31.11 RAFFLES

(a) **License Required.** No person may conduct any raffle except in compliance with the provisions of this section after obtaining a license from the City.

(b) **Definitions.** For purposes of this section, the definitions set forth in the Raffles Act (230 ILCS 15/0.01, *et seq.*) shall apply.

(c) **Applications for License.**

1. Licenses may be issued to bona fide nonprofit business, religious, charitable, labor, fraternal, educational or veterans' organizations which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5-year period a bona fide membership engaged in carrying out their objects.

2. The applicant must specify the area or areas within the City in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances, and the location or locations at which winning chances will be determined.

3. The license application must be on the letterhead of the organization and must contain a sworn statement of the presiding officer and the secretary of their organization that the organization is qualified to hold a license under the provisions of this section.

4. A license shall be valid only for the specified number of raffles during a period not to exceed one year.

(d) **License Fees, Insurance.**

1. The license fee for each raffle conducted under the terms of this section shall be \$25 per calendar year.

2. When all the requirements of this section have been met, the license shall be issued by the City Clerk.

(e) **License Issue Restrictions.** No such license shall be issued to:

1. Any person who has been convicted of a felony.
2. Any person who is or has been a professional gambler or gambling promoter.
3. Any person who is not of good moral character.

4. Any firm or corporation in which a person defined in subsections 1, 2 or 3 above has a proprietary, equitable or credit interest, or in which such a person is active or employed.

5. Any organization in which a person in subsections 1, 2 or 3 of this Section is an officer, director or employee, whether compensated or not.

6. Any organization in which a person defined in subsections 1, 2 or 3 above is to participate in the management or operation of a raffle as defined in this section.

(f) **Conduct of Raffles.** The conducting of raffles is subject to the following restrictions:

1. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

2. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

3. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

4. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this section.

5. Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the licenses.

6. No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(g) **Raffles Manager, Bond.** All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the City Clerk in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than 30 days prior to its cancellation. The City Clerk may waive this bond requirement by including a waiver provision in the license issued to an organization under this section provided that a unanimous vote of the members of the licensed organization has approved the waiver of the raffles manager's bond.

(h) **Records.**

1. Each organization licensed to conduct raffles and chances shall keep the records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deductions, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

2. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

3. Each organization licensed to conduct raffles shall report within 7 days after determination of the winners to the City and to its membership, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.

4. Records required by this section shall be preserved for 3 years and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(i) **Additional Restrictions.**

1. The aggregate retail value of all prizes and merchandise awarded buy a licensee in a single raffle should not exceed \$200,000.00.

2. The maximum retail value of each prize awarded in a single raffle should not exceed \$50,000.00.

3. The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$200.00.

4. The maximum period for which chances may be issued or sold is nine months.

(j) **Reciprocity.** The City Clerk may issue a raffle license to an organization upon payment of the required license fee if that organization has been issued a raffle license by any municipality located within 10 miles of the City of Hickory Hills under an ordinance substantially similar to the provisions in this section. In that event, the organization need not make application, need not comply with (g) and (h) 3.

31.12 TOBACCO DEALERS

(a) **Definitions.** For the purposes of this section, the following words and phrases shall have the following meanings:

1. *Tobacco Products* means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

2. *Vending Machine* is any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

(b) **License required.** It shall be unlawful to sell or offer for sale at retail tobacco products without having first obtained a tobacco dealer's license therefor pursuant to this Chapter.

(c) **Prohibited sales, delivery - signs.**

1. It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products to any person under the age 18 years.

2. Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

“THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW.”

(d) **Minimum age to sell tobacco products.** It shall be unlawful for any licensee to engage, employ or permit any person under 18 years of age to sell tobacco products in any licensed premises.

(e) **Purchase by minors prohibited.** It shall be unlawful for any person under the age of 18 years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

(f) **Possession by minors prohibited.** It shall be unlawful for any person under the age of 18 years to possess any tobacco products; provided that the possession by a person under the age of 18 years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(g) **Proximity to certain institutions.** It shall be unlawful for any person to sell or offer tobacco products within 100 feet of any school, child care facility or other building used for education or recreational programs for persons under the age of 18 years.

(h) **Certain free distributions prohibited.** It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products to give away or deliver tobacco products free of charge to any person on any right-of-way, sidewalk, park, playground or other property owned by the City, any school district, any park district or any public library district.

(i) **Vending machines - locking devices.**

1. It shall be unlawful for any licensee to sell or offer for sale tobacco products by use of a vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operations by persons under the age of 18 years.

2. Any premises where access by persons under the age of 18 years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of business located at such premises, shall be exempt from the requirements of section 11-328(a) above.

(j) **Suspension and revocation of license, fine.** The Mayor may suspend or revoke any tobacco license in the event of a violation of this section. In lieu of a suspension or revocation, the Mayor may impose a fine not to exceed \$500 for each violation.

(k) **Hearing.** A licensee shall be entitled to a hearing before a license is suspended or revoked, or a fine is imposed by the Mayor. The licensee shall receive a notice containing the charges not less than 7 days prior to the hearing date. The notice may be served by certified mail or by personal service at the licensee's place of business. The hearing shall be conducted by the Mayor and any decision shall be based upon evidence at the hearing. The licensee shall be entitled to an opportunity to defend against the charges. Evidence is admissible if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(l) **Decision.** The Mayor shall issue a decision within 10 days after the conclusion of the hearing. In the event that the decision determines that the licensee is guilty of a violation, then the Mayor may assess the costs of the hearing against the licensee. Failure to abide by any decision shall be grounds for immediate revocation of the tobacco license without notice and without hearing.