

## CHAPTER 21

## ARTICLE I. LICENSES GENERALLY

**Sec. 21 01. Compliance required.**

No person shall engage in any trade, profession, business or privilege for which a license is required by any provision of this Code without first obtaining such license from the City in the manner provided in this chapter, unless otherwise specifically provided. (Code 1965, Sec. 31.01)

**Sec. 21 02. No issuance to applicant indebted to City.**

No licenses required by this Code for the engaging in any business or the sale of any article shall be issued to any person who is indebted to the City, or any department thereof or who is indebted to the City for any fine or penalty adjudged against such person for the violation of any ordinances of the City, unless the indebtedness or the fine or penalty is first paid. (Code 1965, Sec.31.02)

**Sec. 21 03. Application.**

Unless otherwise provided, application for a license shall be made to the City upon forms provided by the City and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license. (Code 1965, Sec. 31.03)

\*Cross References No issuance of permit to applicant indebted to City, Sec. 2 15; license for bartenders, Sec 4 32 et seq.; license for sale of alcoholic beverages, Sec. 4 46 et seq.; license for miscellaneous amusements, Sec. 5 4; dog licenses, Sec. 6 38 et seq.; license for auctioneers, Sec.7 1; license for coin operated machines, Sec. 11 11 et seq.; license for ice cream carts, Sec. 15 32 et seq.; license for retail beverage dealers, Sec.15 59 et seq.; license for scavengers, Sec. 16 46 et seq.; license for junk dealers, Sec. 25 30 et seq.; license for pawnbrokers, Sec. 25 52 et seq.; license for secondhand dealers, Sec. 25 74 et seq.; license for peddlers, Sec.26 17 et seq.; license for business vehicles for transporting merchandise, Sec. 32 87 et seq.; license for taxicab drivers, Sec. 33 29 et seq.; license for operation of taxicab business, Sec. 33 44 et seq.

State law reference Authority of municipalities to fix amount, terms, and manner of issuing and revoking licenses, Ill. Rev. Stat. Stat. Ch. 24, Sec. 11 60 2.

**Sec. 21-04. Payment of fee.**

The fees required for any license shall be paid to the City before the granting of said license. Unless provided herein no license fee shall be pro-rated for a portion of the year and no license fee paid shall be refunded. Further no license shall be valid for more than one year and no license shall be valid beyond April 30 of each year. The fees to be paid for each license are hereby established as follows:

## Liquor License

Class A License	\$1,250.00
Class B License	\$3,125.00
Class C License	\$3,000.00
Class D License	\$1,250.00

## Amusements

Pool/Billiard	\$ 10.00 per pool or billiard table
Bowling	\$ 25.00 per alley
Roller Skating Rinks	\$100.00
Carnivals or Circuses	\$100.00

Shooting/Target Shooting	\$ 30.00 per gallery
Merry-go-Rounds/Circular Swings	\$5.00 for first day and \$2.00 per day thereafter
Auctioneer	\$25.00
Cigarette sales without machines	\$25.00
Cigarette Machines	\$25.00 per machine
Machines/Distributors of Machines	
Coin Operated Soft Drink	\$25.00 per machine
Coin Operated Amusement Device (Excluding Video Poker)	\$25.00 per machine
Coin Operated Musical device	\$25.00 per machine
Washing or cleaning machines	\$25.00 per machine to a maximum of \$100.00
Coin device based upon a card game or similar to machines commonly referred to as slot machines, poker machines, Electronic poker machines, video poker machines, Joker-Poker machines or Cherry machines	\$100.00 per machine
Distributor of any coin operated Amusement device or musical device	\$700.00
Food related license	
Sellers of farm produce by car loads lots	\$10.00 per car
Milk Dealer	\$25.00 per truck
Ice Cream Cart	\$10.00 per cart
Scavengers/Commercial Waste Haulers	\$1,000.00
Merchant/Transient Vendor	
Non-Perishable Goods	\$25.00 per day \$15.00 each additional day \$60.00 per week
\$30.00 per additional week	\$120.00 per month \$30.00 each additional month \$330.00 per year
Perishable Goods	\$10.00 per day \$5.00 each additional day \$30.00 per week \$15.00 each additional week \$60.00 per month \$30.00 each additional month \$165.00 per year
Junk Dealer	\$50.00
Pawn Brokers	\$100.00
Second Hand Dealers	\$25.00

Peddlers working alone	\$10.00 per day
	\$5.00 each additional day
For each additional person working with licensed peddler add an additional 40% per person	\$30.00 per week
	\$15.00 each additional week
	\$60.00 per month
	\$30.00 each additional month
	\$165.00 per year
Excavating	\$100.00 per year

(Ord 04-24 Sec 11, 4/5/04, Ord 04-93 10/18/2004, Ord. 08-32 6/19/08)

**Sec. 21.05. Delinquent payment fees.**

Where a license is required by this Code for sale, offer for sale of any goods, wares, food, beverages or articles, or for the conduct of any business, or for the doing of any act, and the license fee is not paid within the time required by this Code, there shall be added to the amount of the license fee an amount equal to twenty five per cent (25%) thereof which shall be collected as a part of the license fee before a license may be issued. The twenty five per cent (25%) shall be in addition to any fine which may be imposed because of a violation of this Code. (Code 1965, Sec. 31.05)

**Sec. 21.06. Bond and insurance.**

All required bonds shall be executed by two (2) sureties, or a surety company, and be subject to the approval of the Mayor and the City Council. Where policies of insurance are required, such policies shall be approved as to substance and form by the Corporation Council. Satisfactory evidence of coverage by bond or insurance shall be filed with the City before the license is issued. (Code 1965, Sec. 31.06)

**Sec. 21 07. Approval or denial.**

- (a) Where the approval of any City Officer or State Officer or the Council is required prior to the issuance of any license, such approval must be presented to the City before any license is issued.
- (b) No license shall be approved by any City Officer or issued by the City if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity. (Code 1965, Sec. 31.07)

**Sec. 21 08. Term.**

- (a) Unless otherwise provided, the term of the license year shall begin on May 1 and end on April 30.
- (b) Where the issuance of licenses for periods of less than one year is permitted, the effective date of such license shall commence with the date of issuance. (Code 1965, Sec. 31.08)

**Sec. 21.09. Certificates.**

License certificates shall show the date of issue, the activity licensed and the term of the license, and shall be signed by the Mayor and City Clerk, and be impressed with the City Seal. (Code 1965, Sec. 31.09)

**Sec. 21 10. Exhibition of certificate.**

Every licensee shall carry his license certificate upon his person at all times when engaged in the activity for which the license was granted; except that where such activity is conducted at a fixed place or establishment, the license certificate

shall be exhibited at all times in some conspicuous place in his place of business. The licensee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority. (Code 1965, Sec. 31.10)

**Sec. 21 11. Transferability.**

Unless otherwise provided, no license shall be transferable without the authorization of the City Council. (Code 1965, Sec. 31.11)

**Sec. 21 12. Renewal.**

License renewals shall be issued in the same manner and be subject to the same conditions as original licenses. (Code 1965, Sec. 31.12)

**Sec. 21 13. Revocation.**

Any license issued by the City may be suspended, or revoked by the mayor or City Council for any of the following causes:

- (1) Fraud, misrepresentation of incorrect statement contained in the application for license, or made in carrying on the licensed activity.
- (2) Conviction of any crime or misdemeanor.
- (3) Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the Health Officer or other appropriate City Officer.
- (4) Expiration or cancellation of any required bond or insurance or failure to notify the City of changes in the terms of the insurance of the carriers.
- (5) Actions unauthorized or beyond the scope of the license granted.
- (6) Violations of any regulation or provision of this Code applicable to the activity for which the license has been granted, or any regulation or law of the state so applicable.
- (7) Failure to continuously comply with all conditions required as precedent to the approval of the license. (Code 1965, Sec. 31.13)

**Sec. 21 14. Inspections.**

The Health Officer and other City Officers may enter upon the premises where any licensed activity is being conducted for the purpose of inspection at any reasonable hour. (Code 1965, Sec. 31.15)

**Sec. 21 15. Garage sales and yard sales.**

- (a) **Intent.** It is the intent of these regulations to encompass and govern the sale, or holding and offering for sale, of goods, movables, animals or personal property by individuals, groups, associations and otherwise who are not merchants and who do not normally deal in goods of the kind so held or offered and who do not hold a current and valid certificate of registration issued pursuant to the provisions of **Chapter 35, Section 120/2a (Retailers' Occupation Tax Certificate)**, said sales being commonly referred to and known as garage sales, porch sales, basement sales, yard sales and other similar types of sales. It is not the intent of this section to seek to control the sale or sales of personal belongings, goods or items not

visible from outside the premises where such goods or items are being held for sale, this section being expressly intended to preserve the existing character and amenities of residential and other neighborhoods.

- (b) Permit required. Any person, as defined in section 1 2 of the Code, holding a garage sale, yard sale, basement sale, or personal property sale as defined in subsection (a) above, and not holding a valid certificate of registration issued pursuant to the provisions of **35 ILCS Section 120/2a (Retailers' Occupation Tax Certificate)** must first obtain a permit therefore by applying to the City Clerk not less than five (5) days prior to the commencement of such sale.
- (c) Fee for Permit/Form of Permit. (i) Single Residential Premises. A Fee of five dollars (\$5.00) shall be paid for such permit, which shall be issuable only for the residence of the permittee; (ii) Multiple Residential Garage Sales. A fee of \$25.00 shall be paid for up to eight (8) single residences whose residents choose to conduct a single garage sale at a single residential site. (iii) The permit: shall be serialized, of a size not less than eight and one half (8 1/2) by eleven (11) inches, of suitable weighted stock and of bright color; shall contain the name and residence address of the permittee, the date issued and the date of sale or offer for sale; and shall be signed by the City clerk. It shall also contain in bold print: **GARAGE/YARD SALE.**
- (d) Limits on issuance for same residence; hours of sale. No permit shall be issued for the same residence address more than twice during any consecutive twelve month period, and no permit shall be assignable. Any such permit shall limit the sale or holding for sale to between the hours of 8:00 a.m. and 8:00 p.m. prevailing local time, for any three (3) consecutive calendar days only. (Ord. 09-74; 10/5/09)
- (e) Posting of permit. The permit referred to in this section must be posted in a conspicuous place on the premises permitted for such sale, visible from the street, and not in violation of section 3 13 (prohibiting signs on sidewalks or terraces) or any other section of this Code. The permit must be promptly removed within four (4) hours after the sale is completed.
- (f) Violations, fines. The permittee shall be subject to a fine of up to ten dollars (\$10.00) for the failure to remove the permit within the four hour period following the conclusion of sale. Any person who sells or endeavors to sell any merchandise at such sale without a permit or in violation of the terms of such permit, or who fraudulently alters any permit or uses a permit for premises other than those for which issued, shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each such offense.
- (g) City Clerk to keep record of permits. The City Clerk shall keep a log or record of all permits issued hereunder, indicating thereon the name of permittee, the address of the sale premises, and the date or dates of sale.
- (h) Reissuance of permit for sale affected by inclement weather. In the event that a permit has been issued and inclement weather occurs over a substantial portion of those days permitted for the sale, such permittee, upon due proof of same and within ten (10) days from the last day of the sale permitted, may make a renewed application to the City Clerk for the reissuance of such defeated permit, and upon such proof and issuance, there shall be no charge for the reissuance of said renewed permit. (Ord. No. 79 48, Sec. 1, 9 17 79)

Editor's Note Ord. No. 79 48, Sec. 1, passed Sept. 17, 1979, was nonamendatory of the Code; hence inclusion herein as Sec.21 15 was at the discretion of the editor.

## Sec. 21-20. Licenses for Raffles

Authorizing the issuance of licenses for the purpose of conducting raffles in the City of Kankakee in conformance with the "Raffles Act" of the State of Illinois. (230 ILCS 15/1 et. Seq.) (Ordinance 2002-63)

## Sec. 21-20

- (a) Business Organization- A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interest of a community.
- (b) Charitable Organizations- An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.
- (c) Educational Organization- An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.
- (d) Fraternal Organization- An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by government.
- (e) Labor Organization- An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher ° of efficiency in their respective occupations.
- (f) Licensee- Any person or club holding a license under the provisions of this ordinance.
- (g) Net proceeds- The gross receipts from the conduct of the raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.
- (h) Non-Profit Organization- An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
- (i) Raffle- A form of lottery, as defined in Section 28-2(b) of the Illinois Criminal Code of 1961, as amended, conducted by an organization licensed under the Ordinance, in which:
  - (i) The Player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by any combination of numbers, or by some other medium, one or more of which chance is to be designated the winning chance;
  - (ii) The winning chance is to be determined through a drawing or by other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- (j) Raffles Act- The Act of the General Assembly of Illinois entitled Raffles Act, which was approved August 5, 1980, as amended and cited as 230 ILCS 15/01 et seq.
- (k) Religious Organization- Any church, congregation, society, or organization founded for the purpose of religious worship.
- (l) Veterans Organization- An organization or association comprised of members of which substantially all

are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

**Sec 21-22** The Mayor of the City of Kankakee or his designee shall be the Raffle Licensing Commissioner

**Sec 21-23** Eligibility to be licensed.

- (a) A license pursuant to this ordinance shall be issued only to a bona fide, religious, charitable, labor, business, fraternal, education or veterans' organizations that operate without profit to their members and have been in existence continuously for a period of at least 12 months immediately before making application for a license and which have had during that entire 12 month period, a bona fide membership, engaged in carrying out their objects, or to a non-profit fund-raising organization that the licensing commissioner determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident, or disaster, and as further defined in the Illinois Raffles Act (230 ILCS 5/2b)
- (b) Persons/entities ineligible to be licensed. The following persons or entities are ineligible for any license under this ordinance:
  - i. Any person who has been convicted of a felony;
  - ii. Any person who is or has been a professional gambler or promoter;
  - iii. Any person who is not of good moral character;
  - iv. Any firm or corporation in which a person defined in (i), (ii) or (iii) or has a proprietary, legal or equitable interest in or which such a person is active or employed
  - v. Any organization in which a person defined in (a), (b) or (c) is an officer, director or employee, whether compensated or not.
  - vi. Any organization in which a person defined in (a), (b) or (c) is to participate in the management or operation of a raffle as defined in this Act.

**Sec 21-24** **Application process**

- (a) Any applicant for a license shall apply for said license in writing and file said application with the Kankakee County Clerk. Any filing fee required of the Clerk pursuant to ordinance of the City of Kankakee shall be paid at the time of filing said application.
- (b) Any funds received as a result of said application shall be deposited in the general fund of the City of Kankakee.
- (c) The application for license shall specify the location in which raffle chances will be sold or issued, the time and determination of winning chances and location or locations at which winning chances will be determined, the nature and number of raffles to be held, and any other information requested on said application.
- (d) The application for license must be completed in its entirety and must include a sworn statement attesting to the not-for-profit character of the prospective license organization, signed by the presiding officer and the secretary of the organization, and must include authorization to conduct a background check including credit information and criminal history or alpha report.

- (e) Said application shall also contain a written agreement signed by the applicant or authorized officer of the applicant, hereby holding the City of Kankakee, its officers, alderman, employees, attorneys and all other agents, harmless from any claim or cause of action (where State or Federal) for injury or damages arising out of, or in any way related to the subject raffle or to any property (real and/or personal) conveyed by the applicant pursuant to the subject raffle;
- (f) The Raffle Commissioner shall review said applications and shall act upon the application within 30 days of receipt. Any additional information which may be required and requested shall extend the time for answering to 30 days from the response to said request.
- (g) Licenses issued pursuant to this ordinance shall be valid for not more than one year and for the number of raffles specified in the application and license.
- (h) Upon issuance, the license shall be displayed at the site where the winning chances will be determined.
- (i) Any raffle license may be suspended or revoked for any violation of this ordinance, or any other City ordinance, or any violation of the Illinois Raffles Act, or any other applicable State statutes.

## Sec 21-25

There shall be three classes of licenses. Class A licenses as described below shall be issued for individual raffles. Class B licenses shall be issued for multiple raffles. Class C licenses shall be issued to those locations where the winning chances of raffles shall be drawn.

- (a) Class A licenses shall authorize the operation of a raffle where:
  - i. The maximum retail value of any single prize awarded by a licensee in a single raffle is at least \$10,000 but does not exceed \$250,000; or;
  - ii. A fee simple interest in real estate is offered as a prize or an alternate cash prize in an amount equal to at least 50% of the value of the fee simple interest in real estate is offered;
  - iii. The maximum price charged for each Class A raffle chance issued or sold shall not exceed \$125.00; and
- (b) A Class A license may be issued only upon the submission of an application and fee as provided herein and, in addition thereto, submission of the following
  - i. A copy of a ruling or determination letter issued to, or for the benefit of, the applicant by the United State's Internal Revenue Service providing that the applicant meets the requirements of 101 (6) of the Internal Revenue Code of 1939, as amended, or of Section 501 (c)(3) of the Internal Revenue Code 1954, as amended; in the event that the applicant has acquired its tax exempt status and recognition by the Internal Revenue Service because it is a religious organization and/or is controlled by a religious organization, then the applicant shall submit an affidavit to that effect. The City may conduct any investigation it deems necessary to verify such representations and applicant shall cooperate fully with such investigation.
  - ii. A narrative affidavit describing the purpose of the propped raffle and, in figures and number, the estimated gross proceeds of the sale of raffle chances, the administrative cost of the raffle, and intended use of the net proceed derived from the proposed raffle; and



- iii. An affidavit signed by the owner of said real estate which verifies that on the date of application the fair market value of said real estate to be raffled does not exceed \$250,000 and that the applicant has full authority to make said real estate the subject of their raffle; and
  - iv. Class A Licensees must comply with bond requirements as required herein.
- (c) Class A License shall be valid for not more than 180 days. The maximum number of days during which chances may be issued or sold for a single raffle shall not be more than 180 days.
- (d) A Class B License shall authorize the operation of a raffle where:
- i. The aggregate value of all prizes or merchandise awarded by a licensee in a single raffle does not exceed \$9,999.99; or
  - ii. The maximum retail value of any single prize awarded by a licensee in a single raffle does not exceed \$9,999.99; or
  - iii. The maximum price charged for each Class B raffle chance issued or sold shall not exceed \$50.00.
- (e) A Class B License may be issued only upon the submission of an application and fee as provided herein, however, Class B licenses may apply for a waiver of the bond requirements herein.
- (f) A Class B License shall be valid for not more than 364 days. The maximum number of days during which chances may be issued or sold for a single raffle shall not be more than 180 days.

#### **Sec 21-26 Location License (Class C License)**

A location license, which shall be known as a Class C license shall authorize the location upon which said license is issued to be a location licensed under this act for purposes of drawing raffle chances. All holders of duly authorized and issued liquor licenses in the City of Kankakee shall be deemed to also be a holder of a raffle location license. In addition thereto, the office, meeting hall or other location owned, operated or occupied by any raffle licensee shall be deemed to be licensed under this Act. Any other location which desires to be the site upon which where winning chances are drawn shall apply for a raffle location license to the City Clerk of the City of Kankakee, upon the form which shall be provided by said City Clerk. Said applicant shall be required to possess the same qualifications as those required of any other license holder pursuant to this ordinance.

#### **Sec 21-27 Application Fee**

There shall be a fee paid of Five Dollars (\$5.00) per application.

#### **Sec 21-28 Form of License**

A license issued pursuant to the provisions of the Ordinance shall state thereof the name and address of the licensee, a description of the premises for which the license is granted and the dates of its issuance and expiration.

#### **Sec 21-29 Conduct of Raffles**

The conducting of raffles is subject to the following restrictions:

- (a) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct the game.

- (b) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (c) No person may receive any remuneration or profit for participating in the management or operation of a raffle.
- (d) A licensee may rent a premises on which to determine the winning chance or chances in a raffles only from an organization which also licensed under this Ordinance and Illinois Raffles Act.
- (e) 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 license.
- (f) A person under the age of 18 may participate in the conducting of raffles or chances only with permission of parent or guardian. A person under the age of 18 may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

### **Sec 21-30 Raffle Manager – Bond**

- (a) All operations of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.
- (b) The manager shall give a fidelity bond in an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in performance of his duties. Terms of the bond shall provide that notice shall be in writing to the Kankakee County Clerk not less than thirty (30) days prior to its cancellation. The issuing authority shall consider the bond and shall have the right to disapprove the bond.
- (c) Waiver – No waiver of the bond requirements will be considered for Class A Licenses. The Raffles Commissioner may, in his or her discretion, waive the bond requirements on Class B licenses, subject to the following conditions;
  - i. Upon unanimous vote of the members of the licensed organization that said bond requirements may be waived;
  - ii. A written waiver is filed with the application for licensee; and
  - iii. A copy of the written resolution of the application/licensed organization by which the membership voted unanimously to waive the bond requirement shall be submitted with the application. Said resolution shall authorize the bond waiver, contain the vote of the membership, shall be signed by the presiding officer and attested to by the secretary of said organization.

### **Sec 21-31 Records**

- (a) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts; expenses and net proceeds for each single gathering or occasion at which winning games are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, description of the purchased item of service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (b) Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefore in 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.

- (c) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the licensing local unit of government, its gross receipts, expenses and net proceed from raffles, and the distribution of net proceeds itemized as required in this Section.
- (d) Records required by this Section shall be preserved for three (3) years, and organization shall make available their records relating to the operation of raffles for public inspection at reasonable time and places.

### **Sec 21-32 Issuance, Suspension and Revocation of Licenses**

- (a) The Raffle License Commissioner may issue, revoke, or suspend any license in accordance with the provisions of this Ordinance or on the basis or provisions of any State of Illinois law pertaining to raffles.
- (b) Licenses issued pursuant to this Ordinance may be suspended or revoked for any violation of this Ordinance.
- (c) When any licensee shall have its license revoked for any cause, no license shall be granted for a period of one (1) year thereafter.

### **Sec 21-33 Entry Powers of City Officials**

Licenses shall make all premises named in the license issued pursuant to the provision of this Ordinance available for inspection by local Raffle Commissioner, alderman of the City of Kankakee, duly appointed police officers of the City of Kankakee and other officers designated by the Mayor to conduct inspections and observations pursuant to this Ordinance.

### **Sec 21-34 Penalties**

Any person or organization that is convicted of violating any of the provisions of this Ordinance shall be fined not less than fifty (\$50.00) dollars. Each day any person or organization violates or continues to violate any provisions of this Ordinance shall constitute a separate offense. Suspension or revocation of a license may be in addition to the imposition of a fine or other such penalty for the conviction of a violation of any of the provisions of this chapter, and suspension or revocation shall be no defense to a prosecution for such violations.

### **Sec 21-35 Responsibility for Violations**

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Ordinance by any officer, director, manager, or other agent of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. (Ord 02-63)

Any person or organization who is licensed by the County of Kankakee or any other municipality of the County of Kankakee for the purposes of selling raffle tickets shall be deemed by this Ordinance and shall be deemed to be licensed within the City of Kankakee for the purposes of sale of raffle tickets for the purposes of selling or offering for sale any raffle chance. (Ord. 03-12)

## **ARTICLE II. BUSINESS LICENSE AND REGISTRATION**

### **21-21 Definitions.**

Except as otherwise expressly declared or clearly apparent from the context in which used, the following definitions shall be applied in construing the provisions of this chapter:

A. **Business.** The term “business” means and includes all services and activities engaged in with the object of pecuniary gain, benefit or advantage to the person, or to another person or class, directly or indirectly, whether part-time or full-time. Any enterprise that meets the general definition of “business” shall be considered a separate and distinct business subject to the requirements of this chapter; provided, that a component or incident part of a separate business shall not itself be considered a separate business. For the purposes of this chapter, non-profit organizations shall also be included under the term “business”.

B. **Person.** The term “person” means one or more natural person of either sex, corporations, partnerships, associations or other entities capable of having an action at law brought against such entity, but shall not include employees of persons licensed pursuant to this chapter.

### **21-22 Required-Exceptions.**

A. It is unlawful for any person to conduct, operate, engage in or practice any business in the City of Kankakee from a specific premise, without first having obtained a business license for the City. If more than one business is conducted on a single premise, a separate license shall be required for each separate business conducted, operated, engaged in or practiced. If a business is transacted at two or more places by a person within the City, a separate license shall be required for each place at which business is transacted.

B. A non-profit organization shall complete the business license application form and be required to comply with all of the provisions of this ordinance; however, it shall not be required to pay a license fee.

C. Day Care Centers shall complete the business license application and provide a copy of their current State License. No license fee shall be required.

D. Businesses which pay for a liquor license shall be required to apply and secure a License pursuant to this Ordinance. No license fee shall be required.

E. No business license shall be required for the following businesses, to wit:

1. Any farmer, gardener or other person that sells, delivers or peddles any fruits, vegetables, berries, eggs or any farm produce or edible raised, gathered, produced or manufactured by such person.
2. Home sited businesses where the location complies with the provisions of Chapter 4 of the City of Kankakee Zoning ordinance.
3. Health Care Professional and Hospitals that are licensed through the State of Illinois.
4. Any business or profession which is licensed by the State of Illinois and which the State has pre-empted regulations of said business or profession.

### **21-23 Application-Procedure.**

A. No new business license shall be issued except upon written application made to the city clerk. Such application shall be signed by the person who intends to conduct, operate or engage in the business for which the license

is to be issued, and shall state the nature and address of the business or proposed business of the applicant and such other information as may be required by the city clerk.

B. If the applicant is a partnership, the application must be made and signed by one of the partners; if a corporation, by one of the officers thereof; if a foreign corporation, partnership or nonresidential individual, by the resident agent or local manager of the corporation, partnership or individual. Any foreign corporation shall be authorized to conduct business in Illinois by the Secretary of State.

C. The City Clerk shall issue all Business Licenses hereunder.

D. Neither the filing of an application for a license nor the payment of the fee shall authorize a person to engage in or conduct a business until such license has been granted.

#### **21-24 Application-Form.**

The business license application shall contain the provision that additional permits may be necessary before the owner can commence business. For example, a business selling alcoholic beverages will require a liquor license in addition to a Business License under this ordinance.

#### **21-25 Renewal.**

A. Annual licenses to be issued and registration for existing businesses under Sect. 21-22 D, pursuant to the provisions of the Chapter shall be renewed on May 1<sup>st</sup> of each subsequent year.

B. Neither the filing of an application for renewal nor the payment of a renewal fee shall, of itself, authorize a person to engage in or conduct a business.

C. The city clerk shall send out renewal and re-registration notices each year. If the information regarding the business has not changed from the original application or a later update, the renewal notice shall be returned to the city clerk with the renewal fee as set forth herein. If any of the information regarding the business has changed, such change(s) shall be submitted with the renewal notice and the renewal fee.

D. It shall be a condition precedent to the renewal of any licenses or registration hereunder that the business in question shall have passed the most recent inspection required by NFPA 1, Section 1.7.6.1 of the National fire Protection Code as adopted by the City of Kankakee.

#### **21-26 Fees; Penalty.**

A. The fee for the initial annual license fee required by this chapter shall be One Hundred Dollars (\$100.00). The fee for renewal of the annual license shall be One Hundred Dollars (\$100.00).

B. All businesses required to obtain annual licenses under this chapter shall obtain the same and pay all fees required on or before May 1<sup>st</sup>. Any business which fails to obtain and pay the license fees prior to said date shall, in addition to any other penalties provided in this chapter, be assessed a sum of Ten Dollars (\$10.00) as a penalty for each month such late application and/or payment is overdue until paid.

C. Any business relocating to another address in the City shall re-apply for a license hereunder. No fee required. New inspections shall be conducted as if it were a new business.

#### **21-27 Term.**

All annual business licenses issued pursuant to the provisions of the chapter shall be valid until the following April 30<sup>th</sup>, and all renewals thereafter shall be for a period of one year from May 1<sup>st</sup>.

### **21-28 Change of Ownership-Reapplication.**

Upon the sale or transfer of any business license, pursuant to this chapter, the license issued to the prior owner or transferor shall automatically expire on the date of such sale or transfer and the new owner intending to continue such business in the City of Kankakee shall apply for and obtain a new business license pursuant to the procedures established by this chapter prior to engaging in, conducting or operating the business. **Any new purchaser shall have a 30 day grace period within which to secure a new license.**

### **21-29 Posting license.**

Every license granted for the purpose of conducting any business or occupation required to be licensed, and which designates the particular room, store, office or place in which such business so licensed is to be conducted, shall be posted at all times in a conspicuous place, so that the same may be easily seen, upon the wall of the principal room or office of the store or place in which such licensed business or occupation is carried on. When such license shall have expired, it shall be removed from such place in which it has been posted, and no license which is not in force and effect shall be permitted to remain posted upon the wall or upon any part of any room, store, office or place of business after the license has expired.

### **21-30 Revocation or Suspension-Grounds.**

The city clerk may, at any time, suspend or revoke any license issued under the provisions of this chapter whenever the licensee, or any officer, employee or partner thereof:

- A. Has violated any federal, state statute, or city ordinance, law, regulation or ordinance upon the business premises stated in the license and said violation or violations are in connection with the business stated in the license, whether or not the licensee, or officer or partner, thereof, has been convicted in any court of competent jurisdiction of such violation;
- B. Has maintained or permitted the business stated in the license to be conducted, engaged in or operated in such a manner as to constitute a public nuisance;
- C. Has made any material false statement or representation in connection with obtaining the license.

### **21-31 Appeal.**

A. Whenever the city clerk determines that there is cause for suspending, denying or revoking any license issued pursuant to this chapter, the clerk shall notify the person holding the license by registered or certified mail, return receipt requested, of the determination. Notice mailed to the address on the license shall be deemed received three (3) days after mailing. The notice shall specify the grounds for suspension, denial or revocation.

B. The licensee may appeal the decision of the city clerk to deny or revoke a business license by filing a written notice of appeal to the city clerk within ten (10) days of the city clerk's decision.

C. Upon timely receipt of the notice of appeal, the city clerk shall set a date for hearing the appeal before an appeal board which shall consist of the seven (7) members of the License and Franchise Committee. The city clerk

shall mail notice of the date of the hearing to the licensee at least twenty (20) days prior to the hearing date.

D. The hearing shall be de novo. The appeal board may affirm, reverse or modify the city clerk's decision.

E. The decision of the appeal board shall be final. Any person desiring to appeal must file an appropriate action with the Circuit Clerk of Kankakee County pursuant to the Administrative Review Act.

F. Any timely appeal filed hereunder shall stay the effect of the suspension, revocation or denial by the city clerk until the appeal process under this ordinance is completed.

### **21-32 Violation-Penalty.**

A. Any person, as defined in this chapter, and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the provisions of this chapter shall have committed a civil infraction and, upon a determination by the circuit court of Kankakee County that such infraction has been committed, shall pay a civil monetary penalty to the City in a sum not less than fifty Dollars (\$50.00) but not more than Five Hundred Dollars (\$500.00). In addition, each and every day during any portion of which a violation of any provision of this chapter is committed, continued or permitted constitutes a separate infraction. Penalties collected pursuant to this section shall be deposited in the City's general fund to be used for general purposes of the City.

B. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a public nuisance and all remedies given by law for the prevention and abatement of nuisance shall apply thereto.

C. Any business open within the City of Kankakee in violation of this Ordinance may be closed by a Court Order Injunction pursuant to 65 ILCS 5/1-2.1 et seq.

D. No person who owes money to the City of Kankakee for any reason, including fines for violations of the city ordinances, shall qualify to hold a business license hereunder.

### **21-33 Application Deadline for Existing Businesses.**

All businesses existing in the City of Kankakee as of the date of this Ordinance (09/16/2013) must make application for its initial license hereunder, shall be filed by all businesses as defined herein on or before January 1, 2014.

**Section 2:** That all ordinances, resolutions and order, or parts thereof in conflict herewith, be and the same are hereby repealed and this ordinance be in full force and effect immediately and forthwith upon its adoption, approval and publication by law.

**Section 3:** That this Ordinance shall be effective upon its passage, approval and publication in pamphlet form in the manner provided by

<b>ARTICLE I. LICENSES GENERALLY</b> .....	21
Application for City license.....	21 - 03
Approval or denial of City license.....	21 - 07
Bond and insurance for City licenses.....	21 - 06
Certificates to verify licensing.....	21 - 09
Compliance required to get a license.....	21 - 01
Delinquent payment fees for City license.....	21 - 05
Delinquent payment fees.....	21 - 05

Exhibition of certificate of licensing.....	21 - 10
Garage sales and yard sales.....	21 - 15
Inspections as related to licensing.....	21 - 14
No license for applicant indebted to City.....	21 - 02
Payment of fee for City license.....	21 - 04
Renewal of licenses.....	21 - 12
Revocation of license.....	21 - 13
Term of City license.....	21 - 08
Transferability of license.....	21 - 11

<b>ARTICLE II. BUSINESS LICENSE AND REGISTRATION.....</b>	<b>21</b>
Definitions.....	21-21
Required-Exceptions.....	21-22
Application-Procedure.....	21-23
Application-Form.....	21-24
Renewal.....	21-25
Fees; Penalty.....	21-26
Term.....	21-27
Change of Ownership-Reapplication.....	21-28
Posting License.....	21-29
Revocation or Suspension-Grounds .....	21-30
Appeal.....	21-31
Violation-Penalty.....	21-32
Application Deadline for Existing Businesses.....	21-33