

CHAPTER 5
BUSINESS LICENSES

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BUSINESSES AND LICENSES

DIVISION 1

GENERAL PROVISIONS

5-1-1 APPLICATION, FEE

Applications for licenses requested by this Chapter shall be made to the Clerk upon forms provided by him. Application for a license shall contain the name and address of the applicant, the purpose for which license is requested, the location for which the license is to be issued, the term the license is to be issued, and such other information as may be required for the proper guidance of the officials in the issuance of the license applied for. The license fee of \$15.00 shall be paid in advance to the Treasurer and such fee shall be returned to the applicant if his application is disapproved.

5-1-2 FORMS

Forms for all licenses and applications therefore, shall be prepared and kept on file by the Clerk.

5-1-3 ISSUANCE OF LICENSE

If the Mayor shall grant the application, he shall endorse the same. Upon the filing of the application so endorsed with the Clerk and the presentation to him of a receipt from the Treasurer, showing payment of the necessary license fee, the City Clerk shall issue a license to the applicant. Appeal from the disapproval of an application may be made to the City Council. Every license issued pursuant to the provisions of this chapter may be suspended or revoked by the Mayor for cause. Appeal from a suspension or revocation of a license may be taken to the City Council. No license shall be issued to extend beyond the last day of the license year for which it is issued. No license shall be issued to any minor or legally incompetent person.

5-1-4 REGISTRY

The City Clerk shall keep a register of all licenses issued, the period for which they are issued, the person to whom issued, the purpose thereof, and the fee paid therefore.

5-1-5 SUBJECT TO ORDINANCES

Every license, issued under this Chapter, shall be subject to all provisions of this code and to all ordinances relative to such license or the subject

matter thereof whenever enacted. No license issued hereunder shall constitute a contract between the holder thereof and the City, nor shall the issuance of any such license constitute a bar to the change, amendment or repeal of the chapter or ordinance, or any part thereof under which any such license is issued.

5-1-6

REVOCAION - NOTICE TO LICENSEE

The Mayor may suspend or revoke any license issued hereunder whenever it shall appear, upon hearing, after not less than 24 hours, written notice of said hearing, that the licensee has violated any provision of this Chapter relative to such license. Suspension or revocation of a license shall not prevent the assessment or collection of any fine or judgment assessed or which may be assessed against any licensee for the violation of any provision of this Chapter.

5-1-7

REFUND OF FEE

No refund of fee after license is issued.

5-1-8

DEATH OF LICENSEE: CONTINUATION OF LICENSE

In the event of the death of a licensee before his license has expired, his co-partner, if any, may continue to act under such license for the unexpired term thereof. Any co-partner must be listed on license.

5-1-9

TRANSFER

No license may be transferred.

5-1-10

POSTING

Every person, to whom a license is issued under this Chapter, shall post the same in some conspicuous place in location to or for which such license is issued.

5-1-11

UNLAWFUL ACTS

It shall be unlawful for any person to alter, change, mutilate, injure or destroy any license issued under this Chapter while the same is in force; and, whenever a license is required by this Chapter, it shall be unlawful to engage in such licensed activity without first having obtained a license therefore.

5-1-12

CONJUNCTION WITH OTHER ORDINANCES

This Chapter shall be construed in conjunction with other Chapters of this Code so that all may stand, and shall not be held to be in conflict with Chapters making specific provisions covering the subject matter hereof.

5-1-13

PENALTY

Any person violating any provision of this Chapter shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00), nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Revised 7-6-98; Amended April 5, 2010; Amended October 5, 2011

DIVISION 2

AMUSEMENT DEVICES

5-2-1 GAMING

Except as authorized under the Video Gaming Act (230 ILCS 40/1 et. seq) and the regulations of the Illinois Gaming Board, it shall be unlawful to use or permit the use of any amusement device for gambling purposes. Any reward of money, property, or other thing of value, except free replays mechanically awarded by such amusement device, received by or allowed to the player of such amusement device by reason of his play or operation of the amusement device shall constitute the use or permitting the use of such amusement device for gambling.

5-2-2 VIDEO GAMING LICENSES AND FEES

Any entity licensed by the Illinois Gaming Board pursuant to the Video Gaming Act shall obtain a license for each gaming terminal through the City of St. Elmo. The licensing requirement shall be the same as those imposed under the Video Gaming Act. The holder of a video gaming license shall pay on initial licensing fee of \$25.00 per gaming terminal and a renewal fee of \$25.00 annually thereafter for each gaming terminal.

5-2-3 FINE STRUCTURE

Any person who shall violate any of the provisions of this Division shall, upon conviction thereof, be subject to a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) and not more than Five Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Amended 12/7/2016

DIVISION 3

LICENSING TAXICABS & TAXICAB DRIVERS

5-3-1

DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the following meanings:

- (a) "Taxicab" means any vehicle used to carry passengers for hire.
- (b) "Owner" means any person, firm, association or corporation owning, operating or causing to be operated any taxicab upon the streets of St. Elmo, Illinois.
- (c) "Driver" means the person driving any taxicab within the City of St. Elmo.
- (d) "City of St. Elmo" means the City of St. Elmo, Illinois.

5-3-2

LICENSE

That any person, firm or corporation who desires to maintain or operate a taxicab within the corporate limits of the City of St. Elmo shall first obtain from the City Clerk a vehicle license applicable to each such Taxicab for the fiscal year. The fee for such vehicle license shall be \$5.00 (Five Dollars) if obtained prior to June 4, of the then fiscal year, or \$2.50 (Two and one-half dollars) if obtained after December 4th inclusive and shall be paid to the City Clerk.

5-3-3

INSURANCE

That any person, firm or corporation who shall maintain or operate a Taxicab within the corporate limits of the City of St. Elmo shall furnish satisfactory evidence to the City Clerk of Public Liability and Property Damage Insurance in the sum of \$100,000.00.

5-3-4

REGISTRATION

That any taxicab which shall be operated within the corporate limits of the City of St. Elmo shall have, and its operations shall be controlled by and through a central headquarters or place of business, the address of which shall be filed with the City Clerk by the person, firm or corporation who shall maintain or operate as aforesaid, and such taxicab shall remain at such headquarters or place of business except when engaged in answering a call for its services, carrying a passenger, or returning to its headquarters or place of business.

5-3-5

FINES

That any person, firm or corporation who shall maintain or operate a taxicab within the corporate limits of the City of St. Elmo in violation of any of the provisions of this Ordinance shall upon conviction thereof be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) and each day such violation is continued or permitted to exist shall be deemed a separate offense.

Amended April 5, 2010; Amended October 5, 2011

DIVISION 4

STREET FAIRS AND CARNIVALS

5-4-1 LICENSE REQUIRED

It shall be unlawful for any person or persons to present, conduct or operate for gain, or admission, to which the public is required to pay a fee, any aggregation of shows "Carnival," without first having obtained a license to do so as provided for in this Chapter.

5-4-2 LICENSE FEE

The fee for such license shall be (\$10.00) per day or (\$50.00) per week.

5-4-3 APPROVAL OF CITY BOARD REQUIRED

When any such "Street Fair" or "Carnival" is to be conducted on any public property in the City then the application for a license shall, in addition to the other requirements set forth herein, be approved and endorsed by the City Council before such license is issued.

5-4-4 WAIVER OF LICENSE FEE WHEN CHARITABLE

The Mayor, with the advice and consent of the City Council, may waive any license fees for entertainment, exhibitions, or performances classified and defined hereunder, given for any purely charitable purpose or where the entertainment, exhibition, or performance is conducted by or under the auspices of a local educational, fraternal, religious, military, patriotic, or civic organization and the profit of which is to be used solely for carrying on the work of such organization.

DIVISION 5

ITINERANT MERCHANTS,
SOLICITORS, AND PEDDLERS

5-5-1 DEFINITIONS

Unless the context otherwise requires, the following terms as used in this article shall be construed according to the definitions given below:

Itinerant merchant shall mean any person engaging or intending to engage in business as a merchant in the City for a period of time not exceeding 100 days; provided that, peddlers shall not be considered itinerant merchants.

Peddler shall include any person who travels from place to place within the City, by foot or other conveyance, selling for profit or offering for sale any goods, wares or merchandise and rendering immediate delivery thereof.

Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Solicitors shall mean any person:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (4) Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

5-5-2 ITINERANT MERCHANTS, PEDDLERS, AND SOLICITORS

It shall be unlawful to do business in the City as an itinerant merchant, peddler, or solicitor, without having first obtained a license from the city clerk.

5-5-3

POLICY OF THE CITY

It is hereby declared to be the policy of the city council that the occupants of the residences in the City shall make the determination of whether solicitors and peddlers shall be invited to their respective residences.

5-5-4

NOTICE

Each person desiring to secure the protection intended to be provided by this article pertaining to soliciting and peddling, shall comply with the following directions, viz.: Notice of the determination by the occupant of giving invitation to solicitors and peddlers, or the refusal of invitation to solicitors and peddlers, to any residence shall be given in the following manner:

(1) A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“SOLICITORS AND PEDDLERS INVITED” or, in the alternative:

“NO SOLICITORS AND PEDDLERS INVITED”

(2) The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the city clerk to persons requesting them at cost.

(3) Such card so exhibited shall constitute sufficient notice to any solicitor or peddler of the determination by the occupant of the residence of the information contained thereon.

5-5-5

DUTY TO OBSERVE NOTICE

It shall be the duty of every solicitor and peddler, upon going onto any premises in the City upon which a residence is located, to first examine the notice provided for in this article, if any is attached, and be governed by the statement contained on the notice. If the notice states “no solicitors and peddlers invited,” then the solicitor or peddler shall immediately and peacefully depart from the premises.

5-5-6

TO LEAVE PREMISES WHEN REQUESTED

Any solicitor or peddler who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

5-5-7

PEDDLERS AND SOLICITORS

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered pursuant to this article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting or peddling prior to 9:00 a.m. or after 5:00 p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.

5-5-8

HOURS OF OPERATION - ITINERANT MERCHANT

Itinerant merchants shall be allowed to operate their business between the hours of 8:00 a.m. to 5:00 p.m. Monday through Saturday.

5-5-9

FALSE REPRESENTATIONS - ITINERANT MERCHANTS,
PEDDLERS, AND SOLICITORS

Any itinerant merchant, solicitor, or peddler who shall be guilty of any fraud, cheating, or misrepresentation, whether through himself or through an employee, while acting as an itinerant merchant, solicitor, or peddler in the City or who shall sell, barter, or peddle any goods, merchandise, or wares other than those specified in his application for a license shall be subject to punishment as provided in this article and the city clerk may revoke his license for such offense.

5-5-10

RESCISSION OF CONTRACTS MADE IN VIOLATION OF THIS
ARTICLE

Any contract entered into between an occupant of a residence in the City and solicitor or peddler acting in violation of any of the provisions of this article is hereby declared to be against public policy of the City, and such contract shall be voidable at the option of the occupant who entered the contract, within 60 days from the date of the execution thereof. The contract shall be voided by the occupant sending a letter to the solicitor or peddler or his principal stating in substance that the contract is voided or canceled, and identifying the contract generally. No contract shall be voided unless the wares of the solicitor or peddler left with the occupant are returned, unless the contract does not give the address of the solicitor or peddler or his principal.

5-5-11

APPLICATION FOR LICENSE

(a) Application for a license required by this article shall be made upon a form provided by the city clerk and filed with the clerk. The applicant shall truthfully state in full the information requested on the application, to-wit:

(1) The applicant's name and present address, and length of residence at such address, his business address if other than residence address; and his social security number.

(2) The applicant's address or place of residence during the past three years, if other than his present address.

(3) The age of the applicant and marital status; and, if married, the name of its spouse.

(4) A physical description of the applicant.

(5) The name and address of the person, firm, or corporation or association by whom the applicant is employed or represents; and the length of time of such employment or representation.

(6) The name and address of the applicant's employer during the past three years, if other than the present employer.

(7) A description, sufficient for identification, of the subject matter of the soliciting or peddling which the applicant will engage in, including a description of any merchandise being sold or for which orders are being solicited.

(8) The period of time for which the license is applied.

(9) The date, or approximate date, of the latest previous application for certificate under the ordinance, if any.

(10) Whether a license issued to the applicant under this article, or any other ordinance in any municipality, has ever been revoked.

(11) Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or the ordinance of any other municipality of this state regulating soliciting or peddling.

(12) Whether the applicant has ever been convicted of the commission of a felony under the laws of this state or any other state, or a federal law of the United States.

(13) The commodities to be sold and the location intended to be occupied or used for the business, if the application is for an itinerant merchant.

(14) Such additional information as the city clerk may deem necessary to process the application, such as but not limited to, fingerprinting or the applicant and the applicant's driver's license.

(b) All statements made by the applicant upon the application or in connection therewith shall be under oath and made subject to the penalties for perjury as provided by state law.

5-5-12

PERSONS INELGIBLE FOR LICENSE

No license shall be issued under this article to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States within five years of the date of this application; nor to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose license issued pursuant to this article has previously been revoked.

5-5-13

DENIAL OR ISSUANCE OF CERTIFICATE

The City Clerk, after consideration of the application for a license pursuant to this article and all information obtained relative thereof, shall deny the application if he determines the applicant does not possess the qualifications for the license, and that the issuance of a license to the applicant would not be in accord with the intent and purpose of this article. Endorsement shall be made by the City clerk upon the application of the denial of the application. When the applicant is found to be fully qualified, the license shall be issued forthwith.

5-5-14

RECORDS

The city clerk shall cause to be kept in her office an accurate record of each application received and acted upon pursuant to this article, together with all other information and data pertaining thereto and all licenses issued under the provisions of this article, and of the denial of the applications. Applications for license shall be numbered in consecutive order as filed, and every license issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

5-5-15

REVOCAION; GROUNDS

Any license issued pursuant to this article shall be revoked by the City clerk if the holder of the license is found to be in violation of any of the provisions of this article, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this article. Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the holder of the license in person or by certified U.S. mail addressed to his residence address set

forth in the application. Immediately upon the giving of notice of revocation, the license shall become null and void.

5-5-16

EXPIRATION

The license issued pursuant to this article shall expire on the date shown on the face of the certificate. No license shall be issued for a period of longer than 90 days after the date of issuance of the license.

5-5-17

FEE FOR LICNESE

All persons being issued a license under the provisions of this article shall pay a fee to the city clerk in the amount of \$25.00. It shall be unlawful to conduct business as an itinerant merchant, peddler, or solicitor within the City until the fee has been paid. All license holders shall keep their license and receipt for payment of the fee on their person at all times.

5-5-18

APPEAL FROM DENIAL OR REVOCATION

Any person to whom the city clerk has refused to issue a license or whose license has been revoked by the clerk may within ten days of receipt of notice of such action, appeal such decision to the city council by filing a statement requesting such appeal with the city clerk. Upon receipt of such a notice, the clerk shall forward it to the council, and the council shall set a date for a hearing, which hearing shall be held within a reasonable time after the filing of the notice. At the hearing the council shall review the clerk's actions. The appellant shall be given adequate notice of the hearing and shall be afforded due process at the hearing.

5-5-19

VIOLATIONS; PUNISHMENT

(a) Any person violating or aiding or abetting the violation of any provision of this article is guilty of a petty offense and shall be fined not less than \$100.00 nor more than \$500.00.

(b) Each day a person fails to comply with the provisions of this article constitutes a separate offense.

Revised 8/1/2005

DIVISION 6

JUNKYARDS deleted, covered in Zoning, Chapter 19.

Revised 7-6-98; removed 9/6/2005

DIVISION 7

SLAUGHTER HOUSES deleted, covered in Zoning Chapter 19.

Removed 9/6/2005

