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AN ORDINANCE AMENDING TITLE 6 AND TITLE 7 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO THE DECLARATION OF A NUISANCE WHERE THERE IS A VIOLATION OF FEDERAL LAW AND PROHIBITING A BUSINESS LICENSE TO A BUSINESS THE OPERATION OF WHICH VIOLATES STATE OR FEDERAL LAW

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the "Village") have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-60-2 (2012), the President and Board of Trustees of the Village may define, prevent, and abate nuisances; and

WHEREAS, the Village desires to reduce, eliminate and curb the public nuisances created by persons, firms and corporations operating businesses in violation of certain laws within the Village; and

WHEREAS, the Village declares that a public nuisance is created by persons, firms or corporations operating businesses in violation of the ordinances of the Village as well as statutes of the State of Illinois or the United States Code; and

WHEREAS, it is in the best interests of the health, safety and welfare of the residents of the Village that the Village Code be amended to define the operation of a business in violation of Village ordinances or in violation of State or federal law as a nuisance and to prohibit the issuance of a business license to such a business.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, a home rule municipality, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

Title 6 of the Orland Park Village Code is amended by amending Section 6-2-2 thereof to read in its entirety as follows:

"6-2-2: DECLARATION OF PUBLIC NUISANCES:

Each of the following enumerated acts or omissions is hereby declared to constitute a public nuisance and shall constitute a violation of this Municipal Code. In addition, it shall be a public nuisance and shall constitute a violation of this Municipal Code to commit any offense or permit a condition or use of property which is in fact a nuisance according to the common law, other

ordinances of the Village, or the statutes of the State of Illinois, or the statutes of the United States or which deleteriously affects public health, welfare, or safety, or greatly offends the public morals or decency.”

SECTION 3

Title 7 of the Orland Park Village Code is amended by amending Section 7-1-1 thereof to read in its entirety as follows:

“7-1-1: LICENSE REQUIRED; SUBJECTS OF LICENSING AUTHORITY:

No person shall conduct, engage in, maintain, operate, carry on or manage any business, occupation, activity or establishment, either by himself or itself, or through an agent, employee or partner, for which a license is required by this Chapter, without first having obtained a license for such business, occupation, activity or establishment.

Whenever a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement, if, by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor, actively or passively, or if he or it performs or attempts to perform any part of such business, activity or occupation in the Village.

No license or permit shall be issued for the maintenance, operation or conduct of any business or establishment which is a public nuisance, as defined in Section 6-2-2 of this Municipal Code, or which violates the ordinances of the Village, the statutes of the State of Illinois or the statutes of the United States.”

SECTION 4

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.