

CHAPTER 7

BUSINESS CODE

ARTICLE I – ADMINISTRATION

7-1-1 APPLICATIONS.

(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

(B) Each application shall contain:

- (1) the name of the applicant;
- (2) the permit or license desired;
- (3) the location to be used, if any;
- (4) the time covered;
- (5) the fee to be paid; and
- (6) zone district.

(C) Each application shall also contain the number of the Certificates of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

7-1-2 PERSONS SUBJECT TO LICENSE.

Every person, firm or corporation maintaining, operating or conducting any business or establishment within the corporate limits of this municipality, not otherwise specifically licensed under this Code, and not otherwise preempted from municipal licensing requirements by State statutes, shall be required to have a business license. Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation 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 patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this municipality. Any person, firm or corporation not subject to licensing under this Section, by reason of State statute preemption, shall nevertheless have the opportunity to voluntarily subscribe for a license and voluntarily pay the prescribed business license fee in the same fashion as all other businesses. **(Ord. No. 91-3; 04-15-91)**

7-1-3 TERM AND FORM OF LICENSE.

No license shall be granted for longer than a **one (1) year** term, and all licenses, unless otherwise provided by ordinance, shall run from **January 1** to **December 31** of each year. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form. All references to the Village Clerk shall include the duties of the Village Collector.

7-1-4 INVESTIGATIONS.

(A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk, within **forty-eight (48) hours** shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

(B) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise, within **ten (10) days** after receiving such application or a copy thereof.

(C) The Chief of Police shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. If a Zoning Code is in effect, the Zoning Administrator shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained with the application and the related investigative reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(G) If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Collector in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity. The annual fee shall be **Ten Dollars (\$10.00)** unless it is provided for otherwise in this Chapter.

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this municipality shall commence on **January 1st** of each year and shall terminate on **December 31st** of the following year, where no provision to the contrary is made.

The Clerk shall notify all licensees of this municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation with a license.

7-1-7 BUILDING AND PREMISES. All businesses or occupations shall be conducted only in or from permanent buildings which are in compliance with all applicable building codes. Provided all other requirements of this Section are complied with, a manufactured home or manufactured housing unit shall be deemed equivalent to a permanent building for the purposes of this Section when the business or occupation conducted is the sale of such manufactured homes or manufactured housing units. No license shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this municipality and the

State of Illinois. No such license or permit shall be issued for the conduct of any businesses or performance of any act which would involve a violation of the Zoning Code and/or other applicable regulations of this municipality. **(Ord. No. 92-21; 9-8-92)**

7-1-8 **CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this municipality shall be complied with.

7-1-9 **LOCATION.** No license for the operation of a business or establishment in this municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-10 **NUISANCES PROHIBITED.**

7-1-10.1 **GENERALLY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

7-1-10.2 **UNSAFE OR UNHEALTHFUL BUSINESS.**

(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

(B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this municipality.

7-1-10.3 **REFUSE DISPOSAL.**

(A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

(B) **Duty to Provide Refuse Containers.** The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

(C) **Refuse Removal.** It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.

(D) **Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than **thirty-two (32) gallons** of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed weekly from his premises and to be disposed of at his own expense.

7-1-11 INSPECTIONS.

(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of this municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this municipality after having first presented a warrant authorizing such entry.

7-1-12 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

7-1-12.1 NUISANCE. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

7-1-12.2 HEARING. Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked,

7-1-12.3 REVOCATION. Licenses and permits issued in this municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-1-12.4 and 7-1-12.5** of this Section for any of the following causes:

(A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;

(B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

(C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

(D) Failure of the licensee or permittee to pay any fine or penalty owed to this municipality;

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-11.**

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable Code regulations of this municipality.

7-1-12.4 **HEARING NOTICE.** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

7-1-12.5 **COUNSEL.** At the hearing, the attorney for the municipality shall present the complaint and shall represent the municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-13 **APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in **Section 7-1-12** shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Village Board shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-12** hereof. The decision of the Village Board on such appeal shall be final.

7-1-14 **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this municipality to keep his license posted in a prominent place on the premises used for such business at all times.

ARTICLE II - SOLICITORS

7-2-1 **DEFINITIONS.** For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid **Certificate of Registration** as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any **one (1)** or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-2-2 **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this municipality which have been in existence for **six (6) months** or longer shall be exempt from the provisions of this Article.

7-2-3 **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past **three (3) years** if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

(D) Physical description of the applicant.

(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past **three (3) years** if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.

(J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application in this municipality and the address from which such business was conducted in those municipalities.

(N) Also, such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within **five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-2-4 **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-2-5 **POLICY ON SOLICITING.** It is declared to be the policy of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

7-2-6 **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B) A weatherproof card, approximately **three inches by four inches (3" x 4")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

(C) The letters shall be at least **one-third inch (1/3")** in height. **(Ord. No. 2019-08; 03-12-19)**

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

7-2-7 COMPLIANCE BY SOLICITORS. It is the duty of every solicitor upon going onto any premises in this municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-2-6** if any is attached and be governed by the statement contained on the notice.

If the notice states **"ONLY REGISTERED SOLICITORS INVITED"**, then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, **"NO SOLICITORS INVITED"**, then the solicitor, whether registered or not shall immediately and peacefully depart from the premises. Upon initial contact with the resident, the solicitor must present the Certificate of Registration. **(Ord. No. 2019-08; 03-11-19)**

Any solicitor 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.

7-2-8 UNINVITED SOLICITING PROHIBITED. It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other 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 as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-2-6**.

7-2-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter 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 other 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 as herein defined, prior to **10:00 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.

7-2-10 SOLICITATION ON PUBLIC HIGHWAYS. Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions;

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes. Providing for Violations Thereof, and Making an Appropriation Therefore", approved **July 26, 1963**, as amended.

(B) Solicit only at the intersection of North Prairie and Central, and Old Bethalto Road and Second Street, from **7:00 A.M.** through **6:00 P.M.** Monday through Saturday. On days when school is in session, solicitation at Old Bethalto Road and Second Street shall be suspended between the hours of **7:00 A.M.** through **8:30 A.M.** and **2:30 P.M.** through **3:30 P.M.** **(Ord. No. 2019-08; 03-11-19)**

(C) Be engaged in a state-wide fund-raising activity.

- (D) Be liable for any injury to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.
- (E) Any person so engaged in such solicitation shall be at least **sixteen (16) years** of age and shall wear a high visibility vest.
- (F) Solicit only during daylight hours.
- (G) Solicitations at any one intersection shall not exceed the following frequency each calendar month:
 - (1) **two weekends** per month; or
 - (2) **two midweek days** per month; or
 - (3) **one weekend** and **one midweek day** per month.
- (H) Any one charitable organization shall be limited to conducting no more than two solicitations per calendar year. **(Ord. No. 94-2; 01-03-94)**

7-2-11 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

- (A) **Daily License: \$10.00 per person per day.**
(65 ILCS Sec. 5/1-5-2) (Ord. No. 2019-08; 03-11-19)

7-2-12 CHARITABLE OR RELIGIOUS SOLICITING. All persons or religious organizations engaged in the acts of soliciting charitable or religious contributions shall register with the Police Department upon request by the Mayor, Village Clerk, Chief of Police or Mayor's designee. There shall be no fee for registration, however, the following information must be given to the Police Department by the applicant:

- (A) Name and physical description of the applicant or applicants.
- (B) Permanent home address and local address if operating from such an address.
- (C) Evidence that the agent is acting on behalf of the firm, corporation or religious organization he represents.
- (D) If the donations are to be tax deductible, proof of a valid Certificate of Exemption.

Any person or religious organization failing to provide the above listed information shall be prohibited from seeking donations; however, they shall not be prohibited for exercising their First Amendment Rights. Upon receipt of the information required for registration, the applicant is free to proceed.

ARTICLE III - PEDDLERS

7-3-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

7-3-2 **DEFINITION.** "Peddle" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this municipality or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall "peddle" be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-3-3 **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Clerk and providing the following information:

- (A) Name and physical description of applicant.
- (B) Permanent home and address and local address if operating from such an address.
- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant's criminal record other than a traffic record.
- (H) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application to this municipality and the address from which such business was conducted in those municipalities.

7-3-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **8:00 a.m. or after "sunset"** of any weekday or at any time on a Sunday or on a State or National holiday.

7-3-6 **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

7-3-7 **PHOTOGRAPHS.** **Two (2)** photographs of the applicant and such of its employees as will be used in the peddling or merchandising, taken within **sixty (60) days** immediately

prior to the filing of the application, which pictures shall be **two inches by two inches (2" x 2")**, showing the head and shoulders of the applicant or its agent(s) and/or employees in a clear and distinguishing manner.

7-3-8 UNWANTED PEDDLING. Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

7-3-9 PEDDLERS AS NUISANCE. The practice of going in and upon private residences, business establishments or offices in the municipality by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

7-3-10 DUTY OF POLICE TO ABATE. The Police Department of this municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in **Section 7-3-9.**

7-3-11 EXCLUSIONARY PROVISION. The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the municipality or anyone duly licensed.

7-3-12 FEES. The license fees per person to be charged for licenses to peddle in this municipality, each payable in advance, are hereby fixed and established as follows:

- | | | |
|-----|-------------------------------|------------------------------------|
| (A) | <u>Daily License:</u> | \$10.00 per person per day |
| (B) | <u>Annual License:</u> | \$20.00 per person per year |

ARTICLE IV - AMUSEMENT DEVICES

7-4-1 **DEFINITION.** The term "coin-in-the-slot-operated" amusement device shall be construed to mean any automatic machine set in motion by the deposit of a coin or slug in any slot or receptacle attached to such device. This Code shall not apply to any coin-in-the-slot-operated device maintained by any public utility for furnishing service nor to any device which is designed and used strictly as vendor of merchandise or services and which is not an amusement device.

7-4-2 **LICENSE REQUIRED AND FEE.** No person, firm or corporation shall operate, permit to be operated or display for public operation any coin-in-the-slot amusement device in the Village without first having paid to the Village Clerk for each such machine the license fee as follows:

(A) For such device designed and operated for the purpose of providing games of skill or operating as amusement device, such as so-called pin ball machines, pellet guns, electric light ray guns, spring guns, mechanical bowling alleys, shuffle boards, electronic games and other such devices,

Per Annum..\$50.00

(B) For any such device designed and operated for taking of photographs or displaying pictures,

Per Annum..\$50.00

(C) For such devices designed and operated for playing of music by records, recordings, transcripts, transmission by wire from some other mechanical source of the reproduction of music by any mechanical means, commonly known as a juke box,

Per Annum..\$50.00

Every such amusement device found to be displayed without the fee imposed by this Code having been paid, the fee otherwise payable shall be increased by **twenty-five percent (25%)** as a penalty in addition to any other penalties herein provided.

7-4-3 **ANNUAL DUE DATE.** The date upon which said licenses are due and payable will be **January 1st** in each year as provided in **Section 7-1-6**. In event any device is first installed after **July 1st** in each year, the license fee shall be **one-half (1/2)** of the annual license, otherwise there shall be no pro-rating for part of a year. Licenses may be transferred from one device to a new device installed to replace the device licensed, upon information furnished to the Village Clerk and without additional fee. Licenses may be transferred from one owner to a new owner upon payment of a transfer fee of **Five Dollars (\$5.00)** to the Village Clerk.

7-4-4 **APPLICATION AND LICENSE.** In addition to the information required in **Section 7-1-1** of this Chapter, the application shall show the applicant's name and location of the device, the purpose for which used, and the serial number or other description. Upon payment of the license fee, he shall be furnished with an adhesive sticker or emblem which shall be attached to the machine.

7-4-5 **PROHIBITED LICENSEES.** No license under this Section shall be issued to:

(A) Any person who is not a citizen of the United States.
 (B) Any person who is not of good character and reputation in the community.
 (C) Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.

(D) Any person whose license issued under this Chapter has been revoked for cause.

(E) Any partnership, unless all of the members of the partnership are qualified to obtain such license.

(F) Any corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship or residence within this municipality.

(G) Any person whose place of business is conducted by a manager or agent unless the manager or agent is of legal age and possesses the same qualifications required of the licensee.

(H) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

7-4-6 NON-ASSIGNABILITY OF LICENSE. The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

7-4-7 PLACEMENT; GAMBLING PROHIBITED.

(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(C) **Prizes and Awards Prohibited.** It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person laying any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

7-4-8 RIGHT OF ENTRY. The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

[This Article Generally Ord. #82-9; 04-05-82]

ARTICLE V - JUNK DEALERS

7-5-1 DEFINITIONS.

"JUNK" as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than **one (1) gross**, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than **ninety (90) days**, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

"JUNK DEALER" as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this Section defined as "junk".

"JUNK YARD" as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this Section defined as "junk".

(Also see Chapter 24, Article IV and Chapter 25, Articles I and III)

7-5-2 PHYSICAL REQUIREMENTS. The minimum physical requirements at all times for each junk yard shall be as follows:

(A) The premises where the junk yard is located shall not have more than **two (2) entrances** thereto and **two (2) exits** therefrom, each of which shall not exceed **fifteen (15) feet** in width at the perimeter of the premises.

(B) The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of **seven (7) feet** measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

(C) The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting **one (1) sign** of the licensee thereon not exceeding **one hundred (100) square feet** in size.

(D) The public streets and alleys adjacent to the junk yard shall not have junk thereon.

7-5-3 LICENSE REQUIRED. It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the municipality without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land. The yard shall be in compliance with the zoning code requirements.

7-5-4 APPLICATION. Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this municipality shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of **seven (7) feet**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a

firm or partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

7-5-5 **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A) Not a person of good character.
- (B) Falsification of an application for a license hereunder.
- (C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-5-2** hereof.

7-5-6 **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of **thirty (30) days;** that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this Section and all amendments thereto.

7-5-7 **LICENSE FEE.** The annual license fee for each junk yard shall be **Three Hundred Fifty Dollars (\$350.00)** payable in advance with the filing of the application for license, and shall not be subject to prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the Village, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the Village, the annual fee shall be **Three Hundred Fifty Dollars (\$350.00)** for each junk dealer. The fee is payable as provided in this Code in **Section 7-1-6.**

7-5-8 **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

ARTICLE VI - POOL TABLES

7-6-1 **LICENSE REQUIRED.** No person shall operate, maintain or conduct a billiard, pool or bagatelle or pigeonhole table open to the public, including members of any organized social or fraternal club or organization without having first obtained a license therefor as is herein required. Application for license shall be verified by oath or affidavit, and contain the following information:

(A) The name, age, and address of the applicant in the case of an individual and in the case of a co-partnership, of the persons entitled to share in the profits thereof, and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominee(s), the name and address of such person(s).

(B) The citizenship of the applicant, his place of birth or, if a naturalized citizen, the time and place of his naturalization.

(C) The address of the place where the applicant proposes to operate.

(D) A statement whether the applicant has made a similar application for similar license on premises other than those described in the application, and the disposition of such application.

(E) A statement that the applicant has never been convicted of a felony, and is not disqualified to receive the license under this Section.

7-6-2 **LICENSE FEE.** The annual fee for any such license shall be **Twenty-Five Dollars (\$25.00)** per year or part thereof for each table as provided in **Section 7-1-5**. All license fees shall be payable in advance and in no case shall any portion of the license fee be refunded to the licensee.

7-6-3 **GAMBLING PROHIBITED.** No licensee shall permit any gambling on the premises for which such license is issued.

7-6-4 **MINORS.** Minors under the age of **sixteen (16) years** shall not, under any circumstances, frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be under the direction and consent of and knowledge of the parent, guardian or other person having the lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter, or remain within the hall in violation of this Article.

ARTICLE VII – RAFFLES AND POKER RUNS

7-7-1 DEFINITIONS. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) **"Business":** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) **"Charitable Organization":** 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 the government.

(E) **"Hardship":** A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) **"Key Location":** The location where the poker run concludes and the prize or prizes are awarded.

(G) **"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 degree of efficiency in their respective occupations.

(H) **"Licensee":** An organization which has been issued a license to operate a raffle.

(I) **"Net Proceeds":** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

(J) **"Non-Profit":** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) **"Poker Run":** An event organized by an organization licensed under this Chapter in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(L) **"Raffle":** A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by as number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some 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.

(M) **"Religious Organization":** Any church, congregation, society, or organization founded for the purpose of religious worship.

(N) **"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.

7-7-2 REQUIREMENT OF LICENSE.

(A) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

(B) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

7-7-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the Village Clerk on the forms provided by the Village Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
- (5) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (6) The maximum retail value of each prize awarded by a licensee in a single raffle;
- (7) The maximum price which may be charged for each raffle chance issued or sold;
- (8) The maximum number of days during which chances may be issued or sold;
- (9) The area in which raffle chances will be sold or issued;
- (10) The time period during which raffle chances will be sold or issued;
- (11) The date, time, and name and address of the location or locations at which winning chances will be determined;
- (12) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (13) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C) An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable filing fee. Such fee shall be paid by cash, credit card or cashier's check. The Village Clerk shall refer the application to the Mayor.

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a

licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold.

7-7-4 APPLICATION FOR A LICENSE FOR A POKER RUN.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the Village Clerk on the forms provided by the Village Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;
- (5) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (6) The time period during which the poker run will be conducted;
- (7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C) An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable **Twenty-Five Dollar (\$25.00)** filing fee. Such fee shall be paid by cash, cashier's check, or credit card. The Village Clerk shall refer the application to the Mayor.

7-7-5 LICENSEE QUALIFICATIONS.

(A) Raffle licenses and poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the Mayor determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The Mayor may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any raffle or poker run license;

- (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 organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;

- (5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

7-7-6 LICENSE ISSUANCE.

(A) The Mayor shall review all raffle license applications and all poker run license applications. The Mayor shall, within **thirty (30) days** from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Mayor shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

- (1) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
- (2) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
- (3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) Any license issued under this Article shall be non-transferable.

(D) A license shall be valid for one raffle event or one poker run only, unless the Mayor specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed **one (1) year**.

(E) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(F) **Prominent Display of License.**

- (1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
- (2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(G) **Miscellaneous Provision for Poker Run License.** Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

7-7-7 CONDUCT OF RAFFLES AND POKER RUNS.

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

- (1) The entire net proceeds of any raffle or poker run 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 or poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- (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 Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is

listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

- (5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.
- (6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the Village.

7-7-8 MANAGER - BOND.

(A) All operations of and conduct of raffles and poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle or poker run must be a bona fide member of the organization holding the license for such a raffle or poker run and may not receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** 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 Village not less than **thirty (30) days** prior to its cancellation.

(C) The Mayor is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

7-7-9 RECORDS.

(A) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the 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 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 or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit 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 or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles or poker runs shall report monthly to its membership, and to the Village Clerk, its gross receipts, expenses and net proceeds from raffles or poker runs, and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(E) The Village shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

7-7-10 LIMITED CONSTRUCTION. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

7-7-11 PRIZE LIMITATIONS; TERM.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed **Two Hundred Fifty Thousand Dollars (\$250,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle or single poker run shall not exceed **Two Hundred Fifty Thousand Dollars (\$250,000.00)**;

(C) The maximum price which may be charged for each raffle chance issued or sold or each poker hand shall not exceed **One Hundred Dollars (\$100.00)**;

(D) The maximum number of days during which chances may be issued or sold or poker hands issued or sold shall not exceed **one hundred twenty (120) days**;

(E) Licenses issued pursuant to this Code shall be valid for **one (1) raffle** and may be suspended or revoked for any violation of this Code;

(F) Raffle chances shall be sold only within the boundaries of the County and the boundaries of any municipality;

(G) Licenses shall be issued to bona fide religious, charitable, labor, fraternal, educational, or veterans' organizations that operate without profit to their members, and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objectives;

(H) The above-mentioned types of organizations shall be defined pursuant to **230 ILCS 15/.01 et seq.**, being the Raffles and Poker Run Act;

(I) No person, or organization shall be issued more than **one (1) license** in a period of **one (1) week**;

(J) The manager of a raffle game or poker run shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** in favor of the organization conditioned upon his honesty in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. The terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than **thirty (30) days** prior to its cancellation.

ARTICLE VIII – FIREWORKS CODE

7-8-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

- (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flutter sparklers;
- (2) Smoke devices;
- (3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a "common firework".

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

7-8-2 **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the Village other than those fireworks designated in **Section 7-8-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-8-3 **POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the Village; provided that this prohibition shall not apply to duly authorized public displays.

7-8-4 **PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the Village without first having obtained a valid permit issued pursuant to the provisions of this Article.

7-8-5 **TIME LIMIT SET ON SALE AND USE.** No permit holder shall offer for retail sale or sell any fireworks within the Village except from **12:00 Noon** on the **28th of June** to **12:00 Noon** on the **6th of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

7-8-6 PERMIT FEES. The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the Village Board.

7-8-7 ISSUANCE – NONTRANSFERABLE VOIDING.
 (A) **Sellers.** Each seller’s permit issued under this Article shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in **Section 7-8-11** of this Article. Each seller’s permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

7-8-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-8-12** of this Article.

7-8-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE. Applications for seller’s permits shall be made to the Village Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall close on **April 15th** of such year unless extended by action of the Village Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to **Section 7-8-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(See 425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the Village is to be an additional named insured and the policy shall provide for the immediate notification of the Village by the insurer of any cancellation of any policy.

(E) The permit holder’s location or place of business shall be only in those areas or zones within the Village where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-8-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the Village a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the Village. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10th) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-8-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the Village Clerk shall be controlling.

7-8-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-8-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-8-11 STANDARDS FOR TEMPORARY STANDS. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the Village Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7th) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: "**No discharge of fireworks within 250 feet.**" shall be posted on the exterior of all walls of the temporary fireworks stand.

7-8-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the Village and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the Village for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

7-8-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the Village, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-8-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-8-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and

(4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1st** of each year fro use on **July 4th** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the Village Board by any citizen of the Village. The decision of the Village Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the Village Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

7-8-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the Village in accordance with **Sections 7-8-7** and **7-8-8** of this Code.

7-8-15 **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-8-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-8-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-8-18 **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-8-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

ARTICLE IX – ADULT USE LICENSING AND REGULATION

7-9-1 PURPOSE. The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The Village recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

7-9-2 DEFINITIONS.

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display "specified anatomical areas"; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "specified sexual activities".

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious

ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Criminal Activity.** For the purpose of this Article, "specified anatomical areas" means:

- (1) less than completely and opaquely covered:
 - (a) human genitals;
 - (b) pubic region;
 - (c) buttocks;
 - (d) female breasts below a point immediately above the top of the areola; and
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
 - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
 - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-9-3 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the Village pursuant to this Article.

(B) An application for a license shall be made on a form provided by the Village.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the Village to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and
- (4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1) the business' fictitious name and
- (2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-9-4 **ISSUANCE OF LICENSE.**

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the Village shall approve or deny the issuance of a license to an applicant. The Village shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1) The applicant is under **eighteen (18) years** of age;
- (2) The applicant is overdue in payment to the Village of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
- (4) The applicant has been denied a license by the Village to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;
- (5) The applicant has been convicted of a specified criminal activity defined in this Article.
- (6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this Article has not been paid.
- (8) The applicant of the proposed establishment is in violation or not in compliance with all of the provisions of this Article.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with Village codes within **twenty (20) days** of receipt of the application by the Village.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-9-5 **LIQUOR.** No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-9-6 **FEES.** Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Seven Hundred Fifty Dollar (\$750.00)** non-refundable application and investigation fee.

7-9-7 **INSPECTION.**

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other Village or Village designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-9-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-9-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the Village denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the Village finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-9-9 SUSPENSION. The Village may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult use business premises as authorized by this Article, or

(C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-9-10 REVOCAATION.

(A) The Village shall revoke a license if a cause of suspension in **Section 7-9-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The Village may revoke a license if it determines, after a hearing, that:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;
- (3) A licensee or management personnel has knowingly allowed prostitution on the premises;
- (4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;
- (5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;
- (6) A licensee is delinquent in payment to the Village, County or State for any taxes or fees past due;
- (7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or
- (8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the Village revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the Village finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-9-11 **TRANSFER OF LICENSE.** A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-9-12 **BUSINESS RECORDS.** All adult uses shall file a verified report with the Village showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-9-13 **LIQUOR LICENSE.** No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-9-14 **ADULT ENTERTAINMENT CABARETS – RESTRICTIONS.** All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-9-15 **VIDEO VIEWING BOOTHS – RESTRICTIONS.** No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-9-16 **HOURS OF OPERATION.** No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-9-17 **INVESTIGATION.** Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

ARTICLE X - TAXICABS

7-10-1 DEFINITIONS AND LIMITATIONS.

"DRIVER OR TAXICAB DRIVER" when used in this Article shall include every person in charge of or operating any taxicab either as owner, agent, employee or otherwise.

"OWNER OR TAXICAB OWNER" when used in this Article shall mean any person, firm or corporation who has the bonafide legal title or control, direction, operation or leasing of a taxicab in the Village or collection of revenues derived from taxicabs operated in the Village.

"TAXICAB" when used in this Article means all motor vehicles operated for passenger hire subject to call from a stand, station or garage or otherwise operating for hire in the Village, except motor buses running in and operating on established routes, sightseeing buses, ambulances, limousine service vehicles and funeral vehicles. **(Ord. #86-14; 08-04-86)**

7-10-2 APPLICATION OF LAW.

This Article shall not apply to owners and drivers engaged in business outside of the Village and duly licensed, when discharging passengers in the Village from points of origin outside of the Village. Owners and drivers licensed in any other jurisdiction may pick up passengers in the Village destined for such other jurisdiction without a Village license, if the Code Regulations or laws of such other jurisdiction contain reciprocal provisions permitting owners or drivers licensed by the Village to pick up passengers in such jurisdiction destined for the Village.

7-10-3 LICENSE REQUIRED.

It is unlawful for any taxicab owner or any taxicab driver to operate a taxicab in the Village without having a valid license therefor as required by this Article.

7-10-4 LICENSE FEE.

A license fee shall be paid in full in advance to the Village Collector with the original application and annually thereafter on or before **January 1st** of each year, and without pro-rating for a fractional year, as follows:

- | | | |
|-----|---|----------|
| (A) | A Taxicab Owner's License (including one taxicab) | \$125.00 |
| (B) | Each additional Taxicab shall be | 25.00 |
| (C) | Each Taxicab Driver shall be | 10.00 |

In event any original application is denied the fee shall be refunded. No refund shall be made on any suspension or revocation of a license as hereinafter provided.

7-10-5 PROCEDURE.

Original applications for licenses shall be in writing and in accordance with the forms furnished by the Village, and filed with the Village Collector and shall contain all of the information required by this Article. Such application need not be under oath, but any false statement or failure to reveal all pertinent information shall be good cause for denial or subsequent revocation. Such application shall be referred to the Police Department for investigation and report to the Mayor, which report shall be confidential and not a public record. The Mayor shall issue or deny the license in accordance with this Article. Any denial, suspension, or revocation of a license by the Mayor shall be appealable to the Village Board. Such appeal shall not stay or supersede the decision of the Mayor unless or until overruled by a majority of the members of the Village Board. Annual renewal licenses shall be issued upon payment of the annual license fee unless such license has been suspended or revoked for violations of the provisions of this Article, or applicant is otherwise currently disqualified. Licenses are not assignable or transferable except taxicab owner's licenses may be transferred with the sale of the business as a going concern, providing the new owner makes application and otherwise qualifies as herein provided. No taxicab owner's license shall be issued or renewed until a Certificate of Proof of Financial Responsibility as hereinafter required has been deposited with the Village Collector and the owner shall have filed with the Village Collector a schedule of fares as hereinafter required and shall have filed a current schedule of fares as hereinafter required and shall have filed a current schedule of

taxicabs in operation or to be operated during the licensed year. The Mayor shall place no limit on the number of licenses issued to owners or drivers.

7-10-6 TAXICAB OWNER'S LICENSE.

(A) The application for taxicab owner's license shall set forth the name of applicant and business and home address of applicant and telephone numbers; and in the event applicant is a corporation, the name and home address of the president or general manager responsible for managing and operating the taxicab business in the Village and the names and home address of all general partners; in event any change shall occur in the information required above at any time during the license period or any renewal thereof, the owner shall file with the Village Collector an amended or supplemental application showing such facts.

(B) The owner shall file the application with the Village Collector a schedule setting forth a full description of the motor vehicles for which a license is desired showing make of vehicle, model year, taxicab number, number of passengers that may be accommodated, State of Illinois License Number and Village Wheel Tax License Number, together with the Certificate Number of Illinois Proof of Financial Liability and date of expiration of such certificate. Supplemental schedules shall be filed with the Village Collector within **five (5) days** after any changes in or additions to the schedule.

(C) Each taxicab shall have printed or attached to the center panel of one door on each side of the taxicab in letters of at least **two (2) inches** in height the name of owner and a number indicating the number of taxicabs.

(D) Each owner shall, before commencing operation, file with the Village Collector a copy of Proof of Financial Responsibility Certificate issued to the owner by the Secretary of State of Illinois pursuant to **Section 8-114 of the Illinois Vehicle Code (625 ILCS Sec. 5/8-101 et seq.)** effective for the full period of the license.

(E) No owner shall employ or permit any person, including the owner, who is not licensed as required under this Article as a taxicab driver to operate a taxicab of such owner in the Village.

7-10-7 TAXICAB DRIVER'S LICENSE. Application for taxicab driver's license shall set forth:

(A) Full name, home address and telephone number;

(B) Name, address and telephone number of **two (2) personal references**;

(C) Applicant's age and years of experience as a taxicab driver and Illinois Driver's License Number;

(D) Whether or not applicant in the past **ten (10) years** has been convicted of any crime of theft, burglary, robbery, murder, manslaughter, or other crime of violence, and if so, when and where;

(E) Whether or not in the past **ten (10) years** applicant has been convicted of driving while under the influence of alcoholic liquor or drugs, or of reckless driving, and if so, when and where;

(F) Whether or not applicant has any physical or emotional conditions, such that would endanger the safety of the public in the operation of a taxicab in the Village.

(G) Each driver shall, at all times when driving a taxicab, have his or her name as used in the driver's license, in bold capital letters not less than **one-half (1/2) inch** high, clearly visible on the front of the driver's uniform or posted in the taxicab clearly visible to passengers.

7-10-8 FARES AND CHARGES. No owner shall operate a taxicab in the Village without first filing with the Village Collector a schedule of fares and charges for taxicab service based upon zones in the Village established by such owner, flat rate to customers' destination, mileage time, number of passengers, handling luggage or a combination thereof. Owner shall publish such schedule together with a zone map, if any, in a newspaper, published in or of general circulation in the Village, **once each week**

for three (3) successive weeks beginning within one week after the date of such filing. No change in such schedule shall take effect until **thirty (30) days** after a new schedule is filed with the Village Collector and likewise published. No owner or driver shall charge or receive any sums for taxicab service in excess of such published charges, except a driver may receive a reasonable tip or gratuity voluntarily and intentionally given without demand or solicitation. Upon request of any passenger the driver shall give a written receipt for such fare and gratuity, stated separately, showing date, point of origin, destination and owner and driver's name. No passenger shall be discriminated against for having filed to give a tip or gratuity. The driver shall have the right to demand payment of regular fare in advance and may refuse employment unless so prepaid. On request, the driver will state the fare and charges to destination before receiving the passenger. It shall be unlawful for any passenger who, after having requested and received taxicab service, to fail and refuse to pay the established fare according to the published schedule.

7-10-9 **REGULATIONS.**

(A) Unless otherwise engaged or out of service, it shall be the duty of the owner or driver of any taxicab to accept as a passenger any person who seeks to use the taxicab and tenders the fare in advance if so demanded, providing such person is not intoxicated and conducts himself or herself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the first passenger's consent. No additional charge shall be made for withholding such consent. The driver shall take a passenger to the requested destination by the most direct route and without delay. No more passengers than the rated capacity for the taxicab shall be carried at any one time.

(B) No taxicab shall be operated unless it bears a current State license, current Village Wheel Tax License, and is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers and shall otherwise be in good operation condition, and unless it is maintained in a clean and sanitary condition so that the safety and comfort of the passengers are not endangered. It shall be the duty of the Chief of Police to see to the inspection of every taxicab as often as may be necessary for the enforcement of the provisions of this Article. If an inspection discloses a licensed vehicle does not meet the standards set forth herein the Chief of Police shall immediately report such violation to the Mayor who shall cause the license of such vehicle to be suspended until the condition is corrected and the vehicle re-examined by the Police Department.

(C) Every driver shall obey all traffic laws and ordinances established by the State of Illinois and the Village.

(D) It shall be unlawful for any driver while operating a taxicab to drink any intoxicated liquor or to use any profane or obscene language or shout or call to prospective passengers, or to disturb the peace by unnecessary horn honking or in any other way.

(E) No driver or owner shall voluntarily permit any taxicab to be used in the perpetration of any crime, misdemeanor or escape. The owner or driver shall immediately report to the Police Department any voluntary use for such purpose.

7-10-10 **PENALTIES.** The Mayor may suspend or revoke any license for a violation of this Article by the licensee. In addition to the suspension or revocation of any license for any violation of this Article, either or both, any person violating the provisions of this Article shall be punished according to the provisions of **Section 1-1-20** of the Revised Code.

ARTICLE XI – PRECIOUS METALS

7-11-1 **DEFINITIONS.** Whenever in this Chapter, the following terms are used, they shall have the meanings ascribed to them in this Section:

Precious Metals: Silver, gold and platinum.

Precious Metals Purchaser or Purchaser: Any individual, partnership, business corporation, association or other private organization engaged in the business of buying secondhand items containing precious metals, including, but not limited to, jewelry, watches, coins, eating utensils, candlesticks, decorative objects, ingots and/or other related items.

Precious metals purchaser or purchaser shall not include any coin collection show or trade fair run by private organizations as such shows or trade fairs shall be exempt from the requirements of this Article.

7-11-2 **LICENSE REQUIRED.** No person or organization shall operate a business or engage in the business of buying secondhand items containing precious metals without having first obtained a license. Any license granted under this Article shall be nontransferable. Application for such license shall be made to the Village Clerk accompanied by a one-time processing and administrative fee for such license in the amount of **One Hundred Dollars (\$100.00)**. The application shall be under oath and shall state the name, date of birth, and address of the applicant in the case of an individual. In the case of a partnership, the application shall state the names, dates of birth, and addresses of the persons entitled to share in the profits thereof. In the case of a corporation, the application shall state the name of the corporation and the date of incorporation, and the names, dates of birth, and addresses of the officers and directors, and, if a majority in interest of the stock of such corporation is owned by one person or his nominee, the name, date of birth and address of such person. If the application is made on behalf of a partnership or corporation, the application shall be signed and sworn to by at least **two (2) members** of the partnership, in the case of a partnership, and by the president and secretary of the corporation in the case of a corporation. The Chief of Police or his designee shall investigate each applicant for such license. The Village Board of Trustees may refuse to grant a license to any applicant not of good moral character or to any person convicted of receiving stolen property, burglary or any felony, or to an applicant who has pleaded guilty to receiving stolen property, burglary or any felony. The Village Clerk shall issue the licenses to qualified applicants and shall keep a record of the licenses in a book provided for that purpose, which shall be available for public inspection.

7-11-3 **IDENTIFICATION OF SELLER.** Prior to each purchase of a secondhand item containing precious metal, the purchaser shall require the seller to present him **two (2) forms** of identification, one of which shall contain the seller’s photograph and his address. Copies of the identification cards are to be made.

7-11-4 **RECORDS REQUIRED.** At the time of each transaction, the purchaser of precious metal shall record, in ink and in the English language, the following information:

- (A) An accurate description of each purchased secondhand item containing precious metals, including the type of each item, number of items, and the brand name or other identifying features of the item;
- (B) Photographs of the item;
- (C) Copies of the identification cards used;
- (D) The amount of money paid;
- (E) The date and time of the transaction;

(F) The type of identification cards presented by the seller, the serial or account number of the cards, if any, and the name and address of the seller. The records book containing the above information, as well as the item in the possession of the purchaser shall at all reasonable times be open to inspection by any police officer of the Village;

(G) Records shall be kept by the purchaser for a **three (3) year** period.

7-11-5 **REQUIRED HOLDING PERIOD.** Every precious metal purchaser shall keep in his possession at his business location, for a period of not less than **fourteen (14) days** from the date of purchase, every secondhand item containing precious metal. The item shall not be altered at the time of sale and shall remain unaltered during the required holding period.

7-11-6 **PROHIBITED PURCHASES.** It shall be unlawful for a precious metal purchaser to buy a secondhand item containing precious metal from any person under **eighteen (18) years** of age.

7-11-7 **STOLEN GOODS.** It shall be the duty of each precious metal purchaser to report to the police department of the Village, any precious metal sold or attempted to be sold if the purchaser has reason to believe that the item containing precious metal was stolen.

7-11-8 **BUSINESS PREMISES.** It shall be unlawful for a precious metal purchaser to engage in business in the Village, unless he owns or leases the premises upon which he is conducting business, provided that any such lease not be for a term of less than **ninety (90) days**.

7-11-9 **PENALTY.** Any person who violates any provision of this Article shall, upon conviction, be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**.

7-11-10 **PROHIBITED CONDUCT.** It shall be unlawful and an act of bad faith dealing with the public for a precious metals dealer to pass **three (3) checks** with insufficient funds within a **three hundred sixty-five (365) day** period. If a precious metals dealer is found to be guilty of violating state law or Village ordinances by a court of competent jurisdiction, evidenced by **three (3) checks** being returned by the bank within a **three hundred sixty-five (365) day** period, of the conduct prohibited by this Section, it will be within the discretion of the Village to revoke the offender's precious metals dealer's license.

(Ord. No. 2019-08; 03-11-19)