

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) Zoning district, if any;
 - (5) the time covered;
 - (6) the fee to be paid;
 - (7) State license number; and
 - (8) driver's license information.

(C) Each application shall also contain the number 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. 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 the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this municipality.

7-1-3 FORM OF LICENSE. Every license shall be signed by the Mayor or his designee 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.

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 or the County Health Department 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. **[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 Mayor 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 Mayor shall determine that the matters concerning the application are unsatisfactory, he 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 Mayor shall determine that the application is satisfactory, he 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 Clerk 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. **(See list in Appendix "A")**

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this municipality shall commence on **May 1st of each year** and shall terminate on **April 30th** 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 licensee or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

7-1-7 BUILDING AND PREMISES. No license shall be issued for the conduct of any business, and no permit 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 business or performance of any act which would involve a violation of this Code and/or other applicable regulations of this municipality. **(See Chapter 40 - Zoning Code)**

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. **(See Chapter 40 - Zoning Code)**

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.

[ED. NOTE: The County Health Department should be consulted.]

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 of not less than **twenty (20)**, nor more than **thirty-two (32) gallons capacity**, 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 daily from his premises and to be disposed of at his own expense.

7-1-11 **WORKING CONDITIONS.**

7-1-11.1 **HEALTH REQUIREMENTS.** No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

7-1-11.2 **SANITATION.** All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

7-1-11.3 **HEAT REQUIRED.**

(A) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than **sixty-two degrees Fahrenheit (62°F.)** without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than **sixty-two degrees Fahrenheit (62°F.)** is necessary or expedient for the work or manufacturing processes of such business.

(B) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than **sixty-two degrees Fahrenheit (62°F.)**, without such undue restriction of ventilation as to interfere with proper sanitary conditions therein between the hours of **8:00 A.M. and 6:00 P.M. from October 1st of each year until June 1st of the succeeding year [Sundays and legal holidays excepted]**.

7-1-11.4 **INSPECTION.** The Mayor or the Chief of Police shall visit or cause to be visited all places of employment in this municipality as often as they shall deem necessary to assure compliance with the provisions of this section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

7-1-12 **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.

ARTICLE II – TRANSIENT MERCHANTS AND SOLICITORS

7-2-1 REGISTRATION REQUIRED. It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, or solicitor, to engage in such business within the Village without first registering with the Police Department. Provided, however, this Article shall not be construed as applying to any person(s) who hold a “garage sale” as defined herein.

7-2-2 DEFINITIONS. For the purpose of this Article, the following words are defined as set forth herein:

“Garage Sale”: A sale of used items, goods, and wares legally owned at the time such goods, items and wares are offered for sale by the person(s) actually residing on the premises upon which such sale is held or legally owned by the neighbors of said person(s).

“Charitable Solicitation”: All solicitation by or on behalf of a charitable origination within the meaning of Section 501(a) and (c) 3 of the Internal Revenue Code, 1954 (as amended).

“Goods, Wares and Merchandise”: Any and all items of tangible or intangible personal property.

“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.

“Solicitor”: A solicitor is any person, whether a resident of the Village or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales and delivery articles to purchasers, or offering services for hire, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicles, or other vehicle conveyance. One who solicits orders and as a separate transaction makes deliveries to purchasers at a future date shall be deemed a solicitor subject to the provisions of this Article.

“Transient Merchant, Itinerant Merchant, or Itinerant Vendor”: Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Village or not, who engages in a temporary business of selling and/or delivering goods, wares and merchandise within the Village and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the Village, for the exhibition and sale of such goods, wares and merchandise, either privately or a public auction. This definition shall include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. No person, firm, or corporation shall be relieved from complying with the provisions of this Article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

7-2-3 REQUIREMENTS OF REGISTRATION. Before a registration card may be issued under this Article, a written sworn application signed by the applicant, if an individual; or by a duly authorized partner, if a partnership; or by a duly authorized officer of a corporation, if a corporation; or by the managing member, if an LLC, or association; or managing official of any other entity, containing the following must be submitted:

(A) The name or names of the person or persons having the management or supervision in the applicant’s business during the time that is proposed that business will be carried on in the Village.

(B) The name or names of (B) the person or persons who are in fact the ultimate owners and person or persons responsible for the applicant’s business.

(C) The local address or addresses of such person or persons while engaged in such business; the permanent address and addresses of such person or persons.

(D) The capacity in which such person or persons shall act (e.g., proprietor, agent or otherwise).

(E) The name, address and phone number of the person for whose account the business will be carried on, if any, and if a corporation or LLC, under what state the same is incorporated or organized.

(F) The place or places in the Village where it is proposed to carry on the applicant's business and length of time during which it is proposed that such business shall be conducted.

(G) The place or places other than the permanent place of business of the applicant where the applicant within **six (6) months** next preceding the date of application conducted his/her/its business, stating the nature thereof and giving the post office and street address of any building or office in which said business was conducted.

(H) A statement of the nature, character and quality of the goods, wares and merchandise to be sold or offered for sale by the applicant in the Village, a statement whether such goods, wares and merchandise are sold from stock and possession or by sample, credentials from the person for which the applicant proposes to do business authorizing the applicant to act as such representative, and such other reasonable information as to identify the person or persons having the management or supervision of the applicant's business, or the method or plan of doing business.

(I) Written proof of compliance with the Illinois "transient merchant act of 1987 (**225 ILCS 465**)", as amended, the Illinois, "Solicitation for Charity Act (**225 ILCS 460**)", as amended, or other applicable state or county laws, ordinances and regulations.

7-2-4 VILLAGE POLICY ON SOLICITING. It is hereby declared to be the policy of the Village Board of Trustees that the occupant or occupants of the residences in the Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences. If no determination is made as provided in **Section 7-2-5** hereof, then in that event, solicitors may go upon such premises for any lawful purpose as long as said solicitor has been properly registered and has been issued a permit for solicitation and provided that entry onto the premises is not refused or prohibited by some other lawful means.

7-2-5 NOTICE REGULATING SOLICITING.

(A) 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, to wit:

(B) 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 following manner:

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

**NO SOLICITORS INVITED
CHARITABLE SOLICITORS ONLY**

(2) The letters shall be at least **one-third (1/3) inch** in height.

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

7-2-6 DUTY OF SOLICITORS.

(A) It shall be the duty and responsibility of any prospective solicitor to make application through the Police Department a minimum of **two (2) business days** prior to the intended time of solicitation. Upon approval of the application and payment of the appropriate fees, a permit will be issued for a period not to exceed **five (5) working days**.

(B) It shall be the duty of each applicant to pay a non-refundable application fee of **Fifty Dollars (\$50.00)** upon initial application for each person who shall be soliciting or acting as a

transient merchant, itinerant merchant or itinerant vendor provided that there shall be no fee for charitable solicitation as defined in **Section 7-2-2** above.

(C) It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence, as defined in **Section 7-2-2** of this Article, is located, to first examine the notice provided for in **Section 7-2-5** of this Article, if any is attached, and be governed by the statement contained on this notice. If the notice states "CHARITABLE SOLICITORS ONLY," then the solicitor shall immediately and peacefully depart from the premises unless such person represents a charitable organization, as defined in **Section 7-2-2** of this Article; and if the notice states "NO SOLICITORS INVITED," then the solicitor shall immediately and peacefully depart from the premises.

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

(E) It is hereby 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 defined in this Article, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-2-5** of this Article or to otherwise violate the provisions of this Article.

7-2-7 **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises in the Village 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 defined in this Article, prior to **9:00 A.M. or after sunset or 8:00 P.M.**, whichever is earlier, on any day other than Sunday or a national or state holiday. No soliciting shall be lawful on Sunday or a national or state holiday.

7-2-8 **PENALTY.** Any person violating any of the provisions of this Article shall be fined the sum of **Three Hundred Dollars (\$300.00)**. Each solicitation or offer to sell in violation of this act shall be considered a separate violation for the purposes of this Article.

7-2-9 **SIGNED AND NOTICES.** The President of the Board of Trustees is authorized to order and display appropriate signs and notices to be placed at appropriate places within the Village advising that solicitors must register with the Police Department.

(Ord. No. 16-04; 05-12-16)

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.
- (I) No elected official or employee of the Village may be used as an endorsement. The Village may be listed as a location where work has been done, but not in any way which may be construed as a recommendation.

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 **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.

7-3-6 **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 employee(s) 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 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) **Daily License: \$10.00 per person per day**
- (B) **Annual License: \$50.00 per person per year**

(See 65 ILCS 5/11-42-5)

ARTICLE IV - COIN-OPERATED MACHINES

7-4-1 **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

"COIN-OPERATED MACHINES AND AMUSEMENTS" means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pin-ball machines, poker machines, pool tables or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

"OPERATOR" is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

"PROPRIETOR" is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

7-4-2 **LICENSE REQUIRED.** No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this municipality without having first obtained the proper license therefor.

7-4-3 **APPLICATION.** 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 a similar license on premises other than those described in the application and the disposition of such other 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.

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

(A) Any person who is not of good character and reputation in the community.

(B) 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.

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

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

(E) 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 residency within this municipality.

(F) 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.

7-4-5 FEES. There shall be no annual fee for each coin-operated amusement device set up for operation, leased or distributed to a proprietor. **(Ord. No. 21-11; 10-14-21)**

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

7-4-7 GAMBLING REGULATIONS.

(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 playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

(D) **Permitting Gambling.** The gambling prohibition shall not apply to any game or gaming even for which a license or permit has been by the Illinois Gaming Board pursuant to the *Illinois Video Gaming Act, 230 ILCS 40/1 et seq.*, provided that such game or gaming event is conducted in full and complete compliance with all requirements of such act and all rules and regulations of the Illinois Gaming Board. **(See Chapter 21 – Liquor Code)**

7-4-8 DISPLAY OF LICENSE. Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

7-4-9 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.

7-4-10 CLOSING HOURS. No establishment operating under a license issued under this Article shall be open for use of any such devices between the hours of **12:00 Midnight and 6:00 A.M.** on any day or between **12:00 Midnight Saturday and 12:00 Noon** the following Sunday. The Village Board may grant a waiver of these provisions upon request of the licensee.

(65 ILCS 5/11-55-1)

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 (1)** 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 feet (15')** in width at the perimeter of the premises.

(B) 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 Village 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.

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 Village 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 feet (7')**, 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 **Two Hundred Dollars (\$200.00)** payable in advance with the filing of the application for license, and shall not be subject to pro rata 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 **Two Hundred Dollars (\$200.00)** for each junk dealer. The fee may be waived by approval of the Village Board.

7-5-8 **LICENSE LIMITATION.** There shall be no more than **one (1) license** issued at any one time.

7-5-9 **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

7-5-10 **HAZARDOUS MATERIALS.** It shall be unlawful to store or receive hazardous wastes or materials.

(See 65 ILCS 5/11-42-3)

ARTICLE VI – RAFFLES AND POKER RUNS

7-6-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, 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 Village 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"**: A prize-awarding event organized by an organization licensed under this Article in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "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 or playing a randomized game 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 a 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.

7-6-2 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".

7-6-3 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 age 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 **Twenty-Five Dollar (\$25.00)** 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. Some villages have provided for different classes of raffle licensed based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other villages have different classes of license based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within 12-month period); one time emergency license; limited annual raffle license.

7-6-4 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 not-for-profit organization;
- (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.
- (10) The purpose for which the poker run is being conducted.

(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.

7-6-5 LICENSEE QUALIFICATIONS.

(A) Raffle 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.

(B) Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit 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 poker run license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects.

(C) 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.

7-6-6 **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) A poker run license shall be issued for the following purposes:

- (1) Providing financial assistance to an identified individual or group of individuals suffering extreme hardship as the result of an illness, disability, accident, or disaster; or
- (2) To maintain the financial stability of the organization.

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

(E) 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**.

(F) 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.

(G) **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.

(H) **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.

7-6-7

CONDUCT OF RAFFLES AND POKER RUNS.

(A)
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.

7-6-8

MANAGER – BOND FOR RAFFLES.

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

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his/her 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.

7-6-9

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 promptly after conclusion of each raffle or poker run to its membership.

(D) Each organization licensed to conduct raffles shall report promptly to the Village Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Section.

(E) 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.

(F) 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.**

7-6-10 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.

7-6-11 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 **One Million Dollars (\$1,000,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle or single poker run shall not exceed **One Million Dollars (\$1,000,000.00)**;

(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 (1) year**;

(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) 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;

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

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

(I) 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 VII - PLACES OF ENTERTAINMENT

7-7-1 **DEFINITIONS.** For the purposes of this Article, and the interpretation and enforcement thereof, the capitalized words, terms, phrases and their derivatives set forth in this Section below shall have the meanings as follows:

Person means any natural individual, any firm, trust, estate, partnership, corporation, company, joint venture, association, receiver or any other legal entity, including any legal representative, agent, successor or assign thereof.

Place of Entertainment means and includes any building or place of public assembly, whether admittance is open to the general public or restricted to members exclusive of private clubs operated by nationally recognized not for profit organizations, which is designed, used or intended to be used for occupancy where entertainment, including, but not limited to, any floor show, live or recorded music, space for dancing, or any other similar activity or combination thereof is provided for any monetary consideration or any other item or thing of value, including the payment of dues.

7-7-2 **LICENSE REQUIRED.** It shall be unlawful and a violation of this Section for any Person to own, conduct, operate, manage or maintain a Place of Entertainment within the Village without first having obtained a license therefor pursuant to this Article.

7-7-3 **EXEMPTIONS.** The following buildings, places, locations or premises shall be exempt from the provisions of this Article:

(A) Any theater and other building or structure designed, used or intended to be used for the production and viewing of performing arts or motion pictures, and which are usually provided with a stage area and fixed seats, including theaters, motion picture theaters and television and radio studios admitting an audience;

(B) Any building or place of public assembly with or without an auditorium designed, used or intended to be used by federal, state or local unit of government or by any public or private library, college or university;

(C) Any building or place of public assembly designed, used or intended to be used exclusively for the purpose of the "Exercise of religion", as defined in the Religious Freedom Restoration Act (**775 ILCS 35/1 et seq.**).

7-7-4 **APPLICATION FOR LICENSE.**

(A) Any applicant for a Place of Entertainment license under this Article shall submit to the Village Clerk an application in writing on forms provided by the Village.

(B) Any such application shall be accompanied by a nonrefundable fee of **One Hundred Dollars (\$100.00)**.

(C) Any application for a Place of Entertainment license under this Article shall be signed by the applicant. Any such application shall be submitted and filed with the Village Clerk. Each application shall include the following information and/or statements:

- (1) the name, birth date, social security number, driver's license number and address of the applicant in the case of an individual; in the case of a partnership, the names, birth dates, social security numbers, driver's license numbers and addresses of all partners; in the case of a corporation or a club, the date of incorporation, the objects for which it was organized, the names, birth dates, social security numbers, driver's license numbers and addresses of the officers, directors, managers, and if a majority in interest of the stock of the corporation is owned by one Person or the nominee thereof, the name, birth date, social security number, driver's license number and address of that Person;

- (2) the nature of entertainment proposed to be offered within the Place of Entertainment;
- (3) the length of time that the applicant has been a resident of the State of Illinois, the County of Champaign and/or the Village or, if a partnership, the length of time that each partner has been a resident of the State of Illinois, the County of Champaign and/or the Village, or if a corporation, the length of time which its proposed resident manager has been a resident of the State of Illinois, the County of Champaign and/or the Village;
- (4) the length of time that the applicant has been in a business of that character or, in the case of a corporation, the date on which its corporate charter was issued, the state of incorporation, and if a foreign corporation, the date of being qualified to do business under the Business Corporation Act of 1983 (**805 ILCS 5/1.01 et seq.**);
- (5) the addresses and telephone numbers of the business office of the applicant, if different than the Place of Entertainment, and of the manager;
- (6) a list of any convictions of the applicant for any federal, state or local law (other than traffic violations) and date(s) of any such convictions;
- (7) a completed criminal background authorization form for each Person required to report conviction information under subsection (D) of this Section below; and
- (8) documentation sufficient to establish that the applicant beneficially owns the building or place of public assembly for which a Place of Entertainment license is sought or has a lease thereof for the full period for which such license is to be issued and that the licensee has sole or exclusive possession of such building or place of assembly for which such license is sought.

(D) In the case of a corporation, such information required under subsection (C) of this Section above must be supplied by all officers, directors, shareholders owning more than **five percent (5%)** of the stock and by the manager. In the case of a partnership, such information must be supplied by all partners or managers thereof. However, any of the requirements of this Section as to the providing of conviction information which applies to corporations need only be provided by the president, vice president, secretary, treasurer and resident manager of such corporation and by any stockholder holding **twenty-five percent (25%)** or more of the stock where such corporation's stock is publicly traded.

(E) Any application for a Place of Entertainment license under this Article and any application for the renewal of any such license shall be accompanied by evidence of liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure the applicant and the owner or lessor of the building or place of public assembly licensed or to be licensed as a Place of Entertainment under this Article in at least the following amounts:

- (1) **One Hundred Thousand Dollars (\$100,000.00)**, general liability, bodily injury, each occurrence;
- (2) **Three Hundred Thousand Dollars (\$300,000.00)**, general liability, bodily injury, aggregate;
- (3) **One Hundred Thousand Dollars (\$100,000.00)**, general liability, property damage, each occurrence;
- (2) **One Hundred Thousand Dollars (\$100,000.00)**, general liability, property damage, aggregate.

7-7-5 PERSONS INELIGIBLE TO HOLD A LICENSE. No Place of Entertainment licensed under the provisions of this Article shall be issued to:

- (A) Any natural individual who is not a resident of the Village;

- (B) Any Person who has been convicted of:
 - (1) a felony under any federal or state law;
 - (2) any federal, state or local law in relation to gambling;
 - (3) pandering or other crime or misdemeanor opposed to decency and morality; or
 - (4) being the keeper of a house of prostitution.
- (C) Any Person whose Place of Entertainment license under this Article has been revoked for cause.
- (D) Any Person who at the time for renewal of any Place of Entertainment license under this Article would not be eligible for such license upon a first application;
- (E) Any partnership, unless all the members of such partnership shall be qualified to obtain a Place of Entertainment license under this Article;
- (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 Place of Entertainment license under this Article for any reason other than residence within the Village;
- (G) Any corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation act of 1983" (**805 ILCS 5/1.01 et seq.**) to transact business in Illinois;
- (H) Any Person whose business is conducted by a manager unless the manager possesses the same qualifications required for the licensee;
- (I) Any Person who does not beneficially own the building or place of public assembly for which a Place of Entertainment license is sought, or does not have a lease thereon for the full period for which such license is to be issued, or who does not have sole or exclusive possession of the building or place of assembly for which such license is sought; or
- (J) Any Person to whom a federal wagering stamp has been issued for the current period.

7-7-6 **TERM.**

- (A) Each Place of Entertainment license issued under this Article shall be issued under this Article shall be issued for a term not to exceed **one (1) year**.
- (B) Any Place of Entertainment license issued under this Article shall expire on **April 30th** following the issuance of such Place of Entertainment license.

7-7-7 **POSTING OF LICENSE.** Any Person who is issued a Place of Entertainment license under the provisions of this Article shall immediately display such license in a conspicuous place within the building or place of public assembly and shall keep such license so posted during the entire period that such license shall be and remain in effect.

7-7-8 **HOURS OF OPERATION.** It shall be unlawful and a violation of this Section for any Person to keep open for business, to admit the public or any member to, or to permit the public or any member to remain within any building or place of public assembly license as a Place of Entertainment under this Article between the hours of **1:30 A.M.** and **6:00 A.M.**

7-7-9 **BUSINESS REQUIREMENTS.**

- (A) Any building or place of public assembly licensed or to be licensed as a Place of Entertainment under this Article shall meet all applicable fire, life safety, health, property maintenance and zoning codes and ordinances of the Village.
- (B) Any Person having a Place of Entertainment license under this Article who ceases to do business or otherwise closes such Place of Entertainment for a period of more than **thirty (30) successive days**, and who is shown to not have a good cause therefore, shall be subject to having such

Person's Place of Entertainment license suspended or revoked. Any Person who intends to cease to do business or otherwise close any Place of Entertainment licensed under this Article for more than **ten (10) successive days** shall give the Village Clerk written notice thereof as soon as practical after any decision to close or cease business is made. Such notice shall state the reason therefore and the date of any such closing or cessation.

7-7-10 **REPORTING OF VIOLATIONS.** It shall be unlawful and a violation of this Section for any licensee to knowingly permit or to fail to immediately notify the Police Department of the Village of any violation of the Criminal Code of 1961 (**720 ILCS 5/1-1**) or any other criminal laws of the State of Illinois or of any violation of the ordinances of the Village relating to quasi-criminal offenses and/or the unlawful sale, consumption or possession of alcoholic liquor which may occur on or within any Place of Entertainment licensed under this Article.

7-7-11 **SECURITY PLAN REGULATIONS.**
(A) Any Place of Entertainment license may be made subject to such security plan regulations as are set forth in this Section upon the occurrence of either of the following circumstances:

- (1) any incident on or within the Place of Entertainment which involved fighting, disorderly conduct, excessive noise and/or unruly behavior; or
- (2) any incident similar to that described in paragraph (1) immediately above that takes place near the Place of Entertainment and in which patrons of such Place of Entertainment participated or were involved.

(B) As used in this Section, security plan regulations shall mean those regulations promulgated by the Chief of Police of the Village or his/her designee which specify certain security measures that shall be taken by the licensee in connection with the Place of Entertainment. Such security plan regulations shall be in writing, shall be signed by the Chief of Police of the Village or his/her designee, and shall include, but not be limited to, anyone or more of the following requirements:

- (1) the specification of a number of licensed security guards to be on duty and the hours that any such security guards shall be on duty;
- (2) the implementation of detailed procedures for assuring that no alcoholic liquor is being unlawfully transferred or delivered within the Place of Entertainment;
- (3) the monitoring by the licensee of either the interior and/or the exterior areas of the Place of Entertainment;
- (4) the regulation of traffic by the licensee in parking areas on or near the Place of Entertainment;
- (5) the maintenance of either the exterior and/or the interior lighting of the Place of Entertainment;
- (6) the attendance at regular meetings with police department personnel to discuss the effectiveness of any such security plan regulations;
- (7) the posting of regulatory signs upon or within the Place of Entertainment to aid enforcement efforts;
- (8) the limitation of the number of patrons allowed within the Place of Entertainment;
- (9) the promulgation of any other reasonable security measures calculated to avoid a breach of peace.

Any requirement of any such security plan regulations shall not be contrary to or inconsistent with any law or ordinance regulating any other condition of a license issued under this Article.

(C) If any licensee desires to appeal the determination of being made subject to any such security plan regulations so promulgated by the Chief of Police of the Village or his/her designee, such licensee shall notify the Village Clerk within **ten (10) days** of the date that the licensee receives a copy of such security plan regulations. Unless a copy of such security plan regulations has been personally delivered to the licensee, the same shall be presumed to have been received by the licensee on the second day after being mailed to the licensee by U.S. mail (first-class postage prepaid). If no

such appeal is received by the Village Clerk within the time prescribed, the Village Clerk shall issue an amended Place of Entertainment license to the licensee which includes such security plan regulations as an additional condition of the Place of Entertainment license and forward such amended license to the licensee. If, however, the Village Clerk, receives an appeal from the licensee within the specified time, the Village Clerk shall notify the Village President of such receipt and the Village President shall schedule a hearing to be held within **seven (7) days** of the receipt of any such appeal. At any such hearing, the Chief of Police of the Village or his/her designee and the licensee shall each be allowed to present evidence and arguments to support their respective positions regarding the proposed security plan regulations. The Village President shall consider all probative evidence without regard to the formal rules of evidence. In connection with such appeal, the Village President may accept, reject or modify any security plan regulations as proposed by the Chief of Police of the Village or his/her designee.

(D) It shall be unlawful and a violation of this Section for any licensee to fail to establish or implement any security plan regulations to which any such licensee has been made subject under and pursuant to this Section.

7-7-12 **LIABILITY OF LICENSE FOR ACTS OF AGENTS AND EMPLOYEES.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Article by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee or employer, and any such licensee or employer shall be punishable in the same manner as if any such act or omission had been done by any such licensee or employer personally.

7-7-13 **INSPECTIONS.** Any Place of Entertainment licensed pursuant to this Article shall be open for inspection during all business hours by police officers and building and fire inspectors employed by the Village to determine whether any of the provisions of this Article or of any federal, state or Village law, ordinance, code, rule or regulation is being violated. Any failure to admit or allow any such police officer or employee of the Village to conduct any such inspection shall be cause for suspension or revocation of the Place of Entertainment license.

7-7-14 **REVOCAION OR SUSPENSION OF LICENSE.**
(A) The Village President may revoke or suspend any Place of Entertainment license issued under this Article if the Village President determines that:

- (1) the licensee has violated any of the provisions of this Article which are not inconsistent with law; or
- (2) the licensee has violated any other federal, state or Village laws, ordinances, codes, rules or regulations in connection with the operation of the licensee's business or the Place of Entertainment.

(B) No such Place of Entertainment license shall be so revoked or suspended under the provisions of this Section except after a public hearing by the Village President with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Village President shall reduce all evidence to writing and shall maintain an official record of the proceedings. After such hearing, if the Village President determines that the license should be revoked or suspended, the Village President shall state the reason or reasons for such determination in a written order, including, if applicable, the period of suspension or that the license has been revoked, and shall serve a copy of such order upon the licensee.

7-7-15 **GENERAL PENALTY.** Any Person who violates any provision of this Article shall be guilty of an offense and, upon conviction thereof, shall be subject to a fine as provided in **Section 1-1-20.**

(Ord. No. 02-02; 06-10-02)

ARTICLE VIII – FOOD TRUCK VENDORS

7-8-1 **DEFINITION.** “Food Truck Vendor” means a person or business engaged in the selling of food from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration.

7-8-2 **LICENSING.** Food Truck Vendors shall apply for a Food Truck Vendor License to operate within the Village. Application for such shall be made to the Police Department upon the prescribed form provided by same. The annual fee shall be **One Hundred Dollars (\$100.00)** or **Twenty Dollars (\$20.00)** per day. This Article shall be automatically converted to a Food Truck Vendor License provided all vendor requirements are met at the time.

7-8-3 **VENDOR REQUIREMENTS.** A Food Truck Vendor must hold the following certification at all times of operation within the Village, and documentation of such shall be provided to the Police Department upon application for a Food Truck Vendor License, and at any other time upon request:

- (A) Valid Champaign County Health Department Food Establishment License.
- (B) Proof of Liability Insurance providing **One Million Dollars (\$1,000,000.00)** coverage and naming the Village as additional insured.

7-8-4 **REGULATIONS.** A Food Truck Vendor must abide by the following regulations at all times of operations within the Village. Failure to do so may result in fines, citations or the rescinding of an issued Food Truck Vendor License.

- (A) Food Truck Vendors shall not operate in the public right-of-way unless otherwise approved.
- (B) Food Truck Vendors conducting retail sales on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such sales and operation.
- (C) Food Truck Vendors shall operate for the purpose of conducting retail sales only on property zoned for Business (B) or Manufacturing (M) uses. Nothing shall prohibit a Food Truck Vendor from operating on property zoned otherwise if it is for the purpose of providing food service for a special event or providing catering services for a third party.
- (D) Food Truck Vendors shall operate only in locations that do not impair traffic, visibility or public safety, regardless of whether the location itself is private or public property.
- (E) Food Truck Vendors shall not operate at locations which also operate onsite motor fuel pumps.
- (F) Food Truck Vendors shall operate only on paved surfaces except during Village sponsored farmer’s markets, organized events at the Village fairgrounds, and special event permits granted by the Village.
- (G) Food Truck Vendors shall not conduct retail sales from or be located upon any premises for more than **forty-eight (48) consecutive hours**. An exception shall be made for Food Truck Vendors who own the underlying parcel of property and operate the primary business at the site where the Food Truck Vendor is located, and the commissary must also be located at that property. Exceptions regarding the conduct of retail sales or being located upon any premises in excess of **forty-eight (48) hours** may also be granted for special events.
- (H) Food Truck Vendors can operate between the hours of **10:00 A.M. to 8:00 P.M.** Monday through Thursday and Sunday and **10:00 A.M. to 10:00 P.M.** Friday and Saturday.
- (I) Food Truck Vendors shall be attended at all times during all posted or advertised operating hours.
- (J) Food Truck Vendors shall be responsible for proper disposal of all grease, litter and waste generated by their operation.

(K) Food Truck Vendors conducting retail sales shall not utilize extension cords in such a manner as to cross a public right-of-way or sidewalk. Exceptions to this provision may be granted for special events.

(L) Food Truck Vendors shall not conduct major repairs or disassembly of a vehicle or trailer directly on the site of operation.

(M) Food Trucks may not operate on public streets, highways, sidewalks, parks, parking lots or other property owned by the Village except where expressly approved by the Board of Trustees and Mayor.

(N) Food Trucks must be open for business at least **three (3) consecutive days** at least once every **two (2) weeks** for a total of at least **fifteen (15) hours**. Food Trucks may not be closed and stored outside of a garage beyond **two (2) weeks** in any given **one (1) year** period.

7-8-5 **VIOLATION.** Operation of a Food Truck in the Village without a Food Truck Vendor License shall result in a fine of **Five Hundred Dollars (\$500.00)** with each day in violation constituting a separate offense.

(Ord. No. 21-07; 08-12-21)

(See also, Penalty in Section 1-1-20)

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 Anatomical Areas.** 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 – FIREWORKS CODE

7-10-1 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.

7-10-2 SALE OF FIREWORKS UNLAWFUL. It is unlawful for any person to sell any fireworks within the Village other than those fireworks designated in **Section 7-10-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-10-3 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.

7-10-4 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.

7-10-5 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.

7-10-6 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.

7-10-7 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 7-10-11** 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.

7-10-8 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 7-10-12** of this Article.

7-10-9 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 7-10-4** 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 7-10-5** 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 7-10-11** 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.

7-10-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-10-5** 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.

7-10-11 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.

7-10-12 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.

7-10-13 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 7-10-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-10-5** 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 for 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.

7-10-14 **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 7-10-7** and **7-10-8** of this Code.

7-10-15 **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.

7-10-16 **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.

7-10-17 **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.

7-10-18 **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.

7-10-19 **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.