

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. **[If a Zoning Code is in effect, the Zoning Administrator shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations.]** All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor.

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

(E) If it shall appear to the 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.

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 license 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 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**

(See 65 ILCS Sec. 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 a citizen of the United States.

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

(C) Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.

(D) Any person whose license issued under this Chapter has been revoked for cause.

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

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

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

7-4-5 FEES. The annual fee for such license shall be **Twenty-Five Dollars (\$25.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor. **(Ord. No. 14-14; 10-09-14)**

(A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the municipality, and all applications for renewal shall be made to the Clerk not more than **thirty (30) days, but no less than fifteen (15) days** prior to the expiration of such license.

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 of 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 prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street

or alley. Where such place of business is not located in the Village, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the Village, the annual fee shall be **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 Sec. 5/11-42-3)

ARTICLE VI - RAFFLE CODE

7-6-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

"NET PROCEEDS" means 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.

"RAFFLE" means a form of lottery, as defined in **Section 28-2, subparagraph (b) of the Criminal Code of 1961**, conducted by an organization licensed under this Article in which:

(A) the player pays or agrees to pay something of value for a chance, presented 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;

(B) 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.

The definitions contained in **Section 15/2, of Chapter 230; (Ill. Comp. Stat.)** are hereby adopted by reference as if fully set out herein. **(See 230 ILCS Sec. 15/1)**

7-6-2 ADMINISTRATION. The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff, the Village Attorney, the Village Clerk, and the Chief of Police. **(See 230 ILCS Sec. 15/2)**

7-6-3 LICENSE REQUIRED. No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this Village without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the Illinois Compiled Statutes. Licenses shall be issued only 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 or to a nonprofit fundraising organization that the licensing authority 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. **(See 230 ILCS Sec. 15/2)**

(A) The above mentioned types of organizations shall be defined pursuant to the Illinois Compiled Statutes and incorporated herein;

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

(C) The manager of a raffle game shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** 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 majority 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.

(D) Any license issued under this Code shall be nontransferable.

7-6-4 APPLICATIONS FOR LICENSE. The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the Village upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Village Clerk with the seal of his office affixed thereto.

Prior to the issuance of a license, the applicant shall submit to the Village Clerk an application, in triplicate, in writing and under oath stating the following:

(A) The name and address of the organization;

(B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;

(C) The length of time the organization has continually existed immediately before making application for a license;

(D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;

(E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;

(F) The amount that the organization plans to charge for each raffle chance issued or sold;

(G) The time and location where the raffle is to be held;

(H) The purpose for which the proceeds of the raffle will be used;

(I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;

(J) The last date which the applicant has applied for a raffle license;

(K) The area in which the organization plans to sell or issue its raffle chances;

(L) Whether or not the applicant has ever been convicted of a felony.

7-6-5 APPLICATION: ISSUANCE. All licenses issued by the Mayor or Village Clerk are subject to the following restrictions:

(A) No person, firm or corporation shall conduct raffles or chances without having first obtained a license therefor pursuant to this Code.

(B) The license and application for a license shall specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.

(C) The application shall contain 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.

(D) The Mayor shall act upon a license application within **thirty (30) days** from the date of application.

(E) The application for license shall be prepared in accordance with this Code.

(F) A license authorizes the licensee to conduct raffles as defined in this Code. **(See 230 ILCS Sec- 15/3)**

7-6-6 PROHIBITED LICENSEES. The following are ineligible for any raffle license:

(A) Any person who has been convicted of a felony.

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

(E) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;

(F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. **(See 230 ILCS Sec. 15/3)**

7-6-7 RESTRICTIONS ON THE CONDUCT OF RAFFLES.

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

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle;

(D) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;

(E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18) years** may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(G) If a lessor rents premises where a winning chance or chances on a raffle are 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 governing body of any county or municipality under the provisions of this Code. **(See 230 ILCS Sec. 15/4)**

7-6-8 RECORDS.

(A) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances 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 raffle programs 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. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

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

(D) Records required by this section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of raffles for public inspection at reasonable times and places. **(See 230 ILCS Sec. 15/6)**

7-6-9 TERM AND FEES.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed **Twenty-Five Thousand Dollars (\$25,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed **Fifteen Thousand Dollars (\$15,000.00)**;

(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed **Twenty-Five Dollars (\$25.00);**

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

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

7-6-10 LIMITED CONSTRUCTION. Nothing in this Code shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

ED. NOTE: Political committees are required by Chapter 230, Sec. 15/8.1 to secure raffle licenses from the State Board of Elections.

(See 230 ILCS Sec. 15/2)

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, any one 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 of not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)** for each such violation. Each day that any such violation continues shall be deemed a separate offense.

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