

CHAPTER 7

BUSINESS CODE

ARTICLE I ADMINISTRATION

711 APPLICATIONS.

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

(B) Each application shall contain:

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

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

(Ord. No. 1685; 10-01-18)

712 PERSONS SUBJECT TO LICENSE. Whenever a license or permit

is required in this Code or in any municipal ordinance except for liquor license control purposes which shall be governed by our liquor control ordinance and/or state statutes, 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. The license fees listed in **Appendix "A"** shall be applicable in the City.

713 TERM AND FORM OF LICENSE. No license shall be granted for

longer than a **one (1) year** term, and all licenses, unless otherwise provided by ordinance, shall expire on the last day of the next April following their issue. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

714 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 **fortyeight (48) hours** shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

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

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

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

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

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

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

715 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 nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

716 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.

717 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 the Zoning Code and/or other applicable regulations of this Municipality.

718 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.

719 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.

7110 NUISANCES PROHIBITED.

7110.1 **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.

7111 RESERVED.

7112 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.

7113 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

7113.1 **NUISANCE.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be

authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

7113.2 HEARING. Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

7113.3 REVOCATION. Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7113.4** and **7113.5** of this Section for any of the following causes:

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

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

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

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

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7112**.

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

7113.4 HEARING NOTICE. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

7113.5 COUNSEL. At the hearing, the attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7114 APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 714** or in connection with the revocation of a license or permit as provided in **Section 7113** shall have the right to appeal to the Municipality. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Municipality shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7113** hereof. The decision of the Municipality on such appeal shall be final.

7115 LICENSE TO BE POSTED. It shall be the duty of every person conducting a licensed business in this Municipality to keep his license posted in a prominent place on the premises used for such business at all times.

7116 BUSINESS VEHICLE STICKER. Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

ARTICLE II SOLICITORS

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Physical description of the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Certificate of Registration shall state the expiration date thereof.

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

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

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

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

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

(C) The letters shall be at least **onethird (1/3) inch** in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same, at the cost thereof.

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

727 COMPLIANCE BY SOLICITORS. It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 726** if any is attached and be governed by the statement contained on the notice.

If the notice states "**ONLY REGISTERED SOLICITORS INVITED**", then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, "**NO SOLICITORS INVITED**", then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

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

728 UNINVITED SOLICITING PROHIBITED. It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 72-6. (See Chapter 2761 of this Code).**

729 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **9:00 A.M.** or after **9:00 P.M.** of any weekday. Soliciting on Sundays or on a State or National holiday is strictly prohibited. **(Ord. No. 1226; 10-20-01)**

7210 SOLICITATIONS ON PUBLIC HIGHWAYS. Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

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

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a statewide fundraising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least **sixteen (16) years** of age and shall wear a high visibility vest.

7211 FEES. Upon making an application for a Certificate the applicant shall pay a license fee, which shall be as follows:

(A) **Daily License:** **\$15.00 per person per day.**

(B) **Annual License:** **\$75.00 per person per year.**

(Ord. No. 1226; 102001)

(See 65 ILCS Sec. 5/1152)

ARTICLE III PEDDLERS

731 **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.

732 **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.

733 **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.

734 **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.

735 **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 **9:00 A.M.** or after **9:00 P.M.** of any weekday. Peddling on Sundays or on a State or National holiday is strictly prohibited. (**Ord. No. 1226; 10-20-01**)

736 **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.

737 **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.

738 **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.

739 **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.

7310 **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 739.**

7311 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.

7312 FEES. The license fees per person to be charged for licenses to peddle in this Municipality, each payable in advance are hereby fixed and established as follows:

- | | | |
|-----|-------------------------------|-------------------------------------|
| (A) | <u>Daily License:</u> | \$15.00 per person per day. |
| (B) | <u>Annual License:</u> | \$75.00 per person per year. |
- (Ord. No. 1226; 102001)**

ARTICLE IV COINOPERATED MACHINES

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

"COINOPERATED AMUSEMENT DEVICE" 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, pinball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features and the term shall not include video gaming terminals defined and licensed pursuant to the Video Gaming Act (**230 ILCS 40/1 et seq.**) and therefore this Article shall not apply to video gaming and video gaming terminals defined and licensed pursuant to the Video Gaming Act. (**Ord. No. 1543; 06-18-12**)

"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.

"PERSON" is hereby defined to be any person, firm, corporation or association, which owns any such machines; the person, firm, or corporation or association in whose place of business any such machines are placed for use by the public and the person, firm, corporation, or association having control over such machine, provided, however, that the payment of such fee by an person, firm, corporation, or association enumerated herein, shall be deemed a compliance with this Section of this Chapter.

742 **LICENSE REQUIRED.** No person, shall engage in the business of an operator of coinoperated amusement devices within the corporate limits of this Municipality without having first obtained the proper license therefor.

743 **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 copartnership, 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.

744 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.
- (H) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

745 LICENSE FEES. Every applicant, before being granted a license, shall pay an annual license fee of **Twenty-Five Dollars (\$25.00)** per machine for the privilege of operating or maintaining for operation of each coin-operated machine or amusement device, as defined herein. The fee for juke boxes shall be **Fifteen Dollars (\$15.00)** per year.

The license fee shall be paid annually, in advance, on the **first (1st) day of May** of each year, excepting that for the **first (1st) year**, the license shall be obtained within **thirty (30) days** after the effective date of this Code, and if additional machines or devices are to be installed or displayed from time to time, the license shall be obtained before display or installation. The license shall expire on **April 30th** of each year. (**#731; 050179**)

746 **NONASSIGNABILITY OF LICENSE.** The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be nonassignable and nontransferable.

747 **PLACEMENT; GAMBLING PROHIBITED.**

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

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

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

748 **DISPLAY OF LICENSE.** The license herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained. Not more than **one (1) machine** shall be operated on any **one (1) license** and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him. If the licensee shall move his place of business to another location within the City, the license may be transferred to such new location within the City, the license may be transferred to such new location upon application to the City Clerk, giving the street and number of the new location. The new location shall be inspected by the Chief of Police or his designee in the same manner as provided in the previous sections of this Chapter.

749 **RIGHT OF ENTRY.** The Chief of Police or his designee 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.

7410 **PROHIBITIONS AND RESTRICTIONS.** No person holding a license under this Chapter shall permit any person under the age of **eighteen (18) years** to operate any cigarette vending machine or device as herein defined.

ARTICLE V JUNK DEALERS

751 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)

752 PHYSICAL REQUIREMENTS. The minimum physical requirements at all times for each junk yard shall be as follows:

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

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

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

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

753 **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on noncontiguous lots, blocks, tracts or parcels of land.

754 **APPLICATION.** Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this City 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, nontransparent wall or fence of a minimum height of **seven (7) feet**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm 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.

755 **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 **twentyfour (24) months**.
- (D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 742** hereof.

756 **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 nonassignable and nontransferable.

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.

757 **LICENSE FEE.** The annual license fee for each junk yard shall be **One Hundred Dollars (\$100.00)** 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 City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be **Ten Dollars (\$10.00)** for each junk dealer. The fee is payable as provided in this Code.

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

ARTICLE VI - RAFFLE CODE

DIVISION I GENERALLY

761 **SHORT TITLE.** This Chapter shall be known, cited and referred to as the "Raffle Ordinance".

762 **PURPOSE.** The purpose of this Chapter is to regulate and control the conduct of raffles within the borders of the City of Chester, Illinois. Nothing in this Chapter shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

763 **DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS ORGANIZATION". A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interest of the community.

"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 upon the public.

"CITY COUNCIL". The City Council of the City of Chester, Randolph County, Illinois.

"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 favorable in this scope and intensity with the course of study presented in taxsupported schools.

"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 who otherwise would be cared for by the government.

"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.

"LICENSEE". An organization which has been issued a license by the City to operate a raffle.

"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.

"NONPROFIT". A license applicant which is organized, operated, and conducted on a notforprofit basis with no personal profit insuring to anyone as a result of the operation.

"PERSON". An individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

"RAFFLE". A form of lottery as defined in Section 282(b) of the Criminal Code of 1961 (**S.H.A., Chapter 38, Section 282**), conducted by an organization licensed under this Chapter, 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 means, 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.
- (3) The term "Raffle" in addition to the definitions contained in (1) and (2) immediately above shall be deemed to specifically include those events commonly known as daily, weekly, monthly or annual drawings.

"RELIGIOUS ORGANIZATION". Any church, congregation, society or organization founded for the purpose of religious worship.

"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.

(Ord. No. 1657; 10-16-17)

7-6-4 RESERVED.

DIVISION II LICENSE REQUIREMENTS

765 LICENSE REQUIRED. It shall be unlawful for any person, business, firm, organization, public or private corporation, government, partnership or unincorporated association to conduct or operate a raffle, or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the City and in accordance with the provisions of this Chapter. **(Ord. No. 1657; 10-16-17)**

766 APPLICATION FOR LICENSE.

(A) Any person seeking to conduct or operate a raffle shall file an application therefor with the City Clerk on forms provided by the City Clerk. The application shall contain the following information:

- (1) The name, age, address and type of organization.
- (2) The length of existence of the organization and, if incorporated, the date and state of incorporation.
- (3) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffle manager and any other members responsible for the conduct and operation of the raffle. **(Ord. No. 1345; 12-05-05)**
- (4) The aggregate retail value of all prizes to be awarded in the raffle.
- (5) The maximum retail value of each prize to be awarded in the raffle.
- (6) The maximum price charged for each raffle chance issued or sold.
- (7) The maximum number of raffle chances to be issued.
- (8) The area or areas in which raffle chances will be issued or sold.
- (9) The time period during which raffle chances will be issued or sold.
- (10) The date, time and location at which winning chances will be determined.
- (11) A sworn statement attesting to the notfor-profit character of the applicant organization, signed by the presiding officer and secretary of the organization.
- (12) 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.

767 **LICENSE QUALIFICATIONS.** Raffle licenses shall be issued only to bona fide charitable, education, fraternal, labor, religious, business and veterans organization that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** or more immediately before making application for a license and which have had during the entire **five (5) year** period a bona fide membership engaged in carrying out their objects 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. The following are ineligible for any license under this Chapter.

- (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 divisions (A), (B) or (C) above has a proprietary, equitable or credit interest, or in which the person is active or employed.
- (E) Any organization in which a person defined in divisions (A), (B) or (C) above is an officer, director or employee, whether compensated or not. **(Ord. No. 1657; 10-16-17)**
- (F) Any organization in which a person defined in divisions (A), (B) or (C) above is to participate in the management or operation of a raffle as defined in this Chapter. **(Ord. No. 1657; 10-16-17)**

768 **LICENSE ISSUANCE.** The City Council shall review all raffle license applications. The City Council shall, within **thirty (30) days** from the date of application, accept or reject a raffle license application. This shall be achieved by a majority vote of City Council. If an application is accepted, the City Clerk shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of not more than **one (1) year** from and after its issuance.

- (B) A raffle license shall show the following:
 - (1) The area or areas in which raffle chances may be sold or issued.
 - (2) The period of time during which raffle chances may be sold or issued. (Maximum of 365 days).
 - (3) The maximum price which may be charged for each raffle chance issued or sold. (Maximum of \$100.00 per chance.)
 - (4) The date, time and location on or at which winning chances will be determined.
- (C) The license shall be prominently displayed at the time and location of the determination of the winning chances.
- (D) A license shall be valid for **one (1) raffle** only. Multiple licenses may be issued for multiple raffles to a license for up to a maximum period of **one (1) year** from the date of the issuance of the license.

7-6-9 **LICENSE FEE.** Each applicant for a raffle license shall pay to the City a fee of **Ten Dollars (\$10.00)** for the Raffle License. The license fee shall be submitted with the application. If the application is denied, the license fee shall be returned to the applicant. **(Ord. No. 1714; 06-03-19)**

DIVISION III CONDUCT OF RAFFLES

7610 OPERATION AND CONDUCT OF RAFFLES. The operation and conduct of raffles are subject to the following restrictions:

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose 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 the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter.

(E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

(F) Each raffle chance shall have printed thereon the following:

(1) The cost of the chance.

(2) The aggregate retail value of all prizes to be awarded in the raffle. (Maximum \$500,000.00 per raffle.)

(3) The date or dates, time or times, and location or locations on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the fact of the raffle chance need not contain this information. **(Ord. No. 1657; 10-16-17)**

(G) No single cash prize in excess of **Five Hundred Thousand Dollars (\$500,000.00)** may be awarded. **(Ord. No. 1657; 10-16-17)**

(H) No real property, including land and any building thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.

(I) No 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/her parent or guardian. **(Ord. No. 1657; 10-16-17)**

(J) No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of **eighteen (18) years** within the permission of his/her parent or guardian.

7611 RAFFLES MANAGER; BONDS.

(A) All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.

(B) The raffles manager shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the licensee, conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority no less than **thirty (30) days** prior to its cancellation.

(C) The City Council may waive the aforementioned bond requirements by including a waiver provision in the license issued to an organization under this Chapter, provided that a waiver has been granted by unanimous vote of the members of the licensed organization.

7612 RECORDS.

(A) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion which winning chances are to be determined. All deductions from 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 of the purchased item or service or other reason for the 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 for the operation of raffles programs shall be segregated from other revenues of the licensee, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, such receipts shall be placed in a separate account. Each licensee shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenue of the organization.

(C) Each licensee shall report within **thirty (30) days** after the conclusion of each raffle to its membership, and to the City Council, its gross receipts, expenses and net proceeds for raffles, and the distribution of the net proceeds itemized as required herein.

(D) Records required herein shall be preserved for **three (3) years**, and licensees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(E) Applications for a raffle license shall be made at the office of the City Clerk on the application form hereby appended hereto and by reference made a part of this Ordinance.

7-6-13 - 7-6-14 RESERVED.

DIVISION IV ENFORCEMENT

7615 RELATIONSHIP TO OTHER LAWS. Whenever regulations or restrictions imposed by this Chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules or regulations, the regulations, rules or restrictions which are more restricting or which impose higher standards or requirements shall govern.

7616 ABATEMENT. The imposition of the penalties prescribed in **Section 843** hereof shall not preclude the City from instituting appropriate legal action to prevent unlawful raffles or to restrain, enjoin, correct, or abate a violation of this Chapter or of the conditions of a raffle license issued pursuant hereto.

7617 PENALTY. Any person violating any provision of this Chapter shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)**. Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense.

(Ord. No. 1039; 030193)
(See 230 ILCS Sec. 15/0.01)

ARTICLE VII BED AND BREAKFAST CODE

771 CODE ESTABLISHED. The following Code is hereby made and adopted to be enforced within the corporate limits of the City of Chester, Illinois, with the cooperation of the Randolph County Public Health Department.

772 ADOPTION OF STATUTES BY REFERENCE. In addition to those provisions set forth in ordinance, this Code hereby adopts by reference the provisions of **Chapter 50, Section 820/1, et seq. of Illinois Compiled Statutes**, and in the event of any conflict with the provisions of this Code in said statute, the provisions of the statute shall prevail.

773 DEFINITIONS APPLICABLE. The following definitions shall apply to the terms used within this Code:

(A) **"BED AND BREAKFAST ESTABLISHMENT"** shall mean an operator occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, In operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

(B) **"OPERATOR"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

(C) **"GUEST ROOM"** shall mean a sleeping room intended to serve no more than **two (2) transient guests per night**.

774 MINIMUM STANDARDS. Bed and Breakfast establishments which serve breakfast shall comply with the following minimum standards:

(A) Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food and food service articles shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Unopened canned and bottled foods may be stored on the floor. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(B) Food shall be protected from contamination while being stored, prepared and served, and during transportation.

Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of **45 degrees F. or below, or 140 degrees F. or above**, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the local Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be thoroughly washed before use. Stuffings, poultry and pork products shall be cooked to heat all parts of the food at least **165 degrees F. before** being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

(C) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(D) If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Department immediately.

(E) All operators shall be certified. Certification shall be achieved by and through the Randolph County Health Department.

(F) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory, but never in the kitchen sink.

(G) No one, while preparing or serving food, may use tobacco in any form.

(H) Utensils shall be kept clean and in good repair.

(I) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(J) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(K) Residential sinks and homestyle mechanical dish washing machines are acceptable facilities for washing multiuse eating and drinking utensils. Utensils shall be air dried.

(L) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse. Operators shall have the means to test sanitizing solutions to assure adequate concentration.

(M) The reuse of singleservice utensils is prohibited.

(N) The Randolph County Health Department shall in cooperation with the City, conduct such necessary inspections regarding food service, handling and preparation of same. Said Department shall also in cooperation with the City conduct any and all other inspections as the City, and the said County Health Department may mutually agree.

775 LINEN. Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

776 FIRE PREVENTION. Bed and Breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings. In addition, the following standards shall be required:

(A) Manual extinguishing equipment shall be provided on each floor in accordance with the NFPA 10 – Standards for the Installation of Portable Fire Extinguishers.

(B) All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.

(C) All trash containers shall be metal.

(D) No cooking facilities shall be permitted in guest rooms.

(E) All hallways and stairways shall be adequately lighted.

(F) No portable heating devices shall be permitted in guest rooms.

(G) The operator shall submit a floor plan of the Bed and Breakfast establishment to the local Fire Department or Fire Protection District.

(H) Smoke detectors shall be provided in each guest room.

(I) Carbon monoxide detectors shall be provided.

777 LIABILITY INSURANCE. The Bed and Breakfast establishment shall provide proof of at least **One Hundred Thousand Dollars (\$100,000.00)** in owner's, landlord's and tenant's, including products, liability insurance and submit evidence of renewal whenever required showing coverage while the establishment is in operation.

(This Article; Ord. No. 976; 040290)

ARTICLE VIII – ADULT USE LICENSING AND REGULATION

7-8-1 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 City 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.

7-8-2 DEFINITIONS.

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

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

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

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

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials

based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

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

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

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

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

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

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

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

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

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

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

7-8-3 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 City pursuant to this Article.

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

(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 City 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.

7-8-4 ISSUANCE OF LICENSE.

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the City shall approve or deny the issuance of a license to an applicant. The City 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 City 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 City 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 City codes within **twenty (20) days** of receipt of the application by the City.

(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.

7-8-5 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.

7-8-6 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. Thereafter the annual fee shall be **Seven Hundred Fifty Dollars (\$750.00)**.

7-8-7 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City 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 if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-8-8 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 7-8-4**. 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 City 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 City finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-8-9 SUSPENSION. The City 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.

7-8-10 REVOCAION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-8-8** 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 City 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 City, 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 City 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 City 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.

7-8-11 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.

7-8-12 BUSINESS RECORDS. All adult uses shall file a verified report with the City 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.

7-8-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-8-14 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.

7-8-15 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.

7-8-16 HOURS OF OPERATION. No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-8-17 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 IX - TAXICABS

7-9-1 DEFINITIONS. The following words and phrases when used in this Chapter shall have the meanings set out herein:

"CERTIFICATE". A Certificate of Public Convenience and Necessity issued by the City Clerk pursuant to authority granted by the City Council, authorizing the holder thereof to conduct a taxicab business in the City.

"HOLDER". A person to whom a Certificate of Public Convenience and Necessity has been issued.

"MANIFEST". A daily record prepared by a taxicab driver of all trips made by that driver showing the time and place of origin, destination, number of passengers and the amount of fare of each trip.

"PERSON". An individual, a corporation, or other legal entity, a partnership, and any unincorporated association.

"RATE CARD". A card for display in each taxicab which contains the rates of fare then in force.

"TAXICAB". A motor vehicle regularly engaged in the business of carrying passengers for hire, carrying not more than **five (5) passengers** and not operated on a fixed route.

7-9-2 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED. No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a Certificate of Public Convenience and Necessity from the City Clerk. No person shall be issued such Certificate unless that person is a resident of the City or maintains a manager who resides within the City.

7-9-3 APPLICATION FOR CERTIFICATE. An application for a Certificate shall be filed with the City Clerk upon forms provided by the City and that application shall be verified under oath and shall furnish the following information:

- (A) The name and address of the applicant.
- (B) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- (C) The experience of the applicant in the transportation of passengers.
- (D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of certificate.
- (E) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

(F) The color scheme or insignia, if any, to be used to designate the vehicle or vehicles of the applicant.

(G) Such further information as the Mayor and/or City Council may require.

7-9-4 **ISSUANCE OF CERTIFICATE.** If the Mayor and City Council find that a taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Chapter and the rules promulgated by the Mayor and City Council, then the City Clerk shall issue a Certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the applicant shall be denied.

In making the above findings, the Mayor and City Council shall take into consideration whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

There shall be only **one (1)** Certificate of Public Convenience and Necessity issued pursuant to this Chapter at any **one (1) time**.

7-9-5 **CERTIFICATE FEE.** No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless the holder thereof has paid a fee of **Fifty Dollars (\$50.00)** per year or any portion thereof for the right to engage in such taxicab business. Such certificate issued by the City Clerk shall be in effect for the City's fiscal year (May 1 to April 30) in which it was issued or any remainder thereof. There shall be no pro rata reduction of a fee for any applicant who is issued such a Certificate within any particular fiscal year, nor shall there be any pro rata refund made to any holder of a Certificate of Public Convenience and Necessity in the event the Certificate of Public Convenience is forfeited, suspended or revoked prior to expiration. Such Certificate shall expire at the end of the fiscal year in which it was issued.

7-9-6 **INSURANCE REQUIRED.** No Certificate of Public Convenience and Necessity under this Chapter shall be issued or continued in operation unless the holder furnishes and files with the City Clerk a Certificate of Insurance indicating a combined minimum of **Three Hundred Fifty Thousand Dollars (\$350,000.00)** liability coverage for bodily injury and property damage per occurrence. Any such holder shall also furnish to the City Clerk a Certificate certifying the existence of Workmen's Compensation Insurance. All such insurance policies must be insured by an insurance company authorized to do business within the State of Illinois.

7-9-7 TRANSFER OF CERTIFICATE. No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the Mayor and City Council.

7-9-8 SUSPENSION AND REVOCATION OF CERTIFICATE. A Certificate issued under the provisions of this Chapter may be revoked or suspended by the Mayor and City Council if the holder thereof has:

- (A) Violated any of the provisions of this Chapter;
- (B) Discontinued operations for more than **ten (10) days**;
- (C) Conducted operations in a way that the Mayor and City Council deem to endanger the public health, safety, and/or welfare of the community;
- (D) Violated any additional terms and conditions that might be imposed by the Mayor and City Council subsequent to the issuance of such Certificate;
- (E) Violated any law of the City or the laws of the United States or the State of Illinois.

Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

7-9-9 DRIVER'S LICENSE REQUIRED. No person shall drive or operate a taxicab for hire upon the streets of the City unless such driver or operator shall have in full force and effect the proper valid license issued by the Secretary of State of the State of Illinois. It shall also be unlawful for any holder of a Certificate of Public Convenience and Necessity to permit or authorize any of his employees or agents to operate a taxicab unless such employee or agent shall have in full force and effect the proper valid license issued by the Secretary of State of the State of Illinois.

7-9-10 COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS. The holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter or his agents or employees shall comply with all City, State, and Federal law, including but not limited to the Americans with Disabilities Act.

7-9-11 VEHICLES - MAINTENANCE.

(A) **Inspection.** Every vehicle operated pursuant to this Chapter shall be in safe and sound mechanical condition. All such vehicles are subject to inspection by the Police Department of the City at such time or times as shall be directed by the Mayor and/or Chief of Police.

(B) **Clean and Sanitary Condition.** Every vehicle operating under this Chapter shall be kept in a clean and sanitary condition.

7-9-12 **MANIFEST.** Any holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter shall be required to maintain a manifest as defined in **Section 7-9-1**. Any holder of a Certificate of Public Convenience and Necessity issued hereunder, upon request of the Mayor for inspection, shall make the manifest records available to the Mayor and/or City Council for inspection. Any holder of such a Certificate of Public Convenience and Necessity must maintain and have available such manifest records for a period of at least **twelve (12) months** preceding the date that any such request for inspection should be made by the City Council.

7-9-13 **RATES OF FARE - RATE CARD REQUIRED.** No holder of any Certificate of Public Convenience and Necessity or any of his agents or employees shall charge a greater sum for the use of a taxicab other than what has been most recently approved by the Mayor and City Council. The Mayor and City Council shall approve all rates before they become effective and no rates may be changed prior to the express approval of the Mayor and City Council.

In the event that any holder of a Certificate of Public Convenience and Necessity shall desire to increase his rates of fare, such holder must first file with the City Clerk a rate proposal no less than **thirty (30) days** prior to the effective date that such holder wishes to raise the proposed rate increase to become effective. The Mayor and City Council shall first review the proposed rate changes and must approve any such proposed rate change before it should become effective.

Every taxicab operator under this Chapter shall have a rate card setting forth authorized rates of fare displayed in such a place as to be in full view of all passengers.

7-9-14 **HOURS OF OPERATION.** Any holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter or any of his agents or employees shall engage in the business of carrying passengers for hire between the hours of **6:00 a.m.** to **12:00 a.m., seven (7) days** a week including any and all holidays. Operation at all other times is left to the discretion of the holder.

7-9-15 **PASSENGERS.** Every taxicab operator shall accept as a passenger any person who seeks to so use the taxicab, provided such person is not intoxicated or under the influence of drugs or conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

7-9-16 **COMPLAINT PROCEDURE.** Any holder of a Certificate of Public Convenience and Necessity issued pursuant to this Chapter shall maintain a business office and a telephone listing within the City where inquiries and complaints from customers and the general public can be registered. The holder shall investigate all complaints within **five (5) days** of their receipt and shall in good faith attempt to resolve them swiftly and equitably. The holder shall report any and all unresolved complaints to the Mayor and City Council within **thirty (30) days** of their receipt.

[Ord. No. 1095; 11-06-95]

ARTICLE X - TRANSIENT MERCHANTS AND/OR VENDORS

7-10-1 LICENSE REQUIRED. It shall be unlawful for any person as principal, agent, or employee to conduct business as a Transient Merchant or Vendor within the City without having first obtained a license therefor for each such person who will be conducting such business in the City.

7-10-2 CERTIFICATE OF REGISTRATION. It shall be unlawful for any person as principal or agent, to conduct business as a Transient Merchant or Vendor within the City without first complying with the requirements of Section 2a of the Retailer's Occupation Tax Act, **35 ILCS 120/2a**, by obtaining a certificate of registration and without having obtained a license hereunder.

7-10-3 DEFINITION; TRANSIENT MERCHANT/VENDOR. Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the City and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, vacant lot, or parcel of property. However, this does not apply to any person selling goods, wares or merchandise which are raised, produced or manufactured by him/her, to any person selling vegetables, fruit or perishable farm products at an established City market, to any person operating a stand or booth on or adjacent to property owned by him/her or upon which he/she resides, to any person operating a booth at a City sponsored event, or to any person selling goods or merchandise as part of a valid fund raising activity.

7-10-4 APPLICATION. The applicant for a license under this Article shall file with the City Clerk a sworn application for such license.

7-10-5 INVESTIGATION. 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.

7-10-6 SALES TAX. The collection of sales tax for all sales is required to ensure that the local City government receives the due funds for the sales.

7-10-7 EXEMPTIONS. The following persons or groups shall not be required to obtain a license under this Article or to pay the established fees:

- (A) Garage and yard sales.
- (B) Concessions - sales incidental to sporting events, concerts, performances or presentations where said sales are conducted by the person producing the event.
- (C) Delivery carriers - any person delivering newspapers, fuel or food products to regular customers.
- (D) Estate sales and auctions.
- (E) Mobile vendors of food products, dispensing their products from motorized units.
- (F) Artisans who produce their own art or craft work and are invited to exhibit and sell their art and craft work as a part of an event sponsored by the City or an organization within the City.

7-10-8 FEES. The license fees to be charged for Transient Merchant and/or Vendor licenses in the City, each payable in advance, are hereby fixed and established as follows:

- (A) **Daily License. \$25.00**
- (B) **Annual License. \$100.00**

ARTICLE XI – GAMBLING

7-11-1 GAMBLING ACTS PROHIBITED.

(A) **Gambling Prohibited.** No person shall play for money, or other valuable thing or equivalent, any game with cards, dice, checks, billiards, or any device, instrument or machine whatsoever, which may be used for the purpose of playing a game of chance, betting or winning or losing money or any other thing or article of value nor shall any person bet on any game of any type involving gambling unless such gambling is allowed pursuant to the laws or the Statutes of Illinois and any all licenses required are obtained for such game of chance.

(B) **Possession of Unlawful Gaming Device.** No person shall possess any gambling device or paraphernalia, as defined under and prohibited under the laws or the Statutes of Illinois, with the intent to use the same for any unlawful purpose, and any such device or paraphernalia kept with such intent may be confiscated by the City Police Department.

(C) **Gambling Establishment Prohibition.** No person shall keep a common gaming house; or in any building, yard, garden or booth, by him or his agent used and occupied, procure or permit any person or persons to frequent, or come together to play for money or other valuable thing, at any game; or keep or suffer to be kept any tables or other apparatus for the purpose or intent of playing any game, for money or any other valuable thing; or knowingly rent any such place for such purposes, except those establishments or acts which are authorized and legal under the laws and Statutes of Illinois.

(D) **Gambling Advertisement Prohibition.** It is unlawful to advertise any illegal gambling house or illegal gambling resort, as defined under and prohibited under the laws or the Statutes of Illinois, in any street, alley or public place within the City.

(E) **Authorized Gambling.** Nothing in this Section shall prohibit the authorized, legal wagering, or gambling or any acts, that are allowed by the laws or the Statutes of Illinois. Video Gaming and Video Gaming Terminals are permitted when licensed by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act (**230 ILCS 40/1 et seq.**) and operated in accordance with the Video Gaming Act.

7-11-2 LICENSING AND FEES. Gambling of any type may be allowed within the City so long as the same is legal within the State of Illinois and as long as the operator of said gambling or games of chance or any machinery or devices associated therewith has obtained any and all licenses or permits required by the State of Illinois and required by the City. Effective **May 1, 2022**, each operator of a Video Gaming Terminal shall pay to the City a license fee of **Two Hundred Fifty Dollars (\$250.00)** per year for each Video Gaming Terminal within their establishment for the privilege of operating such terminal. Upon payment of the license fee to the City, a license shall be issued by the City to the operator for the operation of Video Gaming Terminals within their establishment. No Video Gaming Terminals may be operated within an establishment until the operator obtains all licenses and permits required by the State of Illinois, and the operator pays the fee required by the City and obtains the license from the City. The **Two Hundred Fifty Dollar (\$250.00)** fee shall be paid annually in advance on the **first (1st) day of May** of each year, and the license from the City shall expire on **April 30th** of each year unless sooner terminated or surrendered. There shall be no more than **twelve (12)** establishments with Video Gaming Terminals and no more than **seventy-two (72)** Video Gaming Terminals within the City. (**Ord. No. 1768; 02-07-22**)

7-11-3 PENALTIES FOR VIOLATION. Any person, firm or corporation violating any provision of this Article shall be fined no more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 1543; 06-18-12)

ARTICLE XII – LICENSING AND REGULATION OF OTHER BUSINESSES

7-12-1 BUSINESS LICENSE REQUIREMENT. After the effective date of this Article, any and all persons, firms, companies and corporations seeking to engage in any business or occupation from a location or locations within the City limits and not otherwise licensed or regulated under the provisions of the Revised Code of Ordinances of the City, are required to procure a license to conduct said business or occupation. Persons, firms, companies and corporations engaged in any business or occupation on or before the effective date of this Article shall not be required to pay the fees set forth below but shall complete the application and obtain the permit referred to herein.

7-12-2 FEE. The fee for a business license issued under this Article shall be as set forth in **Appendix "A"**. Said amount shall be submitted with the completed application. Said fee shall be non-refundable and shall be utilized for the administration of the provisions set forth in this Article. All licenses shall be for the entire period of time that the business is operating, and the fee for obtaining such license shall be a one-time fee.

7-12-3 SUSPENSION; REVOCATION AND APPEAL.

(A) The Mayor is hereby authorized to suspend or revoke a business license, hereby causing the cessation of a business, when:

- (1) The business operation constitutes a clear and present danger to the public safety, health or general welfare; or
- (2) The registration application information is fraudulent, false or deceptive.

(B) If a license is suspended or revoked, the business shall be notified immediately by an officer of the City. Notice shall furthermore be forwarded by certified mail to the mailing address as set forth on the business license application. The notification shall include the reason or reasons for the suspension or revocation. A suspension or revocation shall remain in place until rescinded by the Mayor or by a successful appeal to the City Council.

(C) An appeal of the suspension or revocation must be requested by the licensee at the next regular schedule meeting of the City Council.

(D) At the appeal, the City Attorney shall present the complaint against the business and represent the City. The license holder has the right to retain his or her own counsel, to submit evidence and cross-examine witnesses. A simple majority vote of the City Council is required to rescind the suspension or revocation.

(E) Revocation of a business license shall not preclude or imposition of other penalties for the violation of the City's Code of Ordinances.

7-12-4 POSTING OF LICENSE. It shall be the duty of any person conducting a licensed business under this Article to post said license in a prominent place in the business premises at all times.

7-12-5 **EXEMPTIONS.** The following shall be exempt from the requirements of this Article:

- (A) Governmental entities;
- (B) Fraternal organizations;
- (C) Religious institutions;
- (D) Healthcare facilities, including nursing homes, supportive living facilities/assisted living facilities; and
- (E) Not-for-profit corporations.

7-12-6 **PENALTY.** Any person, firm or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Each day that any such violation or failure continues shall be considered as a separate and distinct offense and shall be punishable as such.

(Ord. No. 1686; 10-01-18)

APPENDIX "A"

BUSINESS LICENSES

The fee for businesses or activities listed below shall be:

- (A) **Bowling Alleys:** \$7.00 per lane; annual fee.
- (B) **Billiard and Pool Tables:** \$25.00 per table; annual fee.
- (C) **Other Business Licenses:** \$50.00; one-time fee.

(Ord. No. 1687; 10-01-18)