

**CHAPTER 7**

**BUSINESS CODE**

**ARTICLE I - SOLICITORS**

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

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

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

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

- (A)            Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;
- (B)            Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or
- (C)            Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;
- (D)            Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

**7-1-2**        **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this Municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this City which have been in existence for **six (6) months or longer** shall be exempt from the provisions of this Article.

**7-1-3**        **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

- (A)            Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
- (B)            Address of place of residence during the past **three (3) years** if other than present address.
- (C)            Age of applicant and marital status; and if married, the name of spouse.
- (D)            Physical description of the applicant.
- (E)            Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F)            Name and address of employer during the past **three (3) years** if other than the present employer.
- (G)            Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H)            Period of time for which the Certificate is applied.

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

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

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

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

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

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

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

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

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

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

**7-1-4**      **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

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

The Certificate of Registration shall state the expiration date thereof.

**7-1-5**      **POLICY ON SOLICITING.** It is declared to be the policy of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

**7-1-6**      **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

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

(B) A weatherproof card, approximately **three inches by five inches (3" x 5")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

**"ONLY REGISTERED SOLICITORS INVITED"**

**OR**

**"NO SOLICITORS INVITED"**

(C) The letters shall be at least **one-third (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.

**7-1-7 COMPLIANCE BY SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-1-6** if any is attached and be governed by the statement contained on the notice.

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

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

**7-1-8 UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-1-6**.

**7-1-9 TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

**7-1-10 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 state-wide fund-raising 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.
- (F) Solicit only during daylight hours.
- (G) Any one charitable organization shall be limited to conducting no more than **two (2)** solicitations per calendar year.

**(See 626 ILCS 5/11-1006)**

**7-1-11 FEES.** Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

- (A) **Daily License:** **\$20.00 per person per day.**
- (B) **Annual License:** **\$50.00 per person per year.**

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

**ARTICLE II - PEDDLERS**

**7-2-1**            **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

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

**7-2-3**            **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Clerk and providing the following information:

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

**7-2-4**            **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

**7-2-5**            **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **10:00 A.M.** or after **5:00 P.M.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

**7-2-6**            **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this Municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

**7-2-7**            **PHOTOGRAPHS.** **Two (2) photographs** of the applicant and such of its employees as will be used in the peddling or merchandising, taken within **sixty (60) days** immediately prior to the filing of the application, which pictures shall be **two inches by two inches (2" x 2")**, showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

**7-2-8**            **UNWANTED PEDDLING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

**7-2-9**            **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Municipality by peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

**7-2-10**           **DUTY OF POLICE TO ABATE.** The Police Department of this Municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in **Section 7-2-9.**

**7-2-11**           **LOCAL BUSINESSES AND FARMERS EXCLUDED.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed.

**7-2-12**           **FEES.** The license fees per person to be charged for licenses to peddle in this Municipality, each payable in advance, are hereby fixed and established as follows:

- (A)            **Daily License:**                            **\$10.00 per person per day**
- (B)            **Annual License:**                           **\$50.00 per person per year**

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

**ARTICLE III – RESERVED**

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## ARTICLE IV - JUNK DEALERS

**7-4-1**            **DEFINITIONS.**

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

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

**"JUNK YARD"** as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this Section defined as "junk". **(Also see Chapter 24, Article VII and Chapter 25, Articles I and III)**

**7-4-2**            **PHYSICAL REQUIREMENTS.** The minimum physical requirements at all times for each junk yard shall be as follows:

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

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

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

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

**7-4-3**            **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

**7-4-4**            **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, non-transparent wall or fence of a minimum height of **seven (7) feet**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent

to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

**7-4-5**            **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A)                Not a person of good character.
- (B)                Falsification of an application for a license hereunder.
- (C)                License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D)                Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-4-2** hereof.

**7-4-6**            **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

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

**7-4-7**            **LICENSE FEE.** The annual license fee for each junk yard shall be **Two Hundred Dollars (\$200.00)** payable in advance with the filing of the application for license, and shall not be subject to pro rata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the 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 **Two Hundred Dollars (\$200.00)** for each junk dealer. The fee is payable as provided in this Code.

**7-4-8**            **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

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

## ARTICLE V – RAFFLES AND POKER RUNS

**7-5-1 DEFINITIONS.** The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

(B) **"Charitable Organization":** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) **"Educational Organization":** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) **"Fraternal Organization":** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

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

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

(G) **"Labor Organization":** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

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

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

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

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

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

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

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

(N) **"Veterans' Organization":** An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

**7-5-2            REQUIREMENT OF LICENSE.**

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

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

**7-5-3            APPLICATION FOR A LICENSE FOR A RAFFLE.**

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

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

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

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

**NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold.**

**7-5-4            APPLICATION FOR A LICENSE FOR A POKER RUN.**

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

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

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

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

**7-5-5            LICENSEE QUALIFICATIONS.**

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

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and

- (6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

**7-5-6 LICENSE ISSUANCE.**

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

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

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

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

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

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

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

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

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

**7-5-7 CONDUCT OF RAFFLES AND POKER RUNS.**

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

- (1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- (4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or

equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

- (6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

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

**7-5-8            MANAGER - BOND.**

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

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation.

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

**7-5-9            RECORDS.**

(A) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

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

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

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

**7-5-10**        **LIMITED CONSTRUCTION.** Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

**7-5-11**        **PRIZE LIMITATIONS; TERM.**

(A)            The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed **One Million Dollars (\$1,000,000.00)**;

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

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

(D)            The maximum number of days during which chances may be issued or sold or poker hands issued or sold shall not exceed **one (1) year**;

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

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

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

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

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



## ARTICLE VI – ADULT USE LICENSING AND REGULATION

**7-6-1**        **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.

**7-6-2**        **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.

**7-6-3            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.

**7-6-4**            **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.

**7-6-5**            **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.

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

**7-6-7**            **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 is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

**7-6-8            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 7-6-4**. 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.

**7-6-9            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.

**7-6-10           REVOCAION.**

(A) The City shall revoke a license if a cause of suspension in **Section 7-6-8** 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.

**7-6-11**        **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.

**7-6-12**        **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.

**7-6-13**        **LIQUOR LICENSE.** No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

**7-6-14**        **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.

**7-6-15**        **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.

**7-6-16**        **HOURS OF OPERATION.** No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

**7-6-17**        **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 VII – TRANSIENT MERCHANTS, ITINERANT VENDORS AND SOLICITORS**

**7-7-1 DEFINITIONS.** The following words and phrases, when used in this Chapter shall have the meanings respectfully ascribed to them by this Section, unless specified otherwise:

**"Garage and Yard Sales"** means any sale conducted in any residential district where tangible personal property is offered for sale in or out of any building or structure.

**"Goods, Wares or Merchandise"** means any tangible personal property which is normally used for personal, family or household purposes.

**"Itinerant Vendor"** means any person who transports tangible personal property for retail sale within the City who does not maintain in this City an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted. However, this Chapter does not apply to any person who delivers tangible personal property within this City who is fulfilling an order for such property which was solicited or placed by mail or other means. This Chapter does not apply to any person holding a valid license, nor does this Chapter apply to pushcarts or pushcart operations, which are provided for in this Chapter.

**"Person"** means any individual, corporation, partnership, trust, firm, association or other entity.

**"Solicitor"** means any person who goes from one residential unit or business to another for the purpose of:

(A) seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind for any kind of consideration;

(B) seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or other type or kind of publication or;

(C) selling goods, products or merchandise.

**"Transient Merchant"** means any person who is engaged temporarily in the retail sale of goods, wares or merchandise in this 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 Article does not apply to any person selling goods, wares or merchandise which are raised, produced or manufactured by him, 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 or upon which he resides, or to any person operating a stand or booth at a trade show, exposition, convention or similar event.

**7-7-2 LICENSE REQUIRED.**

(A) **License Required.** It is unlawful for any person, either as principal or agent, to conduct business as a transient merchant or itinerant vendor in this City without first having obtained a license and complying with the requirements of the Retailer's Occupation Tax Act by obtaining a certificate of registration. A license may be obtained by filing a written license application with the City Clerk's office no less than **ten (10) business days** in advance of the proposed activity. **(35 ILCS 120/1 et seq.)**

(B) **Contents of Application.** The applicant shall complete a license application which shall include the following:

- (1) The name, residence, telephone number and driver's license number of the individual applying for the license;
- (2) The address of the principal place of business, which must include a street address of the applicant and a telephone number;
- (3) If the applicant is employed by another person or entity, the name of the employer, his residence address(es) and telephone number, and if the applicant is a corporation, the residential address, phone numbers and driver's license number of each corporate officer;
- (4) The location at which the applicant intends to sell his goods, wares or merchandise and the dates such sales will take place;
- (5) The nature of the business to be conducted;

- (6) A copy of the applicant's certificate of registration under the Retailers' Occupation Tax Act, **35 ILCS 120/1 et seq.**;
- (7) The type of goods, wares or merchandise to be sold or offered for sale;
- (8) A complete inventory of the goods the applicant shall offer for sale;
- (9) A list of all licenses to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in this State in the **twelve (12) months** preceding the filing of the application;
- (10) Whether the applicant has been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction;
- (11) The names and addresses of any individuals or business enterprises expected to participate in the business. Any new individuals or business enterprises added after the submission of the application must be submitted to the City Clerk within **twenty-four (24) hours**;
- (12) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
- (13) The State and Federal tax identification numbers of the applicant and any individuals or business enterprises expected to participate in the business; and
- (14) If a food and drink license is required by the Hamilton County Health Department, a copy of said license. Providing false information or failure to complete the application will result in the denial of the license.

(C) **Liability Insurance/Business Owner's Insurance:** The applicant shall file with the City Clerk's office the application, along with an insurance declaration page issued by an insurance company having authority to do business in Illinois. The applicant shall cause the City to be named as an additional insured on said policy and shall promptly notify the City if said insurance is cancelled or suspended.

(D) **Term of License.**

1. **7-Day License:** Any license issued pursuant to this Section shall run from the issue date for a period seven (7) consecutive days. A license application fee of Twenty-five dollars (\$25.00) shall be required at the time of application in the form of cash, certified check or money order from any person wishing to conduct business as either a transient merchant or itinerant vendor. The license application fee shall not be refunded if the license is denied.

2. **Annual License:** Any license issued pursuant to this Section shall run from **May 1** through **April 30** of each fiscal year. A license application fee of **One Hundred Dollars (\$100.00)** shall be required at the time of application in the form of cash, certified check or money order from any person wishing to conduct business as either a transient merchant or itinerant vendor. The license application fee shall not be refunded if the license is denied. (F)

**Granting of License.** A license to conduct business under this Article may be granted to a corporation, partnership or firm. Such a corporation, partnership or firm may use more than one agent or employee in conducting business within this City under the same license. However, in such cases, this Section shall not be construed to authorize more than one agent or employee to conduct business at one and the same time. If a corporation, partnership or firm wishes to have more than one agent or employee to conduct business at one and the same time, multiple licenses under this Article will be required.

(E) **Granting of License.** A license to conduct business under this Article may be granted to a corporation, partnership or firm. Such a corporation, partnership or firm may use more than one agent or employee in conducting business within this City under the same license. However, in such cases, this Section shall not be construed to authorize more than one agent or employee to conduct business at one and the same time. If a corporation, partnership or firm wishes to have more than one agent or employee to conduct business at one and the same time, multiple licenses under this Article will be required.



**7-7-3 STANDARDS FOR LICENSE ISSUANCE.**

(A) **Investigation of Applicants.** Within **two (2) business days** of receipt of a completed license application, the City Clerk shall cause copies thereof to be sent to:

- (1) The Chief of Police or the Chief of Police's designee who shall cause an investigation to be made as to the applicant's criminal record, if any, and compliance with all applicable laws and ordinances of the State and the City.
- (2) The Zoning Administrator or the Zoning Administrator's designee who shall review the application for compliance with this Code.
- (3) The City Treasurer shall examine the City's records to determine if the applicant owes any outstanding fee, fine or other amount to the City. No license shall be issued to any applicant who has unpaid fines, fees, or other financial obligations outstanding with the City. Any applicant having unpaid fines or other fees owed the City for any purpose shall bring those accounts current prior to the issuance of a registration certificate.

These Departments shall report back to the City Clerk's office within **ten (10) business days** whether the application is in accordance with applicable provisions of this Code.

**(225 ILCS 465/1 et seq.)**

(B) **Additional Information.** Applicants shall cooperate with such investigation and furnish such additional information as may be reasonably requested in furtherance of said investigation.

**7-7-4 DENIAL OF LICENSE.** Upon receipt of the information provided by the City departments in relation to the application, the City Clerk shall cause the license to be issued within **five (5) business days**, unless the applicant is determined to be unfit to hold a license in the City in accordance with the provisions of the "License Denial" provision of this Chapter.

**7-7-5 DENIAL OF LICENSE.** If any of the following factors have been committed, the application for the license shall be denied:

- (A) Any of the material statements made in the application to be false;
- (B) The applicant has been charged with or received a disposition of guilt either through supervision, probation or conviction for any offense involving theft, burglary, fraud, bribery or moral turpitude under the laws of the State of Illinois, of any other state, or of the United States within **five (5) years** of the date of application;
- (C) The applicant or his employer has had a previously issued license under this or a similar article revoked by the City or by any other municipality within **five (5) years** of the date of the application;
- (D) The applicant or his employer has been convicted of violating any provisions of this Article within **five (5) years** of the date of application;
- (E) The applicant has not secured a food and/or drink license, if required, from the Hamilton County Health Department;
- (F) The applicant has outstanding debt with the City. The City Clerk shall deny the license application and shall provide written notification of such denial to the applicant in person or by first class mail.

**7-7-6 REVOCATION OF LICENSE.**

(A) **Grounds for Revocation.** A license issued hereunder shall be revoked by the City Clerk, or the City Clerk's authorized representative, if the holder of the license:

- (1) Has violated any of the provisions of this Chapter, the laws of the State, or the ordinances of the City while engaged in the business of a transient merchant or itinerant vendor;
- (2) The applicant has been charged with or received a disposition of guilt either through supervision, probation or conviction for any offense involving theft, burglary, fraud, bribery or moral turpitude under the laws of the State of Illinois, of any other state, or of the United States within **five (5) years** of the date of application;
- (3) Has knowingly furnished false or misleading information or withheld relevant information on any application for license or an investigation into any such license;
- (4) Has engaged in fraud, misrepresentation or false statements in the course of carrying out his business as a transient merchant or itinerant vendor;
- (5) Has conducted his business as a transient merchant or itinerant vendor in an unlawful manner or in such a manner as to constitute a breach of the peace or as to constitute a menace to the health, safety or general welfare of the public;
- (6) No longer has a valid licensee's bond, as provided for in this Chapter.

(B) **Notice.** Immediately upon such revocation, written notice shall be given by the City Clerk or the City Clerk's authorized representative to the license holder, in person, or by first class mail addressed to the applicant's address set forth in the license application. Such notice shall state the action taken and the reasons supporting such action. Immediately upon the delivery or mailing of such notice, the license shall become null and void.

**7-7-7 APPEAL OF LICENSE DENIAL OR REVOCATION.**

(A) **Notice of Appeal.** Any person denied a license or permit under this Article or any person who has had his license revoked pursuant to this Article may appeal to the Finance Commissioner by filing a written notice of appeal with the City Clerk's office no later than **five (5) business days** after the final action of denying or revoking the license has been initiated. Such appeal shall contain a written statement setting forth the grounds of the appeal. The appealing party shall submit whatever documentation it believes is relevant along with the written notice of appeal for the Finance Commissioner's consideration.

(B) **Decision of Finance Commissioner Final.** The Finance Commissioner shall grant or deny the appeal, with or without an evidentiary hearing, no later than **ten (10) business days** from the date the City Clerk receives notice of the appeal. Either way, the decision of the Finance Commissioner is final and the person aggrieved shall comply with the provisions of the Illinois Administrative Review Act.

(C) **Reapplication Waiting Period.** If a license or permit is denied or revoked either by the City Clerk, or the Finance Commissioner if an appeal is filed, no application for a merchant or vendor license shall be considered by the City for at least **six (6) months** from the date the denial or revocation is effective.

**7-7-8 LICENSE TO BE CARRIED ON PERSON AND EXHIBITED UPON REQUEST.**

Every transient merchant or itinerant vendor shall carry the permit issued to him under this Article on his person at all times while conducting business as a transient merchant or itinerant vendor in this City. It shall also be the duty of every transient merchant or itinerant vendor to exhibit such permit and allow any information contained thereon to be documented when requested to do so by any law enforcement officer, any City official, or at the request of any citizen of this City.

**7-7-9**            **TRANSFER.** No license issued pursuant to this Article may be transferred, sold or assigned to another person.

**7-7-10**            **FAILURE TO OBTAIN LICENSE.**

(A)            **Impound Property of Merchant or Vendor.** If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a license pursuant to this Article, the City may hold the inventory, truck or other personal property of the person until a license is obtained to conduct business as a transient merchant or itinerant vendor. If the property is held by the City for more than **sixty (60) days** and the person whose property is being held has not obtained a license pursuant to this Article, the City may petition the Circuit Court for an order for the sale of the property being held. If judgment is in favor of the City, proceeds of the sale of the property, less reimbursement to the City for the reasonable expenses of storage and sale of the property, shall be returned to the owner of said property. Said reimbursement expenses shall be deposited in the General Fund of the City.

(B)            **Prima Facie Evidence.** It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this Article if the person does not transact business from a fixed location or if the person does not own or lease for a term of at least **six (6) months**, the property from which the business is conducted.

**7-7-11**            **EXEMPTIONS FROM FEE REQUIREMENTS.** The following persons or groups shall be required to obtain a license under this Article, but shall not be required to pay the fees provided for in this Article:

(A)            Any person selling goods, wares or merchandise which are raised, produced or manufactured by him, including farmers, artisans or other persons wishing to peddle or to hawk farm products, orchard products or articles of their own make or labor, including milk, butter, chickens or other articles of their own make or ingenuity;

(B)            Any person selling vegetables, fruit or perishable farms products which were grown, raised or produced by him at an established City market;

(C)            Any person operating a stand or booth on or adjacent to property owned by him upon which he resides;

(D)            Any person conducting sales of natural trees, wreaths or greenery during a holiday season;

(E)            Any bona fide local charitable or civic organization that conducts sales of goods or merchandise for the purpose for which such charitable or civic organizations exists; and,

(F)            All such persons or classes of persons exempted by State statute.

**(735 ILCS 5/3-101)**

**7-7-12**            **EXEMPTIONS FROM LICENSE REQUIREMENTS.**

(A)            **Youth Organizations.** Members of the Girl Scouts, the Boy Scouts, and other such youth organizations which are sponsored by the elementary and secondary schools in the City who sell merchandise on behalf of such organizations.

(B)            **Nonprofit Organizations.** Sales, consumer shows or exhibitions of collectibles conducted or sponsored by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existent for at least **one (1) year** prior to the holding of the sale, or which are incorporated as a not-for-profit corporation by the State, unless done for the financial gain of the individual, corporation or other business entity so engaged in such activity.

(C)            **Garage and Yard Sales.** "Garage and yard sales", as defined in **Section 7-7-1** of this Chapter.

(D)            **Concessions.** Sales incidental to sporting events, concerts or performance of plays, circuses or similar presentations where said sales are conducted by the person producing the event.

(E) **Trade Shows.** Individuals or business enterprises participating in a consumer show or exhibition of collectibles for which a sponsor's license has been issued, where there are listed on the sponsor's license application.

(F) **Political Solicitations.** Persons soliciting on behalf of a candidate for public office or on behalf of a political party.

(G) **Delivery Carriers.** Any person delivering newspapers, fuel, dairy products, or bakery products to regular customers on established routes.

**7-7-13 LICENSES GRANTED TO FIRMS OR CORPORATIONS.** It shall be unlawful for a nonresident of the City to enter into a business arrangement or agreement with a resident of the City for the purpose of evading this Article.

**7-7-14 INTERSTATE COMMERCE.** Nothing in this Article shall be construed or enforced so as to be in derogation of interstate commerce.

**7-7-15 PENALTY.** Any person who violates any provision of this Chapter shall be subject to a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. A separate offense shall be deemed committed on each day that a violation continues. A violation of this Chapter is hereby determined to be a nuisance which may be abated or enjoined by the City. Nothing in this Chapter shall exempt the City or any person from seeking civil remedies against any person who is in violation of this Article.

**(Ord. No. 17-1033; 01-10-17)**

## **ARTICLE VIII – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

**7-8-1 DEFINITIONS.** The following words and phrases shall, for the purposes of this Article, have the meanings respectively ascribed to them by this Section, as follows:

(A) **Adult-Use Cannabis Business Establishment.** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused

product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(H) **Person.** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

**7-8-2 CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.** The following Adult-Use Cannabis Business Establishments are prohibited in the City. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City of any of the following:

- (A) Adult-Use Cannabis Craft Grower
- (B) Adult-Use Cannabis Cultivation Center
- (C) Adult-Use Cannabis Dispensing Organization
- (D) Adult-Use Cannabis Infuser Organization or Infuser
- (E) Adult-Use Cannabis Processing Organization or Processor
- (F) Adult-Use Cannabis Transporting Organization or Transporter

**7-8-3 PUBLIC NUISANCE DECLARED.** Operation of any prohibited Cannabis Business Establishment within the City in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

**(See Section 1-1-20 for Penalties)**

**(Ord. No. 19-1056; 12-10-19)**

## **ARTICLE IX – ELECTRICIANS**

**7-9-1 LICENSE REQUIRED.** It shall be unlawful for any person to engage in the practice of being an electrician in the City without first being tested and licensed by the City. Application for such license or certificate shall be made to the City Clerk. A license issued by another municipality will be accepted.

**7-9-2 CLASS OF LICENSE.** There shall be **three (3) classes** of electricians licensed:

- (A) Appliance Installation and Repair
- (B) Residential Installation
- (C) Commercial Installation

Each respective class shall include the lesser class or classes.

**7-9-3**            **TESTING.** All applicants shall arrange with the City Clerk a mutual time to take the electrical test.

**7-9-4**            **FEE.** An application fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the City Clerk prior to taking the test. This fee shall be non-refundable. In addition, there is hereby imposed an annual testing fee of **Twenty-Five Dollars (\$25.00)** for each license issued, payable to the City, on or before the annual anniversary date of the original license being issued.

**7-9-5**            **INSURANCE REQUIREMENTS.** Prior to issuance of the license, the applicant shall provide the City Clerk a copy of his/her Certificate of Liability Insurance with a minimum of **One Hundred Twenty-Five Thousand Dollars (\$125,000)** coverage and a Certificate of Workman's Compensation Insurance.

## **ARTICLE X – YARD SALES**

**7-10-1**            **DEFINITIONS.**  
**"Yard Sales"**, is any display of merchandise for the purpose of exchanging it for legal tender or barter at a location not otherwise regularly used or specifically designated for the sale or exchange of merchandise. Events commonly known as "garage sales", "tailgate sales", "flea markets", "house sales", "moving sales", etc., shall be defined as yard sales under this Article.

**7-10-2**            **DURATION.** No yard sale shall be conducted for a period greater than **three (3) successive calendar days**. Yard sales shall be conducted within the period between sunrise and sunset.

**7-10-3**            **FREQUENCY.** Yard sales shall be held no more than **four (4) times** within the same calendar year at the same location and no longer than **two (2) successive weekends**.

**7-10-4**            **PROHIBITED MERCHANDISE.** Prohibited from such merchandise to be sold at yard sales shall be alcoholic beverages, firearms, firearm ammunition, materials determined by the City Code as obscene, animals, or any other merchandise of which sale without proper licensing or authorization from state or local authorities is unlawful.

**7-10-5**            **ADVERTISING.** Prohibited at the location of any yard sale are loud speakers or amplifiers.

**7-10-6**            **SIGNS.** Yard sales are permitted **two (2) yard sale signs** away from the location of the sale provided that they do not impair the view of motorists in regard to traffic safety or otherwise create a hazardous or unsafe condition. Such signs shall not be located on private property without consent of the property owner. Signs may be posted away from the location of the sale no sooner than **5:00 P.M.** on the day prior to the sale. All signs shall be removed within **twenty-four (24) hours** of the conclusion of the sale.

**7-10-7**            **PENALTY.** Any person who violates any part of this Article shall, upon conviction, be fined **One Hundred Dollars (\$100.00)**. Any person violation **Section 7-10-2** shall be fined **One Hundred Dollars (\$100.00)** a day for each day over the **three (3) days** permitted.

(Ord. No. 01-800; 10-11-01)

ARTICLE XI – FIREWORKS CODE

**7-11-1 DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

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

(A) The term includes:

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

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

**Dangerous Fireworks:** Any fireworks not defined as a “common firework”.

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

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

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

(B) Fireworks not classified as common fireworks.

**7-11-2 SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the City other than those fireworks designated in **Section 7-11-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

**7-11-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the City; provided that this prohibition shall not apply to duly authorized public displays.

**7-11-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the City without first having obtained a valid permit issued pursuant to the provisions of this Article.

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

Dipped stick, sparklers and smoke devices.

**7-11-6 PERMIT FEES.** The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the City Council.

**7-11-7 ISSUANCE – NONTRANSFERABLE VOIDING.**

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

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

**7-11-8 APPLICATION FOR PUBLIC DISPLAY PERMIT.** Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-11-12** of this Article.

**7-11-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE.**

Applications for seller’s permits shall be made to the City Clerk annually on or after **April 1<sup>st</sup>** of the year for which the permit is issued and the filing period shall close on **April 15<sup>th</sup>** of such year unless extended by action of the City Council. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to **Section 7-11-4** of this Article shall be issued only to applicants meeting the following conditions:

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

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

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

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

(E) The permit holder’s location or place of business shall be only in those areas or zones within the City where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-11-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.



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

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

**7-11-10 SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in **Section 7-11-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

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

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

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

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

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

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

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

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

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

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

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

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

**7-11-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS.** All public fireworks displays shall conform to the following minimum standards and conditions:

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

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

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

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

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

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

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

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

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

**7-11-13 USE OF FIREWORKS IN PUBLIC PARKS.** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the City, provided, however, that such use shall be permitted under the following circumstances:

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

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-11-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-11-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and
- (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

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

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

**7-11-14**      **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City in accordance with **Sections 7-11-7** and **7-11-8** of this Code.

**7-11-15**      **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

**7-11-16**      **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

**7-11-17**      **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227** and **425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

**7-11-18**      **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

**7-11-19**      **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

## **ARTICLE XII - ADMINISTRATION**

### **7-12-1**      **APPLICATIONS.**

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

- (B) Each application shall contain:
- (1) the name of the applicant;
  - (2) the permit or license desired;
  - (3) the location to be used, if any;
  - (4) Zoning district, if any;
  - (5) the time covered; and

(6) the fee to be paid.

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

**7-12-2 PERSONS SUBJECT TO LICENSE.** Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this Municipality.

**7-12-3 FORM OF LICENSE.** 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.

**7-12-4 INVESTIGATIONS.**

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

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

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

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

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

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

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

**7-12-5 FEES.** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

**7-12-6 TERMINATION OF LICENSES.** All annual licenses shall be operative and the license year for this Municipality shall commence on **May 1<sup>st</sup> of each year** and shall terminate on **April 30<sup>th</sup>** of the following year, where no provision to the contrary is made.

The Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

**7-12-7 BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of this Code and/or other applicable regulations of this Municipality. **(See Chapter 40 - Zoning Code)**

**7-12-8 CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with. **(See Chapter 40 - Zoning Code)**

**7-12-9 LOCATION.** No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

**7-12-10 NUISANCES PROHIBITED.**

**7-12-10.1 GENERALLY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

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

**7-12-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.**

- (A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.
- (B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

**7-12-10.3 REFUSE DISPOSAL.**

(A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle of not less than **twenty (20)**, nor more than **thirty-two (32) gallons capacity**, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

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

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

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

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

**7-12-11 WORKING CONDITIONS.**

**7-12-11.1 HEALTH REQUIREMENTS.** No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

**7-12-11.2 SANITATION.** All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

**7-12-11.3 HEAT REQUIRED.**

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

(B) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than **sixty-two degrees Fahrenheit (62°F.)**, without such undue restriction of ventilation as to

interfere with proper sanitary conditions therein between the hours of **8:00 A.M. and 6:00 P.M. from October 1<sup>st</sup> of each year until June 1<sup>st</sup> of the succeeding year [Sundays and legal holidays excepted]**.

**7-12-11.4 INSPECTION.** The Mayor or the Chief of Police shall visit or cause to be visited all places of employment in this Municipality as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

**7-12-12 INSPECTIONS.**

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

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

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

**7-12-13 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

**7-12-13.1 NUISANCE.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

**7-12-13.2 HEARING.** Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

**7-12-13.3 REVOCATION.** Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-12-13.4 and 7-12-13.5** of this Section for any of the following causes:

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

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

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

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

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-12-12**.

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

**7-12-13.4 HEARING NOTICE.** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

**7-12-13.5 COUNSEL.** At the hearing, the attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

**7-12-14 APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-12-4** or in connection with the revocation of a license or permit as provided in **Section 7-12-13** shall have the right to appeal to the City Council. 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 Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-12-13** hereof. The decision of the City Council on such appeal shall be final.

**7-12-15 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.

**7-12-16 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.