

**CHAPTER 7**

**BUSINESS CODE**

**ARTICLE I - ADMINISTRATION**

**7-1-1      APPLICATIONS.**

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

(B)            Each application shall contain:

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

**7-1-2      PERSONS SUBJECT TO LICENSE.** Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, 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, that he or it shall obtain any required license or permit before he or it is held forth as being engaged in the business, activity or occupation, or he or it solicits patronage therefor actively or passively, or he or it performs or attempts to perform any part of such business, activity or occupation in this Municipality.

The businesses set forth in **Schedule "A"** attached to this Chapter shall require licensing pursuant to this Article. **(Ord. No. 09-08; 04-14-09)**

**7-1-3      TERM AND FORM OF LICENSE.** No license shall be granted for longer than a **one (1) year** term, and all licenses, unless otherwise provided by ordinance, shall expire on the last day of the next April following their issue. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

**7-1-4        INVESTIGATIONS.**

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

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

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

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

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

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

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

**7-1-5        FEES.** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities. When an

applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity. **(See Schedule "A" for list of fees)**

**7-1-6 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.

**7-1-7 BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code and/or other applicable regulations of this Municipality.

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

**7-1-9 LOCATION.** No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this Municipality;  
a separate li-

cense shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

**7-1-10      GENERALLY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

**7-1-11      UNSAFE OR UNHEALTHFUL BUSINESS.**  
(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.  
(B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

**7-1-12      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.

**7-1-13      SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

**7-1-13.1      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**.

**7-1-13.2      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.

**7-1-13.3      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 7-1-13.4** and **7-1-13.5** 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 7-1-12**.

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.

**7-1-13.4 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.

**7-1-13.5 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.

**7-1-14 APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in **Section 7-1-13** shall have the right to appeal to the Municipality. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Municipality shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-13** hereof. The decision of the Municipality on such appeal shall be final.

**7-1-15 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.

**7-1-16 ANIMALS AND BIRDS IN FOOD SERVICE ESTABLISHMENTS.**  
(A) **Unlawful.** It shall be unlawful for any person to introduce, allow into, or permit to remain any live bird or animal in any area used for the conduct of a food service establishment operation; provided that guide dogs accompanying blind persons may be permitted in such establishments.  
(B) **Defined.** A food service establishment is defined as any fixed or mobile restaurant, coffee shop, cafeteria, short-order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, private, public, or non-profit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public, with or without charge. **(Ord. No. 77-9; 08-09-77)**

**ARTICLE II - SOLICITORS**

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

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

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

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

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

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

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

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

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

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

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

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

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

- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past **three (3) years** if other than the present employer.
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H) Period of time for which the Certificate is applied.
- (I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?
- (L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
- (M) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.
- (N) Also, such additional information as the Chief of Police may deem necessary to process the application.

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

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

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

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

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

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

The Certificate of Registration shall state the expiration date thereof.

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

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

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

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

**"ONLY REGISTERED SOLICITORS INVITED"**

**OR**

**"NO SOLICITORS INVITED"**

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

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

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

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

**7-2-8 UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-2-6.**

**7-2-9 TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** of any weekday or at any time on a Sunday or on a State or National holiday.

**7-2-10 SOLICITATIONS ON PUBLIC STREETS.** Charitable organizations or school organizations collecting for a school function or activity shall be allowed to solicit upon public streets 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 or a school organization collecting for a school function or activity.

(B) Solicit at only the following **three (3)** intersections where all traffic must come to a full stop from all directions.

(1) 14<sup>th</sup> St. and Manning St.

(2) 20<sup>th</sup> St. and Spruce St.

(3) 20<sup>th</sup> St. and Gartside St.

(C) Be engaged in a state-wide fund-raising activity or a locally approved 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 **fourteen (14) years of age** and shall be wearing a high visibility vest which shall be provided by the City Police Department subject to a **Twenty-Five Dollar (\$25.00)** deposit refundable upon return of same.

(F) Anyone so engaged under the age of **eighteen (18) years** must be under the supervision of an adult approved by the Police Department.

(G) All such solicitations shall only be on Fridays and Saturdays between the hours of **8:00 A.M.** and **6:00 P.M.**

(H) All such organizations shall be to a maximum of **two (2)** times per year for any such solicitation.

(I) All such organizations shall clearly identify the name of such organization and the purpose for such solicitation.

(J) Such organization shall provide the Police Department with list of names, addresses and ages if under **eighteen (18)** of all persons participating in such solicitation.

(K) Such organization must complete an application for a solicitation permit at least **one (1) month** prior to solicitation date and have same approved by Police Department. **(Ord. No. 98-2; 03-10-98)**

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

(A) **Daily License:** **\$10.00 per person per day.**

(B) **Annual License:** **\$60.00 per person per year.**

**(See 65 ILCS Sec. 5/11-5-2)**

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

(A) Name and physical description of the applicant or applicants.

(B) Permanent home address and local address if operating from such an address.

(C) Evidence that the agent is acting on the behalf of the firm, corporation, or religious organization he represents.

(D) If the donations are to be tax deductible, proof of a valid Certificate of Exemption.

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

**ARTICLE III - PEDDLERS**

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

**7-3-2 DEFINITION.** "Peddle" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any goods 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.

"Goods" shall include, but not be limited to, tangible personal property, wares, merchandise, food products or beverages, including food products or beverages sold by the serving. **(Ord. No. 06-31; 09-19-06)**

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

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

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

**7-3-5**        **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **10:00 A.M.** or after **5:00 P.M.** of any weekday or at any time on a Sunday or on a State or National holiday.

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

**7-3-7**        **PHOTOGRAPHS.** **Two (2) photographs** of the applicant and such of its employees as will be used in the peddling or merchandising, taken within **sixty (60) days** immediately prior to the filing of the application, which pictures shall be **two inches by two inches (2" x 2")**, showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

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

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

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

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

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

(A)           **Daily License:**                 **\$10.00 per person per day**

(B)           **Annual License:**               **\$60.00 per person per year**

**7-3-13**     **REGULATIONS.** For the purpose of traffic safety within the City, it shall be unlawful for any peddler to park, for over **fifteen (15) minutes**, any rack, wagon, or other vehicle from which goods are offered for sale at any place on **Walnut Street** in the City, or on any street within **two (2) blocks north** or **two (2) blocks south of Walnut Street** in the City; this prohibition shall apply to all peddlers, including those exempt from license requirements under this Code.

**[This Article Ord. No. 71-15; 12-28-71]**

**ARTICLE IV – MASSAGE PARLORS**

**7-4-1**        **DEFINITIONS.** Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning and application of words and phrases used in this Article.

(A)            **“Employee”** means any person over **eighteen (18) years** of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

(B)            **“Massage”** means any method of treating the superficial parts of a patron for medical, hygienic, exercise, or relaxation purposes, by rubbing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatever.

(C)            **“Masseur”** means any person who engages in the practice of massage as herein defined. The use of the masculine gender shall include in all cases the feminine gender as well.

(D)            **“Patron”** means any person over **eighteen (18) years** of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(E)            **“Recognized School”** means any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than **seventy (70) hours** before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

**7-4-2**        **PERMIT REQUIRED.**

(A)            **Business Permit Required.** No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the City pursuant to the provisions of this Chapter for each and every separate office or place of business conducted by such person.

(B)            **Masseur’s Permit Required.** No person shall practice massage as a masseur, employee or otherwise, unless he has a valid and subsisting masseur’s permit issued to him by the City pursuant to the provisions of this Chapter.

**7-4-3**        **APPLICATION FOR MASSAGE BUSINESS PERMIT.** Any person desiring a massage business permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

(A) The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

(B) The name, style and designation under which the business or practice is to be conducted.

(C) A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager and other person principally in charge of the operation of the business.

(D) The business address and all telephone numbers where the business is to be conducted.

(E) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than **ten percent (10%)** of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business.

- (1) Name, complete residence address and residence telephone numbers.
- (2) The **two (2)** previous addresses immediately prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, color of hair and eyes, and sex.
- (5) **Two (2)** front-face portrait photographs taken within **thirty (30) days** of the date of the application and at least **two (2) inches** by **two (2) inches** in size.
- (6) The massage or similar business history and experience, including, but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended, and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
- (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
- (9) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.

(F) Such other information, identification, and physical examination of the person as he shall be deemed necessary by the Police Chief to discover the truth of the matters hereinbefore required to be set forth in the application.

(G) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the application for the permit.

(H) The names and addresses of **three (3)** adult residents of the City who will serve as character references. These references must be persons other than relatives and business associates.

**7-4-4        RESERVED.**

**7-4-5        APPLICATION FOR MASSEUR'S PERMIT.** Any person desiring a masseur's permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

(A) The business address and all telephone numbers where the massage is to be practiced.

(B) The following personal information concerning the applicant:

- (1) Name, complete residence address and residence telephone numbers.
- (2) The **two (2)** previous addresses immediately prior to the present address of the applicant.
- (3) Written proof of age.
- (4) Height, weight, color of hair and eyes, and sex.
- (5) **Two (2)** front-face portrait photographs taken within **thirty (30) days** of the date of application and at least **two (2) inches** by **two (2) inches** in size.
- (6) The massage or similar business history and experience, including, but not limited to whether or not such person in previously operating in this or other city or state under license or permit has had such license or permit denied, revoked, or suspended, and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
- (7) All criminal convictions other than misdemeanor traffic violation, fully disclosing the jurisdiction in which convicted and the circumstances thereof.

- (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
- (9) Diploma, certificate, or other written proof of graduation from a recognized school where the theory, method, profession, or work of massage is taught.
- (10) A statement in writing from a licensed physician in the state that he has examined the applicant and believes the applicant to be free of all communicable diseases.

(C) Such other information, identification, and physical examination of the person deemed necessary by the Police Chief in order to discover the truth of the matters hereinbefore required to be set forth in the application.

(D) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(E) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the City.

**7-4-6      RESERVED.**

**7-4-7      APPROVAL BY POLICE CHIEF.** Upon receiving the application for a massage business or masseur's permit, the Police Chief shall conduct an investigation into the applicant's moral character and personal and criminal history. The Police Chief may, in his discretion, require a personal interview of the applicant, and such further information, identification and physical examination of the person as shall bear on the investigation.

In the case of applications for massage business permits, the Police Chief shall cause to be conducted an investigation of the premises where the massage business is to be carried on, for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in the Code and with the regulations of public health, safety, and welfare.

**7-4-8      ISSUANCE OR DENIAL OF MASSAGE BUSINESS PERMIT.** The Police Chief shall issue a massage business permit within **forty-five (45) days** of receipt of the application, unless he finds that **one (1)** or more of the following exist:

(A) The correct permit fee has not been tendered to the City, and in the case of a check or bank draft, honored with payment upon presentation.

(B) The operation, as proposed by the applicant, if permitted would not comply with all applicable laws, including, but not limited to the City's building, zoning and health regulations.

(C) The applicant, if an individual, or any of the stockholders holding more than **ten percent (10%)** of the stock of the corporation, any of the officers and directors, if the applicant is a corporation, any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business have been convicted of any crime involving dishonesty, fraud, or deceit, unless such conviction occurred at least **five (5) years** prior to the date of the application.

(D) The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

(E) The applicant has had a massage business, masseur, or other similar permit or license denied, revoked, or suspended for any of the above causes by the City or any other state or local agency within **five (5) years** prior to the application date.

(F) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other persons principally in charge of the operation of the business, is not over the age of **eighteen (18) years**; and

(G) The manager or other person principally in charge of the operation of the business has not successfully completed a resident course of study or learning or not less than **seventy (70) hours** from a recognized school where the theory, method, profession or work of massage is taught.

**7-4-9            RESERVED.**

**7-4-10            DISPLAY OF PERMITS.** The massage business permittee shall display his permit, and that of each and every masseur employed in the establishment, in an open and conspicuous place on the premises of the massage business.

**7-4-11            FEE.** The permit fee for a massage business shall be **Five Hundred Dollars (\$500.00)** per year or any part thereof. The permit fee for masseurs shall be **Twenty-Five Dollars (\$25.00)** per year or any part thereof.

**7-4-12            REVOCATION OR SUSPENSION OF PERMIT.** Any massage business or masseur's permit issued under this Article shall be subject to suspension or revocation by the Police Chief for violation of any provision of this Article, or for any grounds that

would warrant the denial of issuance of such permit in the first place. The Chief, upon such revocation or suspension, shall state his reasons in writing, specifying the particular grounds for such revocation or suspension.

**7-4-13**     **KEEPING OF RECORDS.** Every person who operates a massage business or practices or provides a massage shall, at all times, keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the Police Chief or his authorized representative.

**7-4-14**     **TRANSFERS PROHIBITED.** No massage business and masseur permits are transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein.

**7-4-15**     **SANITATION AND SAFETY REQUIREMENTS.** All premises used by permittees hereunder shall be periodically inspected by the Police Chief or his authorized representatives for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than **one (1) patron**. Heavy white paper may be substituted for sheets, provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof.

**7-4-16**     **SUPERVISION.** A permittee shall have the premises supervised at all times when open for business. Any business rendering massage service shall have **one (1) person** who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall personally supervise the business, and shall not violate, or permit others to violate, any applicable provisions of this Article. The violation of any such provision by any agent or employee of the permittee shall constitute a violation by the permittee.

**7-4-17 PERSONS UNDER AGE EIGHTEEN (18) PROHIBITED ON THE PREMISES.** No person shall permit any person under the age of **eighteen (18) years** to come or remain on the premises of any massage business establishment, as masseur, employee, or patron, unless such person is on the premises on lawful business.

**7-4-18 ALCOHOLIC BEVERAGES PROHIBITED.** No person shall sell, give or dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.

**7-4-19 EXCEPTIONS.** The provisions of this Article shall not apply to hospitals, nursing homes, sanitariums, or person holding an unrevoked certificate to practice the healing arts under the laws of the State, or persons working under the direction of any such person or in any such establishment, nor shall this Article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State. Nor shall this Article apply to a graduate of an institution recognized by the American Massage Therapists Association and accredited by a State Board of Education. No permit fee shall be assessed any entity, institution, or individual exempted from the provisions of this Article by this Section. **(Ord. No. 90-14; 10-23-90)**

**ARTICLE V - JUNK DEALERS**

**7-5-1 DEFINITIONS.**

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

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

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

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

**7-5-2 PHYSICAL REQUIREMENTS.**

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

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

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

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

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

**7-5-3**        **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the 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.

**7-5-4**        **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.

**7-5-5**        **PERMIT.** In addition to submitting an application for a license, any person desiring to operate a junk yard shall submit to the City Clerk a written plan in simple form, showing the layout of the proposed junk yard which shall be submitted by the City Clerk to the City Council at the next regular meeting of the City Council for approval or disapproval. Upon approval of the plan by the City Council, a permit shall be issued by the City Clerk, authorizing the applicant to begin and complete construction of the proposed junk yard in accordance with the plan submitted. Upon completion of the construction of the proposed junk yard in accordance with the plans submitted and upon meeting all other requirements provided by this Code and other City regulations, the applicant shall be issued a license as provided herein.

**7-5-6**        **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A)            Not a person of good character.
- (B)            Falsification of an application for a license hereunder.

(C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months**.

(D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-5-2** hereof.

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

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

**7-5-8 LICENSE FEE.** The annual license fee for each junk yard shall be **One Hundred Dollars (\$100.00)** payable in advance with the filing of the application for license, and shall not be subject to prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be **One Hundred Dollars (\$100.00)** for each junk dealer. The fee is payable as provided in this Code.

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

**ARTICLE VI – BILLIARD AND POOL HALLS**

**7-6-1**        **LICENSE REQUIRED.** No person shall operate, maintain or conduct a billiard, pool, bagatelle or pigeon hole table or any other table or implement kept or used for similar purposes, or by whatever name they may be called open to the public, within the City, without first obtaining a license to do so as hereinafter provided in this Article. This license is required for a business specifically designated as a public establishment for the sole purposes of the above. **(Ord. No. 86-4; 05-13-86)**

**7-6-2**        **APPLICATION.** All applications for such licenses as specified in **Section 7-6-1** shall state thereon the location of the place of business, the number of tables to be used and the names and addresses of all persons owning all or a share of the business.

**7-6-3**        **LICENSE CONDITIONS.** License issued under this Article shall be signed by the Mayor and witnessed under the Seal of the City by the City Clerk and shall state the nature of the employment to whom it is granted, the house or place intended to be occupied where such license shall be used and the privilege granted thereunder shall be exercised at such place only, and that such license shall not be transferable or assignable and be conditional that any violation of this Article shall work a forfeiture of such license; and all sums of money which may have been paid thereon.

**7-6-4**        **FEE.** The licensing fee shall be **Fifty Dollars (\$50.00)** payable yearly when the license is issued. **(Ord. No. 86-4A; 05-27-86)**

**7-6-5**        **DISORDERLY CONDUCT PROHIBITED.**  
(A)            It shall be unlawful for the proprietor, owner or person in charge, under the provisions of this Article to allow or permit or permit within his or their billiard/pool hall or place or room or rooms adjacent thereto, in his or their possession or under his or their control, the consumption of any alcoholic beverage, unless such premises have been licensed for the sale of alcoholic beverages, any loitering, any quarreling, fighting or boisterous language or conduct, nor the use of profane or indecent language therein, nor any gaming or playing with cards, dice, instruments, machines, contrivance or any other thing or things for money or for anything of value in his or their billiard/pool hall or in any place, room or rooms adjacent thereto of which he or they have possession or control.

(B) **Entry By Minor Prohibited.** It shall be unlawful for the proprietor, owner or person in charge, under the provisions of this Article to allow or permit any person under the age of **eighteen (18)** to enter or remain upon the licensed premises. **(Ord. No. 88-8; 05-24-88)**

(C) **Hours of Operation.** It shall be unlawful for the proprietor, owner or person in charge, under the provisions of this Article to keep open for business or admit the public to or allow the public to remain upon the licensed premises except during the following hours:

From **5:00 o'clock p.m.** until **11:00 o'clock p.m.**, of any Sunday, Monday, Tuesday, Wednesday, Thursday;

From **5:00 o'clock p.m.** until **12:00 o'clock midnight** of each Friday and Saturday.

The times referred to above shall mean Daylight Savings Time when the same is in effect in the City and upon cessation or Daylight Savings Time, shall mean Central Standard Time.

**7-6-6** **RESTRICTIONS.** Every person holding a license under the provisions of this Article shall keep the front door of such billiard/pool hall accessible upon a public street and the glass in the front windows and doors of such billiard/pool hall shall not be painted, stained or frosted, nor shall the view through the same and into such billiard/pool hall be obstructed in any manner by curtains, blinds, shutters or otherwise, except during the time when such billiard/pool hall shall be closed as aforesaid. **(Ord. No. 86-4; 05-13-86)**

**7-6-7** **REVOCATION OF LICENSE.** If any person or persons licensed under the terms and provisions of this Article, shall be convicted of a violation of any of its provisions, the City may revoke the license of such person or persons. **(Ord. No. 86-4; 05-13-86)**

**7-6-8** **PENALTIES.** Any person, firm or corporation violating any of the provisions of this Article, upon conviction, shall be fined as provided for in **Section 1-1-20** of this Code. **(Ord. No. 86-4; 05-13-86)**

**ARTICLE VII - RAFFLE CODE**

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

**"NET PROCEEDS"** means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

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

      (A)            the player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by a combination of numbers, or by some other medium, one or more of which chances is to be designated the winning chance;

      (B)            the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

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

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

**7-7-3**        **LICENSE REQUIRED.** No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this City without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the **Illinois Compiled Statutes**. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year period** a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority

determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. **(See 230 ILCS Sec. 15/2)**

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

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

(C) The manager of a raffle game shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by a 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.

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

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

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

(A) The name and address of the organization;

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

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

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

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

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

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

- (H) The purpose for which the proceeds of the raffle will be used;
- (I) The name and address of the person conducting and performing the raffle and to be designated as raffle manager, and his relationship with the organization;
- (J) The last date which the applicant has applied for a raffle license;
- (K) The area in which the organization plans to sell or issue its raffle chances;
- (L) Whether or not the applicant has ever been convicted of a felony.

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

- (A) No person, firm or corporation shall conduct raffles or chances without having first obtained a license therefor pursuant to this Code.
- (B) The license and application for a license shall specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.
- (C) The application shall contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.
- (D) The Mayor shall act upon a license application within **thirty (30) days** from the date of application.
- (E) The application for license shall be prepared in accordance with this Code.
- (F) A license authorizes the licensee to conduct raffles as defined in this Code. **(See 230 ILCS Sec. 15/3)**

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

- (A) Any person who has been convicted of a felony.
- (B) Any person who is or has been a professional gambler or gambling promoter;
- (C) Any person who is not of good moral character;
- (D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;
- (E) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;
- (F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. **(See 230 ILCS Sec. 15/3)**

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

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

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

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

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

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

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

(G)        If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the governing body of any county or municipality under the provisions of this Code. **(See 230 ILCS Sec. 15/4)**

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

(1)        The cost of the chance.

(2)        The aggregate retail value of all prizes to be awarded in the raffle. (Maximum \$1,000,000.00 per raffle.)

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

However, when raffle chances are sold, conveyed, issued or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain this information. **(Ord. No. 12-11; 07-10-12)**

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

(J)        No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of **eighteen (18) years** without their permission of his/her parent or guardian.

**7-7-8        RECORDS.**

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

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

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

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

**7-7-9        TERM AND FEES.**

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

(C)        The maximum price which may be charged for each raffle chance issued or sold shall not exceed **Two Hundred Fifty Dollars (\$250.00);**

(D)        The maximum number of days during which chances may be issued or sold shall not exceed **three hundred sixty-five (365) days** in **one (1) year** or **three hundred sixty-six (366) days** in a leap year;

(E)        Licenses issued pursuant to this Article shall be valid for **one (1)** or a specified number of raffles to be conducted within a specified period, not to exceed **one (1) year**, and licenses may be suspended or revoked for any violation of this Article.

**(Ord. 12-11; 07-10-12)**

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

**7-7-11**     **RELATIONSHIP TO OTHER LAWS.**   Whenever regulations or restrictions imposed by this Article are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules or regulations, the regulations, rules or restrictions which are more restricting or which impose higher standards or requirements shall govern.

**7-7-12**     **ABATEMENT.**   The imposition of the penalties prescribed in **Section 7-7-13** hereof shall not preclude the City from instituting appropriate legal action to prevent unlawful raffles or to restrain, enjoin, correct, or abate a violation of this Chapter or of the conditions of a raffle license issued pursuant hereto.

**7-7-13**     **PENALTY.**   Any person violating any provisions of this Chapter shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)**. Each day any violation of any provision of this Chapter shall continue a separate offense.

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

**(Ord. No. 93-2; 06-08-93)**

**(See 230 ILCS Sec. 15/2)**

**ARTICLE VIII – TAXICABS**

**7-8-1**        **LICENSE REQUIRED.** No person or corporation shall operate a taxicab business, or drive a cab in the City without first securing proper licenses as herein required. No more than **three (3) cab companies** shall be licensed to operate in the City.

**7-8-2**        **CITY CLERK TO ISSUE LICENSE.** Any person or corporation desiring to carry on the business of operating a taxicab business in the City shall apply to the City Clerk for a license for the conduct of such business. The business license shall be **One Hundred Dollars (\$100.00)** per year, and shall be issued for the fiscal year of the City. The license per vehicle shall be **Fifteen Dollars (\$15.00)** per fiscal year for **one (1) cab**, and **Ten Dollars (\$10.00)** per year for each additional cab in any cab company.

**7-8-3**        **TAXICAB COMMISSION CREATED.** In order to enforce and carry out the provisions of this Chapter, there is hereby created a Commission whose members shall have the power to enforce the provisions and penalties of this Chapter; and this shall be known as the "Taxicab Commission". It shall consist of **three (3) members** and a Secretary, to be appointed by the Mayor. The Secretary shall keep the minutes of the Commission, but shall not vote as a member thereof. **One (1) Commissioner** shall be appointed for **three (3) years; one (1) for two (2) years; and one (1) for one (1) year.** Subsequent appointments shall be for **three (3) years.** The Commission shall have authority to issue regulations and orders governing the operation of cab companies and drivers in the City.

**7-8-4**        **COMPENSATION.** The Commission and its Secretary shall be allowed reasonable compensation for services performed, to be fixed by the Commission, but subject to approval by the City Council.

**7-8-5**        **POWERS.** The Commission shall have the power to suspend or forfeit the license of any driver when, in the judgment of the Commission, said driver is guilty of any of the following wrongful acts:

- (A)            Any overcharge made to any patron by any such licensed driver.
- (B)            Receipt by any driver, within any fiscal year, of **three (3)** or more traffic tickets upon which said driver is, as to each charge, convicted on trial.
- (C)            The conviction of any driver of the offense of driving while under the influence of intoxicating liquor.

- (D) Any improper conduct toward the patron of any cab company, and for the purpose of defining improper conduct, this Chapter means:
- (1) The use of any obscene language by any cab driver toward any patron;
  - (2) The unreasonable failure to promptly deliver a passenger to his or her destination, unless prevented from doing so by some cause other than the fault of said driver.
- (E) Conviction of a felony, or of any offense involving moral turpitude.

**7-8-6**      **SUSPENSION OF LICENSE.** The license of any cab company can be suspended or forfeited by the Commission, after hearing, for any of the following offenses:

- (A) Repeated overcharging of patrons.
- (B) Failure to comply with requirements as to safety inspection of vehicles.
- (C) Failure to comply with any regulation issued by the Commission.
- (D) Failure to maintain insurance coverage as herein provided.
- (E) Allowing a cab to be operated without identification or marking as provided in this Chapter.

**7-8-7**      **NOTICE OF HEARING.** The license of any cab company or driver shall not be revoked or suspended by the Commission until a full hearing has been had before the Commission. Upon complaint of any passenger or any person to the Commission, if the Commission desires to take jurisdiction and hold hearings, it will notify the operator and/or driver involved of a hearing to be held, by notice delivered by mail to the registered place of business of the cab company, not less than **ten (10) days** prior to the date of the hearing, and stating the violation or offense charged against said operator or driver.

The cab company and/or driver may be present with legal counsel at the hearing and may call witnesses in their own behalf.

**7-8-8**      **TARIFFS OR FARES.** The Commission shall have the power to establish tariffs or fares within the City, or within any reasonable designated zones within the City, and the fares or tariffs thus established will be binding upon the cab company and their drivers.

**7-8-9**      **CAB DRIVER'S LICENSE.** Each cab driver shall also apply for a license, designated "cab driver's license", and he

shall make application to the Commission and shall answer such questions regarding eligibility for license and meet such tests as may be reasonably prescribed by the Commission. He shall secure a license from the City Clerk after approval by the Commission. The license fee shall be **Five Dollars (\$5.00)** per fiscal year.

**7-8-10**      **CONDITION OF VEHICLES.** It shall be the duty of the operator of any cab company to have all vehicles in a safe condition, to be evidenced by safety checks. For the purpose of enforcing this provision, the Commission shall have the right to make reasonable rules regarding the type of inspection, and periods of inspection, required of each vehicle operated by any cab company.

**7-8-11**      **INSURANCE REQUIRED.** The operator of any cab company shall carry casualty insurance on each of its cabs, providing coverage as follows: Personal injury, at least **Fifty Thousand Dollars (\$50,000.00)** per person, **One Hundred Thousand Dollars (\$100,000.00)** per occurrence; Property damage, **Five Thousand Dollars (\$5,000.00)**. Certificates showing the above coverage must be on file with the Commission at all times.

**7-8-12**      **IDENTIFICATION OF VEHICLES.** Each licensed cab shall be plainly marked, in a clear and visible manner, with the words, "TAXI" or "TAXI CAB", so as to be readily apparent to any prospective user.

**ARTICLE IX**

**VEHICLES CARRYING FOODSTUFFS**

**7-9-1**        **LICENSE REQUIRED.** It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by human power, for the storage or carrying of any meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal, bread or bakery products or any other provisions intended for human consumption, including beverages and milk in the City for the purpose of delivering any such foodstuffs to any place in the City for such purpose, unless a license for such vehicle is first secured and the provisions of this Chapter are fully complied with.

Applications for such license shall be made to the City Clerk and shall state thereon the name and address of the owner thereof, the name and names of the persons for whom such deliveries are made and the nature of the goods carried. The Clerk shall issue such license and shall give to the City Council a list of all such licenses issued.

**7-9-2**        **FEES.** The annual fee for such license shall be **Fifteen Dollars (\$15.00)** and shall be for **one (1) year**, beginning the first day of January of each calendar year. Such fees shall be paid to the City Clerk, who shall turn them over to the City Treasurer forthwith. For all local residents, the fee shall be **Seven Dollars (\$7.00)** per year.

**7-9-3**        **REGULATIONS.** All such vehicles shall be kept in a clean and sanitary condition, and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter or other waste material to accumulate in or on such vehicle while it is so used. If unwrapped foodstuffs are transported in such vehicle, such goods shall be carried in a portion of the vehicle which is screened and protected against dust and insects.

**7-9-4**        **USE OF FEES.** The license fees so paid over to the City Treasurer shall constitute a separate fund to be used to defray the reasonable expense of such inspections and regulations in the interest of public health and safety and for the enforcement of the provisions of this Chapter.

**7-9-5**        **INSPECTIONS.** It shall be the duty of the Health Officer to make or cause to be made, inspections to insure compli-

ance with the provisions of this Chapter, and the Health Officer shall give to each party a certificate that the vehicle has been inspected and keep a record thereof; the inspections to be made at the City Hall and respective parties notified when they shall report for inspections. The Health Officer's designated representative may conduct the inspections.

**7-9-6**      **LICENSE FEE REGULATION.** No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the City, and the vehicles of which food dealing establishments are likewise inspected, said licensing and inspection being provided for by other codes of the City, but all provisions of this Chapter shall be complied with in connection with such vehicles other than that providing for the payment of the fee.

Any license granted under the provisions of this Chapter may be revoked by the Mayor for any violation hereof, and such revocation shall be in addition to any fine imposed by virtue of this Section.

**ARTICLE X - AMUSEMENT DEVICES**

**7-10-1 LICENSE REQUIRED.** It shall be unlawful for any person, either as owner, lessee, manager, officer or agent, or in any other capacity, to operate, maintain or permit to be operated, any of the following, without having first obtained a license to do so in the manner provided in this Chapter and having paid the appropriate license fee as set forth hereafter:

(A) **Coin operated pool tables: \$50.00** for the first pool table and **\$25.00** for each additional table thereafter. This provision does not apply to billiard and pool halls as regulated pursuant to **Sections 7-6-1** through **7-6-8** hereunder.

(B) **Pinball and video machines: \$50.00** per machine.

(C) **Juke boxes: \$50.00** per machine.

(D) **Money operated amusement devices: \$25.00** per machine.

“Money operated amusement devices” shall mean and include any machine which upon the insertion of a coin, currency, slug, token, plate or disk, may be operated by the public generally for use as a game, entertainment or amusement, which is not otherwise specifically identified and given a specific fee pursuant to the provisions of this Section.

**(Ord. No. 06-24; 08-08-06)**

**ARTICLE XI – VIDEO GAMING**

**7-11-1 VIDEO GAMING.** Video gaming and video gaming terminals shall be permitted within the City when licensed by the Illinois Gaming Board and operated in accordance with the Video Gaming Act (**230 ILCS 40/1 et seq.**). No other provision of the City Code or Ordinances of the City shall be construed to prohibit authorized video gaming or video gaming terminals.

**(Ord. No. 12-12; 07-10-12)**

**SCHEDULE "A"**

- (1) **BANKS.** It shall be unlawful for any person to engage in or operate a bank, a loan company, or a finance company, unless such person shall first procure a license from the City Clerk for **One Hundred Dollars (\$100.00)** per year. **(1965 Code; § 6-12)**
- (2) **BILLBOARDS.**
  - (a) **License Required.** It shall be unlawful for any person to post signs, advertisements, or notices for public display unless such person pays the fee as herein provided.
  - (b) **Fee.** Any person desiring to post signs, advertisements, or notices for public display shall pay a fee to the City Clerk in the amount of **Twenty-Five Dollars (\$25.00)** as a license fee when a license required by this Code is issued.  
**(1965 Code; § 6-13)**
- (3) **BOWLING ALLEYS.** It shall be unlawful for any person to operate or maintain a bowling alley open to the public unless such person pays to the City Clerk as the license fee for the operation of a bowling alley of **eight (8)** or less lanes the sum of **Twenty-Five Dollars (\$25.00)** per year, and for a bowling alley of more than **eight (8) lanes** there shall be paid a fee of **Fifty Dollars (\$50.00)** per year. **(1965 Code; § 6-15)**
- (4) **BULK PLANT.** It shall be unlawful for any person to engage in or operate any establishment where gasoline, naphtha, benzol, or kindred petroleum products are stored in amounts exceeding **six thousand (6,000) gallons** unless such person pays to the City Clerk **Fifty Dollars (\$50.00)** as a license fee when a license required by this Code is issued. **(1965 Code; § 6-18)**
- (5) **CIGARETTES.** It shall be unlawful for any person to engage in or operate a business for the sale or distribution of cigarettes unless such person pays to the City Clerk **Twenty-Five Dollars (\$25.00)** as a license fee when a license required by this Code is issued.
- (6) **GASOLINE AND SERVICE STATIONS.** It shall be unlawful for any person to engage in or operate the business of the retail sale of motor fuel, as defined in **Chapter 36, Article VII** of the City Code, unless such person shall complete the application required by the City and meet the requirements thereunder and pay the annual fee of **Fifteen Dollars (\$15.00)** for the first pump on the motor fuel station and a fee of **Twenty-Five Dollars (\$25.00)** for each and every additional pump on the said motor fuel station as a license fee when a license required by this Code is issued. No license shall be issued for such business unless permanent and separate toilet and lavatory facilities for male and female patrons are provided on the business premises. **(Ord. No. 09-09; 04-14-09)**