

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 Village 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.

7-1-2 PERSONS SUBJECT TO LICENSE. Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this Municipality.

7-1-3 FORM OF LICENSE. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

7-1-4 INVESTIGATIONS.

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

application to the appropriate official(s) for the making of such investigation or inspection,

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

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

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

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

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

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

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

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

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

7-1-7 **BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of this Code and/or other applicable regulations of this Municipality. **(See Chapter 40 - Zoning Code)**

7-1-8 **CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with. **(See Chapter 40 - Zoning Code)**

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

7-1-10 **NUISANCES PROHIBITED.**

7-1-10.1 **GENERALLY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept,

maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

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

7-1-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.

(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

(B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

7-1-10.3 REFUSE DISPOSAL.

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

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

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

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

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

7-1-11 WORKING CONDITIONS.

7-1-11.1 HEALTH REQUIREMENTS. No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are

employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

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

7-1-11.3 HEAT REQUIRED.

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

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

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

7-1-12 INSPECTIONS.

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

authorized to make such inspection at any reasonable time that such admission or entry is requested.

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

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

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 Village Board. 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 7-1-13** hereof. The decision of the Village Board 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 BUSINESS VEHICLE STICKER. Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

ARTICLE II - SOLICITORS

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 subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(C) 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 Village 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 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.

7-2-7 **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.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

7-2-10 **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.

7-2-11 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, Clerk, Chief of Police or 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 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.

7-2-12 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) **Daily License: \$50.00 per person per day.**

(B) **Annual License: \$100.00 per person per year.**

(Ord. No. 17-315; 09-19-17)

(65 ILCS 5/11-42-5)

ARTICLE III - PEDDLERS

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

7-3-2 **DEFINITION.** "Peddle" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this Municipality or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall 'peddle' be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-3-3 **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Police Chief 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 reviewed 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.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

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

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

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

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

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

7-3-11 **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.

7-3-12 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:** **\$50.00 per person per day**

(B) **Annual License:** **\$100.00 per person per year**
(Ord. No. 17-316; 09-19-17)

(65 ILCS 5/11-42-5)

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"

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 Village without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

7-4-4 **APPLICATION.** Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this Village shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of **seven (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 or partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

7-4-5 **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 prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the Village, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the Village, the annual fee shall be **Two Hundred Dollars (\$200.00)** for each junk dealer. The fee 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 Section 1-1-20 for Penalty]

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

ARTICLE V - POOL TABLES

7-5-1 TERMS DEFINED. The following terms, as used in this Code are hereby defined as follows:

"AMUSEMENT MACHINES". The term "amusement machines" is hereby defined to be any pinball or pin-table machine, or marble machine or table, in which any ball, sphere, missile, arm, appliance, rod or plunger is struck, released, impelled, controlled or manipulated directly or indirectly for the purpose of amusement or skill and in which a test of skill is involved, and for the playing of which a fee is charged. The term "automatic phonograph" is hereby defined to be any machine which automatically plays sound recordings and for which a fee is charged.

"OPERATOR". The term "operator" is hereby defined to be any person, firm, corporation, partnership or association who sets up for operation, any amusement machine and/or automatic phonograph as herein defined. Such setting up for operation, leasing or distributing may be for a fixed charge or rental, or on the basis of a division of the income derived from such amusement machines and automatic phonographs or otherwise.

7-5-2 OPERATOR'S LICENSE REQUIRED. No person, firm or corporation shall engage in the business of an operator as hereinabove defined without first having obtained a license therefor.

7-5-3 OPERATOR'S LICENSE FEE. The license fee for each operator shall be **Fifteen Dollars (\$15.00)** for the first machine and **Ten Dollars (\$10.00)** for each additional amusement machine and automatic phonograph set up for operation, payable in advance on **May 1st**. No license shall be issued for less than **one (1) year**.

7-5-4 APPLICATION FOR LICENSE; LICENSE NON-TRANSFERABLE. Application for license hereunder shall be filed in writing with the Village Clerk, and shall specify the following:

- (A) The name and address of the applicant and if a firm, corporation, partnership or association, the principal officers thereof and their addresses.
- (B) Whether or not the applicant is a citizen of the United States.
- (C) The place where the business of the applicant is to be carried on.
- (D) All license fees shall be paid to the Village Treasurer. A license shall be procured for each amusement machine and automatic phonograph operated or maintained by the operator, and shall be displayed in the room where such machine is operated. Each such license shall be non-assignable and non-transferable.

7-5-5 **RIGHT OF ENTRY.** Any conservator of the peace has the power to and shall inspect any licensed premises at such times and intervals as he may deem necessary, to determine whether any provision of this Code is being violated.

7-5-6 **NON-ASSIGNABILITY OF LICENSE.** The location of the license may be changed only upon the written permission of the Mayor. Any license hereunder shall be non-assignable and non-transferable.

7-5-7 **GAMBLING PROHIBITED.** No licensee shall permit any gambling on the premises for which such license is issued.

7-5-8 **REVOCAION.** In addition to any penalty or fine imposed for violation of this Article, the Mayor and Village Board may revoke such license for any violation of this Article or of any ordinance pertaining to the conduct of such business, after affording such licensee due notice and opportunity to be heard in his own defense.

7-5-9 **MINORS.** Minors under the age of **sixteen (16) years** shall not, under any circumstances, frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be under the direction and consent of and knowledge of the parent, guardian or other person having the lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so license to allow or permit any such minor to frequent, loiter, or remain within the hall in violation of this Article.

(See 65 ILCS 5/11-42-2)

ARTICLE VI - ADULT BUSINESSES

7-6-1 **DEFINITIONS.** The following words or phrases shall have the meanings ascribed to them below, unless otherwise indicated by the context:

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words and phrases used in this Code, which are not defined herein, shall have the meaning ascribed to such words and phrases in common usage.

ADULT BUSINESS: Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Adult Entertainment Centers, Massage Parlors, Rap Parlors, Adults-Only Cabarets or Adult-Only Saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

ADULT ENTERTAINMENT BUSINESS: Synonymous with "Adult Business," as defined herein.

ADULT ENTERTAINMENT CENTER: An enclosed building or park which contains one or more coin-operated mechanisms which when activated permit a customer to view a live, or video of person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of same activity.

ADULTS-ONLY: Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity.

ADULTS-ONLY BOOKSTORE: An adults-only establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphases on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality, sadomasochistic activity. An establishment, having adults-only items as a substantial or significant portion of its stock, that sells or displays adult-only items for sale to patrons therein.

ADULTS-ONLY CABARETS: An establishment or place primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers male or female impersonators or similar entertainers, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

ADULTS-ONLY MOTION PICTURE THEATER: An enclosed building used regularly and routinely for presenting adult-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patrons therein.

BOOTH: Any enclosure that is specifically offered to patrons of an Adult Business for the private viewing of any adults only item or movie. Said definition does not include enclosures that are used as private offices by any operator, employee or agent for attending to the tasks of their employment and are not offered for use by the public.

CUBICLE: Synonymous with "booth," as defined herein.

DOOR: Full, complete, non-transparent closure device that obscures the view or activity taking place within the enclosure.

MASSAGE PARLOR: An establishment or place primarily in the business of providing massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

NUDITY: The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with less than fully opaque covering; or, male genitalia without covering, or with less than fully opaque covering.

OBSCENE: Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value. **(See 720 ILCS 5/11-20)**

OPERATOR: Any person, (whether said persons be an individual, partner, corporation, joint stock company, fiduciary, officer, director, stockholder, employee, or manager), that conducts, maintains or owns any Adult Business.

PATRON: Any customer, patron or visitor to an Adult Business who is not employed by any operator or said establishment.

RAP PARLOR: An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

ROOM: Synonymous with "booth," as defined herein.

SADOMASOCHISTIC ACTIVITY: Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient.

SAUNA: An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated.

SELL: Includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

SEXUAL CONDUCT: Ultimate sex acts (whether auto-erotic, heterosexual, homosexual, or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient, with a persons clothed or unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast.

UNDERAGE: Any person under **eighteen (18) years** of age, the legally minimum age at which one can purchase or view adults-only items. **(See 720 ILCS 5/11-20)**

WALL SIGN: Any flat sign which is placed against a building or other structure and attached thereto in such manner that only one side is visible.

7-6-2 LOCATION OF ADULT BUSINESSES.

(A) The unlimited operation of an Adult Business can, by reason of their intended use, facilitate secondary effects including but not limited to prostitution, disorderly conduct, performance of sexual acts or conduct in public, traffic congestion and parking problems. Insofar as the Village has a substantial government interest in preserving character and preventing deterioration on its neighborhood and minimizing the disruptive effect of such Adult Businesses of neighborhoods, the following limitations of operation times have been propounded.

(B) The use of property for an adult business can have a potentially harmful secondary effect on surrounding areas and may have a deleterious effect upon the use and enjoyment of adjoining properties. Such secondary effects can include, but are not limited to, a tendency to attract an undesirable quantity and quality of transients, to adversely affect property values, to cause an increase in crime, especially prostitution, to contribute to the blighting or downgrading of the surrounding neighborhoods and other areas, and to encourage residents and businesses to move elsewhere.

(C) No person shall operate or cause to be operated an adult business within **one thousand (1,000) feet** of any of the following preexisting uses, including preexisting uses located within or without the corporate limits of the Village:

- (1) Public or private elementary or secondary school;
- (2) Nursery school, preschool or day care center;
- (3) Cemetery;
- (4) Park, playground, or forest preserve;
- (5) Public housing;
- (6) Religious institution;
- (7) Adult businesses;
- (8) Any parcel or district that is zoned residential.

(D) No person shall operate or cause to be operated an adult business outside of the following zoning districts: "I" Industrial.

(E) No person shall operate or cause to be operated an adult business in any premises licensed to sell alcoholic liquor in the Village.

(F) For the purpose of subsection (A) of this Section, measurement shall be made from property line to property line.

7-6-3 AMORTIZATION OF EXISTING BUSINESSES. Any adult business lawfully operating on the effective date of this Article and that is in violation of **Chapter 27** and **40** of this Code shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed **three (3) years**, unless sooner terminated for any reason or voluntarily discontinued for a period of **thirty (30) days** or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If **two (2)** or more adult businesses are within **one thousand (1,000) feet** of one another and otherwise in a permissible location, and the adult business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is nonconforming.

7-6-4 SPECIAL USE PERMIT. Any person desiring to locate an adult business at a location not prohibited under **Chapter 27** and **40** of this Code or any other provision shall be required to seek a special use permit in accordance with the provisions of the Zoning Code. In addition to the general criteria that must be established for a special use permit, the person seeking it shall also establish it has complied with this Article.

7-6-5 LICENSE REQUIRED. It shall be unlawful for any person to open, maintain, operate, conduct or permit to be operated, on, in, or upon any premises in the Village an adult business, without having first obtained a license from the Village.

7-6-6 APPLICATION FEE. Every applicant for a license to open, maintain, operate or conduct an adult business shall file an application in duplicate with the Village Clerk and pay a non refundable filing fee of **Five Thousand Dollars (\$5,000.00)**. Annual license renewal fee shall be **Two Thousand Five Hundred Dollars (\$2,500.00)**. The Village Clerk shall refer copies of such application to the Building Department, Zoning Administrator, Police Department and Fire Department, all of whom shall inspect the premises and make written recommendations to the Mayor within **thirty (30) days** of the application date. The Village Clerk shall also forward a copy of the application to the Mayor and to members of the Board of Trustees. The Mayor shall either deny or approve said application within **sixty (60) days** of the application date.

7-6-7 APPLICATION CONTENTS. The applicant for an adult business license shall complete a verified application.

(A) **Initial Application.** The information within this application shall apply to the applicant and each of the following; any partner or limited partner of a partnership applicant; any member or manager of a limited partnership; each officer or director of a corporate applicant and any stockholder owning more than **five percent (5%)** of the stock of a corporate applicant.

- (1) Correct name, residential address and if different, mailing address.
- (2) Correct name and address of the business.
- (3) Written proof that the individual is at least **twenty-one (21) years** of age.
- (4) The applicant's name, residential address, sex, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, date of birth, social security number, residential address, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, member, manager and any person who owns **five percent (5%)** or more of the shares of the applicant's business entity or parent corporations of the applicant business entity.
- (5) All residential addresses for the **five (5) years** immediately preceding the date of application.
- (6) The business, occupation or employment of the applicant for the **five (5) years** immediately preceding the date of application.
- (7) All criminal or Village ordinance violation convictions, orders of supervision, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (8) The fingerprints and photograph of the applicant.
- (9) A statement of all similar businesses ever owned or participated in by applicant including a statement as to

whether the applicant has ever held a similar license or permit from any other county or municipality and details of any revocation, suspension or official sanction of any such license or permit.

- (10) The applicant's retailer's occupation tax registration number.
- (11) If applicable, a copy of the proof of filing with the County Clerk or the Illinois Secretary of State the "assumed name" of the business.
- (12) In case of a partnership, the date of the formation of the partnership. In the case of a corporation or limited liability company a copy of the Articles of Incorporation or Certificate. In the case of a foreign corporation or limited liability company proof of authority to do business in the State of Illinois.
- (13) The name and address of the owner or agent that shall accept notices and other services of process by regular mail (or at the discretion of the Village, certified mail with return receipt requested or other method of serving process as it were a summons) as required by this Article.
- (14) The name and address of the landlord if the premises are lease and the landowner of the premises are subject to a contract for deed; a copy of that lease or contract shall be provided.
- (15) A verification under oath of the truth and accuracy of the application by an applicant or officer of corporate applicant.

(B) **Renewal License.** All applications for the renewal of a license shall be made in writing to the Village Clerk at least **sixty (60) days** prior to **December 31** of each year.

(C) **Individual Employees and Manager.** In addition to the above, the applicant shall obtain the above information for each employee, manager or officer of the applicant who will work on the premises. This information shall be given under oath subject to the penalties provided for perjury. This information shall be maintained at the site of the adult business within the Village. This information shall be available for inspection by law enforcement officials or the Mayor (or his representative) upon demand during regular business hours.

7-6-8 PHYSICAL LAYOUT. The use of booths, rooms or cubicles in an Adult Business can, by reason of their design and intended use, facilitate the spread of sexually transmitted diseases (both fatal and non-fatal). Insofar as the Village has a substantial government interest in protecting the public health, safety and welfare of its citizens and all persons within the Village, the following standards have been propounded to eliminate the possibility of infection by contagious sexually transmitted diseases.

(A) All booths, rooms or cubicles for the private viewing of any adults-only items or movies shall comply with the following standards:

- (1) They must be totally accessible both to and from lighted aisles and public areas of the Adult Business.
- (2) The bottom surfaces of any doors must measure at least **forty-two (42) inches** from the floor surfaces.
- (3) No surfaces intended for seating may be located therein.
- (4) No door may be fitted with or obstructed by any lock mechanism or other control-type device.
- (5) They must be separated from adjacent booths, rooms or cubicles and any non-public areas by a solid wall without any opening and extending from the floor to a height of at least **six (6) feet**.
- (6) They must be lit by light bulbs of at least **twenty-five (25) watts** when the Adult Business is open for business.
- (7) All doors or openings must be sufficiently unobstructed such that an operator, employee or agent may determine the number of persons within any booth, room or cubicle.

(B) Only one person shall occupy a booth, room or cubicle at any time; and, at no time, shall the occupant therein engage in any type of sexual conduct resulting in the discharge of any bodily fluids while within a booth or cubicle.

(C) All wall and floor surfaces must be of a light-colored, non-absorbent, smooth texture that is easily cleaned.

(D) All public areas of an Adult Business must be lit by light bulbs of at least **sixty (60) watts** when the Adult Business is open for business.

7-6-9 PROHIBITED CONDUCT. The operator of any Adult Business shall neither participate in nor suffer or permit any of the following prohibited acts to occur on the premises:

(A) Sexual conduct, including but not limited to any demonstration, dance, performance or exhibition on the licensed premises by any employee, agent, entertainer or patron, where said person engages in any of the following conduct:

- (1) Exposure of the genitalia, pubic hair, buttocks, perineum, anal or pubic region; or
- (2) Exposure of any device, costume or covering which gives the appearance of or simulates the genitalia, pubic hair, buttocks, perineum, anal or pubic region; or
- (3) Exposure of any portion of the female breast area or below the areola thereof; or
- (4) Performance or simulated performance of ultimate sexual acts or explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity; or

- (5) Fondling of his or her own genitalia or the genitalia of another person.
- (B) Employment or use of the services of any person in or upon the premises of the Adult Business while such person is unclothed or in such attire, costume or clothing so as to result in conduct prohibited on paragraph (A) above.
- (C) Admission of any patron under the age of **twenty-one (21)** into or upon the premises of the Adult Business.
- (D) Patronage, frequently or loitering of any underage person in any Adult Business.
- (E) Allowance of any underage person to view, accept or otherwise possess any adults-only item on the licensed premises.
- (F) Employment or use of the services of any underage person in or upon the premises of the Adult Business.
- (G) Drunkenness, fighting, unlawful games, riotous or disorderly conduct whatsoever, in any premises kept or occupied as an Adult Business.

7-6-10 SALES VIOLATIONS.

- (A) No operator, agent or employee shall knowingly sell, deliver or provide, or offer or agree to sell, deliver or provided any obscene writing, picture, record or other representation or embodiment of the obscene. **(See 720 ILCS 5/11-20)**
- (B) No operator, agent or employees shall sell, deliver or provide, or offer or agree to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene after recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof. **(See 720 ILCS 5/11-20)**
- (C) No operator, agent or employee shall create, buy, procure or possess obscene matter or material with intent to disseminate it in violation of the Ordinances of the Village or State or Federal Statutes. **(See 720 ILCS 5/11-20)**
- (D) No operator, agent or employee shall advertise or otherwise promote the sale of material represented or held out by him to be obscene, whether or not it is obscene. **(See 720 ILCS 5/11-20)**
- (E) No operator, agent or employee shall knowingly sell, deliver or provide, or offer or agree to sell, deliver, or provide any child pornography, as defined by State or Federal Statute. **(See 720 ILCS 5/11-20.1)**
- (F) No operator, agent or employee shall create, buy, procure or possess any child pornography with intent to disseminate it in violation of this Article or State or Federal Statute. **(See 720 ILCS 5/11-20.1)**
- (G) No operator, agent or employee shall advertise or otherwise promote the sale of material represented or held out by him to be child pornography, whether or not it is child pornography. **(See 720 ILCS 5/11-20.1)**
- (H) No person, after purchasing or otherwise obtaining an adults-only item shall sell, deliver or allow any underage person to view an adults-only item.

(I) Of an operator, agent or employee believes or has reason to believe that a sale, delivery or viewing of any adults-only item is prohibited because the prospective recipient is underage, said operator, agent, or employees shall, (before making or allowing such sale, gift, delivery or viewing), demand presentation of some form of positive identification containing proof of age, issued by a public officer in the performance of his official duties.

(J) An operator, agent or employee may refuse to sell, deliver or allow any person to view any adults-only item, where said person is unable to produce adequate written evidence of identity and age by production of a document isled by the Federal, State or County government, or subdivision or agent thereof, including but not limited to the following documents:

- (1) A motor vehicle operator's license;
- (2) An identification card issued by the Illinois Secretary of State; or
- (3) An identification card issued to a member of the Armed Forces.

(K) Proof that the operator, employee or agent, demanded, examined and reasonably relied upon such written evidence listed in paragraph (J) above in any transaction forbidden by this Article is competent evidence that may be offered as an affirmative defense to a violation of this Article.

In order to reasonably rely upon written evidence regarding a patron's identity and age, an operator, agent or employee shall use the prudent judgment of a reasonable and informed person, and shall scrutinize said written evidence of age and identity by doing the following:

- (1) Determine if the physical description and photograph (of any) on the document presented matches that of the presenting person;
- (2) Determine whether the plastic seal on the identification card is intact or broken; and
- (3) In the case of an Illinois Driver's License (or Illinois Identification Card), determine whether the seventh and eighth digits in the driver's license number (excluding the beginning initial) match the stated date of birth located elsewhere on the driver's license.

If from the foregoing, a reasonable person would or should doubt the authenticity of the identification card, then the person offering the identification must not be sold, delivered or allowed to view any adults-only items.

(L) No operator, agent or employee shall give away or otherwise make available any adults-only item or viewing of any adults-only item for the purpose of evading any provision of this Article, when the sale or viewing of said adults-only item is prohibited shall constitute unlawful selling.

(M) Offers or agreements to sell, deliver, provide or allow the viewing of any adults-only item at or within any premises when the sale or viewing of said adults-only item is prohibited shall constitute unlawful selling.

(N) The use of any other shift or devise to evade any provision of this Article is prohibited and shall constitute unlawful selling.

7-6-11 HOURS OF OPERATION. No operator, employee or agent of an Adult Business shall sell, deliver or allow any person to view any adults-only item except between the hours of **9:00 A.M.** and **9:00 P.M.** on Mondays through Saturdays, and on Sundays or recognized Federal holidays from **Noon to 9:00 P.M.** The time referred to shall be either Central Standard Time or Daylight Savings Time, whichever is in effect at the time in this State.

No operator, employee or agent of an Adult Business shall permit any person to remain on the premises outside the hours specified herein and all patrons shall vacate the licensed premises outside the hours specified herein.

7-6-12 SIGNS. The unregulated use of signs can result in secondary effects that create dangers to the public in periods of high winds or inclement weather, defeat the signs informational or advertising functions as competitors escalate sign size and expense to attract patrons, reduce the ability of the public to interpret the intended message safely and quickly and destroy the aesthetic quality of the community. Insofar as the Village has substantial governmental interest in these matters, all signs advertising or promoting the sale of adults-only items must meet the following restrictions:

- (A) All signs must be flat wall signs.
- (B) The amount of allowable sign area shall be as stated in the Sign Regulations section of the Zoning Code.
- (C) No merchandise or depictions of adults-only items shall be displayed in window areas or any other area that may be viewed from a public street, alley, public way or sidewalk located in front of the building.
- (D) A **one (1) square foot** sign may be placed on the door to state the hours of operation and adults-only admittance.
- (E) All provisions of the Sign Regulation section of the Zoning Code shall control except as clearly contradicted by this paragraph. In the event that the provisions conflict, this paragraph shall prevail.

7-6-13 PUBLIC HEALTH STANDARDS.

- (A) All premises operated as an Adult Business shall be kept in clean and sanitary condition and shall be kept in full compliance with regulations issued by the County Health Department or the Illinois Department of Public Health.
- (B) Any Adult Business shall keep and maintain the premises equipped with running hot and cold water, shall provide separate and adequate toilet facilities for both males and females, and shall comply with all health, sanitary, zoning, and inspection requirements of the Village and the State of Illinois.

7-6-14 INSPECTIONS. Any Adult Business shall permit representatives of the police department, health department (Village, County or State), Fire Department, zoning department or building department to inspect the premises of an Adult Business for the purpose of insuring compliance with this Article and with State statutes, at any time the Adult Business is open for business.

7-6-15 VICARIOUS LIABILITY.

(A) Every act or omission of whatsoever nature constituting a violation of the provisions of this Article, by any employee or agent of any operator if such act or omission occurs either with the authorization, knowledge or approval of the operator.

(B) Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Article, by any employee or agent of any operator shall be deemed and held to be the act of said operator if such act or omission occurs as a result of the operator's negligent failure to supervise the conduct of the employee or agent.

(C) Such an offense shall be punishable in the same manner as if said act or omission had been done or omitted by the operator personally.

7-6-16 PENALTY.

(A) In the event that an operator, agent or employee of an Adult Business is guilty of violating any provision of this Article, said person may be subject to a fine not to exceed **Two Thousand Dollars (\$2,000.00).**

(B) Any person violating the provisions of this Article shall be subject to an offense for each and every day on which such violation continues, and each day that the offense continues shall be regarded as constituting a separate offense.

(C) Any prosecution for violations of this Article does not prohibit the Village from pursuing injunctive relief or the State Attorney's Office from pursuing criminal charges.

(D) Any premises, structure or site that is used in violation of any of the terms and conditions of this Article is declared to be a public nuisance. Abatement of such nuisance may be done according to law and shall be in addition to any other remedy.

(Ord. No. 2002-150; 04-02-02)

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. 15/1)**

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 Village Attorney, the Village 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 Village without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the **Illinois Compiled Statutes**. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year period** a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group

of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. **(See 230 ILCS Sec. 15/2)**

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

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

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

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

7-7-4 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 Village upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Village Clerk with the seal of his office affixed thereto.

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

(A) The name and address of the organization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) The application shall contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.

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

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

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

7-7-6 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)**

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 Village its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized as required by this Section.

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

7-7-9 **TERM AND FEES.**

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed **Fifty Thousand Dollars (\$50,000.00);**

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

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

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

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

7-7-10 **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.

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

(See 230 ILCS Sec. 15/2)

ARTICLE VIII – TATTOO ESTABLISHMENT CODE

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

(A) **Tattoo, Tattooed and Tattooing:** Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(B) **Pierce, Pierced, or Piercing:** Any method to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. This Section shall not refer to nor prohibit ear piercing.

(C) **Tattoo and/or Body-Piercing Establishments:** Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on any of the activities mentioned in paragraph (A) or (B) of this Section.

(D) **Out-Call Tattooing and/or Body-Piercing Service:** Any business, the function of which is to engage in or carry on tattooing and/or body-piercing at a location designated by the customer or client rather than at a tattoo, body-piercing establishment.

(E) **Tattooer:** Any person who, for any consideration whatsoever, engages in the practice of tattooing as herein defined.

(F) **Body Piercer:** Any person who, for any consideration whatsoever, engages in the practice of body-piercing as herein defined.

(G) **Employee:** Any person and all persons including tattooer, or body-piercer, who render any service to the permittee, who receives compensation directly from the permittee, and who has no physical contact with customers and clients.

(H) **Persons:** Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(I) **Permittee:** The operator of a tattoo and/or body-piercing establishment.

(J) **Sexual or Genital Area** shall include the genitals, pubic area, anus or perineum of any person, or the breasts of a female.

7-8-2 **PERMITS AND CERTIFICATES REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises in the Village the operation of a tattoo and/or body-piercing establishment as herein defined, without first having obtained a permit from the Mayor.

Prior to applying for a permit to operate a tattoo and/or body-piercing establishment the applicant and/or employee shall obtain a health certificate from a licensed physician. A health certificate shall be issued only upon finding of a licensed physician that the applicant is free from any communicable disease and all employees of any tattoo and/or body-piercing establishment must also subject themselves to an annual physical examination by a licensed physician, and it shall be unlawful to employ any person in the business of a tattooer and/or body-piercer who does not hold a valid health certificate.

Furthermore, all persons shall be required to secure **One Million Dollars (\$1,000,000.00)** Liability Insurance in order to operate a tattooing and/or body-piercing establishment.

7-8-3 FILING OF APPLICATION AND/OR FEE PROVISION. Every applicant for a permit to maintain, operate or conduct a tattoo and/or a body-piercing establishment shall file an application in duplicate under oath with the Mayor upon a form provided by said Mayor and pay a non-refundable filing fee of **One Hundred Dollars (\$100.00)** for an original application and **One Hundred Dollars (\$100.00)** for a yearly renewal application to the Mayor, who shall issue a receipt which shall be attached to the application filed with the Mayor.

The Mayor shall within **five (5) days** refer copies of such application to the Police Department and other applicable departments. The appropriate departments shall within **thirty (30) days** inspect the premises proposed to be operated as a tattoo or body-piercing establishment and make written recommendations to the Mayor concerning compliance with the codes that they administer. The Police Department, shall within **thirty (30) days** conduct a background investigation and make written recommendations to the Mayor concerning the applicants background compliance. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Mayor shall notify the applicant that his application is granted, denied, or held pending further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Mayor shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for such action.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application or his or her refusal to submit to or cooperate with any inspection required by sections in this Chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Mayor.

Every tattoo or body-piercing permit issued pursuant to this Section in this Chapter, shall terminate at the expiration of **one (1) year** from the date of issuance, unless otherwise suspended or revoked.

7-8-4 APPLICATION FOR TATTOO AND/OR BODY-PIERCING ESTABLISHMENT.

The application for a permit to operate a Tattoo and/or Body-Piercing establishment shall set forth the exact nature of the Tattooing or Body-Piercing to be administered, and the proposed place of business and facilities therefore.

In addition to the foregoing, any applicant for a permit, including any partner, or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than **ten percent (10%)** of the stock of a corporate applicant, shall furnish the following information:

- (A) Name, address, Social Security Number and Driver's License Number;
- (B) Written proof that the individual is at least at **twenty-one (21) years** of age;
- (C) All residential addresses for the past **five (5) years**;
- (D) The applicant's height, weight, color of eyes and hair;
- (E) The business, occupation or employment of the applicant for **five (5) years** immediately preceding the date of application.
- (F) The Tattooing or Body-Piercing or similar business license history of the applicant; whether such person, in this Village or another City or State, has had such license revoked or suspended, the reasons hereof, and the business activity or occupation subsequent to such action of suspension or revocation.
- (G) All criminal or City Ordinance violation convictions, forfeitures of bond, pleadings of nolo contendere, and court supervision on all charges, except minor traffic violations. The applicant must give the place and the court in which such conviction plea or forfeiture was had, the specific charge under which the conviction plea or forfeiture was obtained and the sentence imposed as a result thereof.
- (H) The fingerprints and photograph of the applicant.
- (I) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation.

7-8-5 ISSUANCE OF PERMIT FOR A TATTOO AND/OR BODY-PIERCING ESTABLISHMENT.

Upon receipt of the recommendations of the departments referred to in **Section 7-8-3**, that the establishment is in compliance with all of the requirements of **Section 7-8-3**, the Mayor shall issue a permit to maintain, operate or conduct a Tattoo and/or Body-Piercing establishment, unless he finds:

- (A) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the Building, Health, Planning, Housing, Zoning and Fire Code of the Village; or
- (B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a Tattoo or Body-Piercing establishment has been convicted of:

- (1) an offense involving sexual misconduct, or,
- (2) the following sections of **720 ILCS 5** or a similar Village Ordinance; 11 et al (Sex Offense); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); 12-34 (Female Genital Mutilation); and 28 et al (Gambling Offenses).

Every Tattoo and/or Body-Piercing Establishment Permit issued pursuant to Sections in this Code will terminate at the expiration of **one (1) year** from the date of its issuance, unless sooner suspended or revoked.

7-8-6 FACILITIES NECESSARY. No Tattoo and/or Body-Piercing establishment shall be issued a permit, nor be operated, established or maintained in the Village unless an inspection by the Officer in Charge, and Fire Chief reveal that the establishment complies with each of the following minimum requirements.

(A) All Tattooing and Body-Piercing areas and floors shall have surfaces that may be readily disinfected;

(B) Adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering Tattoos and Body Piercings.

(C) Closed cabinets for the storage of clean linens, towels, and other materials used in connection with administering Tattoos and Body Piercing. Covered containers or cabinets for the keeping of soiled linens, towels, and other materials that is separate from clean storage areas;

(D) A Tattoo and/or Body-Piercing establishment shall not carry on, engage in or conduct business before **9:00 A.M.** or after **9:00 P.M.**

(E) The room in which Tattooing and/or Body Piercing is done shall have an area of not less than **one hundred (100) square feet** with walls, floors and ceiling having an impervious, smooth and washable surface.

(F) A toilet shall be located in the parlor and shall be accessible at all times that the Tattoo and/or Body Piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.

(G) Toilet facilities shall be provided in convenient locations and in such a manner as to comply with The Illinois State Plumbing Code and all other applicable Building Codes of the Village.

(H) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and be separated from waiting customers or observers by a panel at least **six (6) feet** high or by a solid wall and door combination.

(I) The entire premises and equipment shall be maintained in a sanitary condition and in good repair.

(J) All clean, sterilized, and ready-to-use instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(K) A steam sterilizer (autoclave) shall be provided for sterilizing all reusable instruments before use on any customer, person, or patron. Alternative sterilizing procedures may be used only when specifically approved by the Madison County Health Department. Sterilization of equipment will be accomplished by exposure to live steam for at least **thirty (30) minutes** at a minimum pressure of **fifteen (15) pounds** per square inch, temperature of **two hundred forty (240) degrees Fahrenheit** or **one hundred sixteen (116) degrees Celsius**.

(L) Instruments that are new or required to be sterilized shall be so used, handled, and temporarily placed during tattooing and/or body-piercing so that they will not be contaminated.

(M) The premises shall be equipped with a service sink for custodial services;

(N) Every portion of the tattoo and/or body-piercing establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

The Officer in Charge shall certify that the proposed tattoo and/or body-piercing establishment complies with all the requirements of this Section of this Article and shall send such certification to the Mayor.

7-8-7 REVOCATION OR SUSPENSION OF PERMIT. Any permit issued for a tattoo and/or body-piercing establishment may be revoked or suspended by the Mayor after a hearing for good cause, or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a tattooer and/or body-piercer, is engaged in any conduct at the permittee's place of business, which violates any of the provisions of any sections of this Article or any State law, and the permittee has actual or constructive knowledge by due diligence, or where any case where the permittee or licensee refuses to permit any duly authorized Police or Code Enforcement Officer or Health Inspector of the Village and the County of Madison to inspect the premises or the operations wherein. Such permit may also be revoked or suspended by the Mayor, after hearing upon the recommendation of the Officer in Charge that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

Any violation of this Article by any employee of the permittee, including a tattooer and/or body-piercer, may be cause for suspension of the permit for not more than **thirty (30) days** for the first violation. Any subsequent violation of this Article by any employee of the permittee, including a tattooer and/or body-piercer, shall be cause for suspension or revocation of the permit.

The Mayor, before revoking or suspending any permit, shall give the permittee at least **ten (10) days** written notice of the charges against him or her and the opportunity for a public hearing before the Mayor, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

7-8-8 **TATTOOING AND/OR BODY-PIERCING PERMIT.** Any person, including an applicant for a tattoo and/or body-piercing establishment permit, who engages in the practice of tattooing and/or body-piercing as herein defined shall file an application for a tattooing and/or body-piercing permit with the Mayor upon a form provided by said Mayor and shall pay a nonrefundable filing fee of **One Hundred Dollars (\$100.00)** for an original application and **One Hundred Dollars (\$100.00)** for a yearly renewal application, to the Village Clerk, who shall issue a receipt which shall be attached to the application filed with the Mayor.

7-8-9 **OPERATING, HEALTH, AND SANITARY REQUIREMENTS.**

(A) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and his hands shall be dried with individual, single use towels. The operator shall wear a clean pair of latex gloves, designed for use in surgery, for each customer.

(B) No tattooing shall be penetrated, abraded, or treated with chemicals for the purpose of removing, camouflaging, or altering any blemish, birthmark, scar, or tattoo.

(C) No tattooing and/or body-piercing shall be done on any sexual area of any person, and all sexual areas shall be completely clothed during the application of a tattoo and/or body-piercing.

(D) No intoxicated person shall be tattooed on the licensed premises.

(E) Employees shall at all times, comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR 1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, blood borne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.

(F) For shaving, a new, single-service, disposable safety razor shall be used for each customer or patron.

(G) The area to be tattooed shall be first thoroughly washed for a period of **two (2) minutes** with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of **seventy percent (70%)** alcohol shall be applied with a sterile instrument.

(H) Only petroleum jelly in collapsible metal or plastic tubes, or its medically acceptable equivalent shall be used on the area to be tattooed and it shall be applied with sterile gauze.

(I) The use of styptic pencils, alum blocks, or other solid styptic to check the flow of blood is prohibited.

(J) Patrons with a history of recent jaundice or hepatitis shall not be tattooed. Patrons shall sign an affidavit attesting that they do not have a recent history of jaundice or hepatitis. This affidavit shall be kept on file by the tattoo and/or body-piercing establishment for at least **one (1) year**.

(K) Single-service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person.

(L) Excess dye or ink shall be removed from the skin with an individual sterile sponge or disposable paper tissue that shall be used only on one person and then immediately discarded.

(M) After completing work on any person, the tattooed area shall be washed with a sterile gauze saturated with antiseptic soap solution, or a **seventy percent (70%)** alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.

(N) Only new, single-service needles shall be used for tattooing and/or body-piercing.

7-8-10 **DAILY REGISTER.** Every permittee operating a tattoo and/or body-piercing establishment shall keep a bound appointment book showing all patrons, with names, addresses, date of birth, age, type of identification presented, identification control number, and hours of arrival. Such daily register, shall, at all times during business hours, be subject to inspection by the Police Department or Code Enforcement Officer and shall be kept on file for **one (1) year**. Only the following picture identification documents shall be acceptable for proof of age and daily register documentation:

- (A) State driver's license.
- (B) Military identification.
- (C) Passport.
- (D) State identification card.

7-8-11 **OUT-CALL SERVICE.** No "Out-Call Tattooing and/or Body-Piercing Service" may be operated.

7-8-12 **INSPECTIONS.** The Fire Department, Police Department and the Code Enforcement Officer shall, from time to time, make an inspection of each Tattoo and/or Body-Piercing establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any person as defined in **Section 7-8-1** to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

7-8-13 EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY-ONE (21) PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo and/or body-piercing establishment to employ any person to perform tattooing and/or body-piercing who is not at least **twenty-one (21) years** of age.

7-8-14 IDENTIFICATION CARD. The Police Department shall provide each tattooer and/or body-piercer granted a permit with an identification card which shall contain a photograph of the tattooer and/or body-piercer and the full name and permit number assigned to said tattooer and/or body-piercer, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit, pursuant to this Article.

7-8-15 TRANSFER OF PERMITS. No permit for the operation of a tattoo and/or body-piercing establishment issued pursuant to the provisions of this Article and sections shall be transferable. However, upon the death or incapacity of the permittee, the tattoo and/or body-piercing establishment may continue in business for a reasonable period of time, not to exceed **ninety (90) days**, to allow for an orderly transfer of the permit upon receiving written consent of the Mayor.

7-8-16 DISPLAY PERMITS AND ORDINANCE. Every permittee shall display a valid permit and a copy of the tattoo and/or body-piercing establishments and Tattooing and/or Body-Piercing Services Ordinance in a conspicuous place within the tattoo and/or body-piercing establishment so that persons entering the premises may readily see them.

7-8-17 EMPLOYMENT OF TATTOOER AND/OR BODY-PIERCERS. It shall be the responsibility of the permittee for the tattoo and/or body-piercing establishment or the employer or any persons purporting to act as tattooer and/or body-piercer to insure that each person employed as a tattooer and/or body-piercer shall first have obtained a valid permit pursuant to this Article.

7-8-18 TIME LIMIT FOR FILING APPLICATION FOR PERMIT. Applications for renewal of permits must be filed not more than **two (2) months** nor less than **one (1) month** prior to termination of an existing permit.

7-8-19 AGE REQUIREMENTS FOR TATTOOS. It shall be unlawful for any person, other than a person licensed to practice medicine in all its branches, to tattoo or offer to tattoo a person who is under the age of **twenty-one (21)**.

7-8-20 **AGE REQUIREMENTS FOR BODY-PIERCING.** It shall be unlawful for any person to pierce or offer to pierce the body of a person under the age of **twenty-one (21)**.

7-8-21 **RULES AND REGULATIONS.** The Mayor may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article.

7-8-22 **VIOLATION AND PENALTY.** Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives tattooing or body-piercing or conducts a tattoo and/or body-piercing establishment without first obtaining a permit and paying a license fee to do so from the Village, or shall violate any of the provisions of this Article and Section shall, upon conviction, be punished by a fine not to exceed **Seven Hundred Fifty Dollars (\$750.00)**.

7-8-23 **MAINTAINING PUBLIC NUISANCE.** Any portion of a building used as a tattoo and/or body-piercing establishment in violation of this Section with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property, used in violation of this Section are hereby declared to be a nuisance.

(Ord. No. 2002-148; 02-05-02)

ARTICLE IX – FIREWORKS CODE

7-9-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

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

(A) The term includes:

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

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

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

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

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

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

(B) Fireworks not classified as common fireworks.

7-9-2 **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the Village other than those fireworks designated in **Section 7-9-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-9-3 **POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the Village; provided that this prohibition shall not apply to duly authorized public displays.

7-9-4 **PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the Village without first having obtained a valid permit issued pursuant to the provisions of this Article.

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

Dipped stick, sparklers and smoke devices.

7-9-6 **PERMIT FEES.** The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the Village Board.

7-9-7 **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 7-9-11** 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.

7-9-8 **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 7-9-12** of this Article.

7-9-9 **APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE.** Applications for seller’s permits shall be made to the Village Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall close on **April 15th** of such year unless extended by action of the Village Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to **Section 7-9-4** of this Article shall be issued only to applicants meeting the following conditions:

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

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

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

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

(E) The permit holder's location or place of business shall be only in those areas or zones within the Village where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-9-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

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

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-9-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the Village Clerk shall be controlling.

7-9-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-9-5** 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.

7-9-11 STANDARDS FOR TEMPORARY STANDS. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

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

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

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

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

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

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

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

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

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

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

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

7-9-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

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

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

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius.

The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

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

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

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

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

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

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

7-9-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the Village, provided, however, that such use shall be permitted under the following circumstances:

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

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-9-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-9-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

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

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

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

7-9-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the Village in accordance with **Sections 7-9-7** and **7-9-8** of this Code.

7-9-15 **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.

7-9-16 **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.

7-9-17 **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.

7-9-18 **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.

7-9-19 **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.