

CHAPTER 7

BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 APPLICATIONS.

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

(B) Each application shall contain:

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

(C) Each application shall also contain the number of 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. Every person, firm or corporation

maintaining, operating or conducting any business or establishment within the corporate limits of this municipality, not otherwise specifically licensed under this Code, and not otherwise preempted from municipal licensing requirements by State statutes, shall be required to have a business 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 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. Any person, firm or corporation not subject to licensing under this Section, by reason of State statute preemption, shall nevertheless have the opportunity to voluntarily subscribe for a license and voluntarily pay the prescribed business license fee in the same fashion as all other businesses. **(Ord. No. 91-3; 04-15-91)**

7-1-3 TERM AND FORM OF LICENSE. No license shall be granted for longer

than a **one (1) year** term, and all licenses, unless otherwise provided by ordinance, shall run from **January 1** to **December 31** of each year. 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. All references to the Village Clerk shall include the duties of the Village Collector.

7-1-4 INVESTIGATIONS.

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

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

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

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

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

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

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

7-1-5 FEES. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Collector 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. The annual fee shall be **Ten Dollars (\$10.00)** unless it is provided for otherwise in this Chapter.

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this municipality shall commence on **January 1st** of each year and shall terminate on **December 31st** 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 with a license.

7-1-7 BUILDING AND PREMISES. All businesses or occupations shall be conducted only in or from permanent buildings which are in compliance with all applicable building codes. Provided all other requirements of this Section are complied with, a manufactured home or manufactured housing unit shall be deemed equivalent to a permanent building for the purposes of this Section when the business or occupation conducted is the sale of such manufactured homes or manufactured housing units. No license 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 businesses or performance of any act which would involve a violation of the Zoning Code and/or other applicable regulations of this municipality. **(Ord. No. 92-21; 9-8-92)**

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

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

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 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 weekly from his premises and to be disposed of at his own expense.

7-1-11 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.

7-1-12 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

7-1-12.1 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.**

7-1-12.2 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,

7-1-12.3 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 7-1-12.4** and **7-1-12.5** 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 7-1-11**.

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.

7-1-12.4 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.

7-1-12.5 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.

7-1-13 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 7-1-12** 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 Village Board 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 7-1-12** hereof. The decision of the Village Board on such appeal shall be final.

7-1-14 **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.

ARTICLE II - SOLICITORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Certificate of Registration shall state the expiration date thereof.

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

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

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

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

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

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

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

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

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

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

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

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

7-2-10 **SOLICITATION 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 Therefore", 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 casually related to an act of ordinary negligence of the soliciting agent.

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

(F) Solicit only during daylight hours.

(G) Solicitations at any one intersection shall not exceed the following frequency each calendar month:

(1) **two weekends** per month; or

(2) **two midweek days** per month; or

(3) **one weekend** and **one midweek day** per month.

(H) Any one charitable organization shall be limited to conducting no more than two solicitations per calendar year. (**Ord. No. 94-2; 01-03-94**)

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

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

(B) **Annual License:** **\$20.00 per person per year.**

(65 ILCS Sec. 5/1-5-2)

7-2-12 **CHARITABLE OR RELIGIOUS SOLICITING.** All persons or religious organizations engaged in the acts of soliciting charitable or religious contributions shall register with the Police Department upon request by the Mayor, Village 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.

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

ARTICLE III - PEDDLERS

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

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

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

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

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

7-3-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **8:00 a.m. or after "sunset"** of any weekday or at any time on a Sunday or on a State or National holiday.

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

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

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

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

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

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

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

- | | | |
|-----|-------------------------------|------------------------------------|
| (A) | <u>Daily License:</u> | \$10.00 per person per day |
| (B) | <u>Annual License:</u> | \$20.00 per person per year |

the purpose for which used, and the serial number or other description. Upon payment of the license fee, he shall be furnished with an adhesive sticker or emblem which shall be attached to the machine.

7-4-5 **PROHIBITED LICENSEES.** No license under this Section shall be issued to:

(A) Any person who is not a citizen of the United States.

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

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

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

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

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

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

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

7-4-6 **NON-ASSIGNABILITY OF LICENSE.** The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

7-4-7 **PLACEMENT; GAMBLING PROHIBITED.**

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

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

(C) **Prizes and Awards Prohibited.** It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person laying

any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

7-4-8 **RIGHT OF ENTRY.** The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

[This Article Generally Ord. #82-9; 04-05-82]

ARTICLE V - JUNK DEALERS

7-5-1 DEFINITIONS.

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

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

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

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

7-5-2 PHYSICAL REQUIREMENTS. The minimum physical requirements at all times for each junk yard shall be as follows:

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

(B) The 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 feet (7')** measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

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

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

7-5-3 **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the municipality 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. The yard shall be in compliance with the zoning code requirements.

7-5-4 **APPLICATION.** Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this municipality shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of **seven feet (7')**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm 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.

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

- (A) Not a person of good character.
- (B) Falsification of an application for a license hereunder.
- (C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-5-2** hereof.

7-5-6 **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

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

7-5-7 **LICENSE FEE.** The annual license fee for each junk yard shall be **Three Hundred Fifty Dollars (\$350.00)** 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 **Three Hundred Fifty Dollars (\$350.00)** for each junk dealer. The fee is payable as provided in this Code in **Section 7-1-6.**

7-5-8 **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

ARTICLE VI - POOL TABLES

7-6-1 **LICENSE REQUIRED.** No person shall operate, maintain or conduct a billiard, pool or bagatelle or pigeonhole table open to the public, including members of any organized social or fraternal club or organization without having first obtained a license therefor as is herein required. Application for license shall be verified by oath or affidavit, and contain the following information:

(A) The name, age, and address of the applicant in the case of an individual and in the case of a co-partnership, of the persons entitled to share in the profits thereof, and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominee(s), the name and address of such person(s).

(B) The citizenship of the applicant, his place of birth or, if a naturalized citizen, the time and place of his naturalization.

(C) The address of the place where the applicant proposes to operate.

(D) A statement whether the applicant has made a similar application for similar license on premises other than those described in the application, and the disposition of such application.

(E) A statement that the applicant has never been convicted of a felony, and is not disqualified to receive the license under this Section.

7-6-2 **LICENSE FEE.** The annual fee for any such license shall be **Twenty-Five Dollars (\$25.00)** per year or part thereof for each table as provided in **Section 7-1-5**. All license fees shall be payable in advance and in no case shall any portion of the license fee be refunded to the licensee.

7-6-3 **GAMBLING PROHIBITED.** No licensee shall permit any gambling on the premises for which such license is issued.

7-6-4 **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 licensed to allow or permit any such minor to frequent, loiter, or remain within the hall in violation of this Article.

ARTICLE VII - RAFFLES

7-7-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Article 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.

7-7-2 **ADMINISTRATION.** The Village Collector is hereby charged with the administration of the appropriate provisions of this Chapter, and may appoint persons to assist him 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, and the Chief of Police.

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 Village Collector 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.

7-7-4 APPLICATIONS FOR LICENSE. The Village Collector 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 Chapter 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 must submit to the Village Collector 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 RULES FOR APPLICATIONS AND LICENSES.

(A) The license and application for a license must 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.

(B) The application must 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.

- (C) The Village shall act upon a license application within **thirty (30) days** from the date of application.
- (D) Each license is valid for **one (1)** raffle game only.

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 Article.

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.

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.

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 **Twenty-Five Thousand Dollars (\$25,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed **Twenty Thousand Dollars (\$20,000.00)**; (Ord. No. **2005-26; 10-11-05**)

(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed **Fifty Dollars (\$50.00)**;

(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;

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

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

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

(I) The manager of a raffle game 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 unanimous vote of the members of the licensed organization. The terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than **thirty (30) days** prior to its cancellation.

(J) Any license issued under this Article shall be nontransferable.

ARTICLE VIII - MASSAGE PARLOR

7-8-1 **MASSAGE PARLOR AS BUSINESS.** It is hereby declared that the business of operating a massage establishment as defined herein is a business affecting the public health, safety and general welfare.

7-8-2 **DEFINITIONS.**

(A) Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning, and application of words and phrases used in this Article, except to the extent that a particular word or phrase is otherwise specifically defined in this Section.

(B) **"EMPLOYEE"** means any person, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

(C) **"MASSAGE"**. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

(D) **"MASSEUR"** means any person who, for any consideration whatsoever, engages in the practice of massage as herein defined. The term "masseur" as the use of the masculine gender shall include in all cases the feminine gender as well.

(E) **"MASSAGE ESTABLISHMENT"**. Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carried on or permits to be engaged in or carried on any of the activities mentioned, in **Section 7-8-2(C)** of this Code.

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

(G) **"RECOGNIZED SCHOOL"** means any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than **seventy (70) hours** before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to governing regulations of any State.

(H) **"PERSON"**. Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character. (**#74-17; 12-02-74**)

7-8-3 PERMIT REQUIRED.

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

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

(C) **Temporary Permit.** Any person who has applied for a permit in accordance with the provisions of this Article shall, upon request therefor, be issued a temporary permit for not to exceed **forty-five (45) days** by the Police Chief pending action on his application, provided that the Police Chief shall not issue such a temporary permit if possessed of information which indicates that a permit should not be issued. Such temporary permit, while it is in effect, shall for all purposes have the same force and effect and be subject to the same conditions as any permit issued under the terms of this Article. The Police Chief may summarily revoke or suspend any such temporary permit if the temporary permittee violates any of the terms or conditions of this Article. There shall be no appeal from such revocation or suspension.

7-8-4 APPLICATION FOR MASSAGE BUSINESS PERMIT. Any

person desiring a massage business permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The Applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

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

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

(C) The business address and all telephone numbers where the business is to be conducted;

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

(E) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than **ten percent (10%)** of the stock of the corporation, each officer and each director, if the applicant be a corporation; and concerning the partners, including limited partners,

if the applicant be a partnership; and concerning the manager or other person principally in charge of the operation of the business.

- (1) Name, complete residence address and residence telephone numbers.
 - (2) The two previous addresses immediately prior to the present address of the applicant.
 - (3) Written proof of age.
 - (4) Height, weight, color of hair and eyes, and sex.
 - (5) Two front face portrait photographs taken within **thirty (30) days** of the date of the application and at least **two inches by two inches (2" x 2")** in size.
 - (6) The message or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another village, city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation.
 - (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, and the offense for which convicted and the circumstances thereof.
 - (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
 - (9) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.
- (F) Such other information, identification, and physical examination of the person as shall be deemed necessary by the Police Chief to discover the truth of the matters hereinbefore required to be set forth in the application.
- (G) Authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- (H) The names and addresses of **three (3)** adult residents of the County who serve as character references. These references must be persons other than relatives and business associates.
- (I) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the

application is true and correct, said declaration being duly dated and signed in the Village.

7-8-5 APPLICATION FOR MASSEUR'S PERMIT. Any person desiring a masseur's permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

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

(B) The following personal information concerning the applicant:

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

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

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

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

7-8-6 APPROVAL BY POLICE CHIEF. Upon receiving the application for a massage business or masseur's permit, the Police Chief shall conduct an investigation into the applicant's moral character and personal and criminal history. The Police Chief may, in his discretion, require a personal interview of the applicant, and such further information, identification and physical examination of the person as shall bear on the investigation.

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

Before any permit shall issue under this Article, the Police Chief shall first sign his approval of the application.

7-8-7 ISSUANCE OR DENIAL OF MASSAGE BUSINESS PERMIT.
(A) The Police Chief shall issue a massage business permit within **twenty-one (21) days** of receipt of the application unless he finds that:

- (1) The correct permit fee has not been tendered to the Village, and, in the case of a check or bank draft, honored with payment upon presentation;
- (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to the Village's building, zoning and health regulations;
- (3) The applicant, if an individual; or any of the stockholders holding more than **ten percent (10%)** of the stock of the corporation, any of the officers and directors, if the applicant be a corporation; or any of the partners, including limited partners, if the applicant

is a partnership and the manager or other person principally in charge of the operation of the business has:

- (a) Been convicted of any felony involving fraud or deceit, unless such conviction occurred at least **three (3) years** prior to the date of the application, or has been convicted of any offense involving sexual misconduct with minors, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, unless such conviction has occurred at least **three (3) years** prior to application for permit and the applicant has had no subsequent convictions;
- (b) Been convicted of any offense involving the use of or threat to use force or violence upon the person of another;
- (c) The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the Village in conjunction therewith;
- (d) The applicant has had a massage business, masseur's permit or other similar permit or license denied, revoked, or suspended for any of the above causes by the Village or any other State or local agency within **five (5) years** prior to the date of application;
- (e) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business is not over the age of **eighteen (18) years**; and
- (f) The manager or other person principally in charge of the operation of the business has not successfully completed a resident course of study or learning of not less than **seventy (70) hours** from a recognized school where the theory, method, profession or work of massage is taught.

(B) The Police Chief, upon denying an application, shall state his reasons, in writing, specifying the particular grounds for such denials.

7-8-8 **ISSUANCE OR DENIAL OF MASSEUR'S PERMIT.** The Police Chief shall issue a masseur's permit within **twenty-one (21) days** of receipt of the application unless he finds that:

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

(B) Been convicted of any felony involving fraud, or deceit unless such conviction occurred at least **three (3) years** prior to the date of the application or, has been convicted of any offense involving sexual misconduct with minors, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, unless such conviction has occurred at least **three (3) years** prior to application for permit and applicant has had no subsequent convictions;

(C) Been convicted of any offense involving the use of or threat to use force or violence upon the person of another;

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

(E) The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended for any of the above causes by the Village in conjunction therewith;

(F) The applicant is not over the age of **eighteen (18) years**, and

(G) The applicant has not successfully completed a resident course of study or learning of not less than **seventy (70) hours** from a recognized school where theory, method, or profession or work of massage is taught.

(H) The applicant is free from all communicable diseases.

7-8-9 **MESSAGE BUSINESS PERMIT FEE.** The permit fee for a massage business shall be **Two Hundred Dollars (\$200.00) per year** or any part thereof.

7-8-10 **MASSEUR'S PERMIT FEE.** The permit fee for masseurs shall be **Twenty Dollars (\$20.00)** per year or any part thereof.

7-8-11 **RENEWAL OF PERMIT.** Each permit shall expire on **April 30th** of each year. Permits may be renewed. In processing a renewal application, the Police Chief shall consider all the elements in determine whether or not to renew a permit. An unrevoked permit may be renewed for **one (1) year** on written application to the Police Chief made at least **one (1) month** before its expiration date and accompanied by the required fee.

7-8-12 **REVOCAION OR SUSPENSION OF PERMIT.** Any massage business or masseur's permit issued under this Article shall be subject to suspension or revocation by the Police Chief for violation of any provision of this Article, or for any grounds that would warrant the denial or issuance of such permit in the first place. The Chief, upon such revocation or suspension, shall state his reasons in writing, specifying the particular grounds for such revocation or suspension.

7-8-13 **TRANSFERS PROHIBITED.** No massage business and masseur permits are transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein.

7-8-14 **NOTIFICATION OF CHANGES.** Every massage business permittee shall report immediately to the Police Chief any and all changes of ownership or management of the massage business, including but not limited to changes of manager or other person principally in charge, stockholders holding more than **ten percent (10%)** of the stock of the corporation, officers, directors, and partners; any and all changes of name, style or designation under which the business is to be conducted; any and all changes of business address and telephone numbers where the business is to be conducted; any and all changes or transfers of masseurs employed in the business whether by new or renewed employment, discharge or termination, or otherwise.

Every masseur shall report immediately to the Police Chief any and all changes of employment, whether by new or renewed employment, discharge or termination, or otherwise, giving the name and address of the former employer, if any, and the name and the address of the new employer, if any.

7-8-15 SANITATION, SAFETY AND OPERATION REQUIREMENTS.

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

(B) All employees shall be clean and wear clean outer garments whose use is restricted to the massage establishment.

Provisions for a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(C) All employees, masseurs, and masseuses must be modestly attired. Diaphanous, flimsy, transparent, form-fitting, or tight clothing is prohibited. Clothing must cover the employee's, masseurs, or masseuses chest at all times.

(D) The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse. Any contact with a patron's genital area is strictly prohibited.

(E) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(F) A massage establishment shall not carry on, engage in or conduct business on Sunday and on other days shall not carry on, engage in, or conduct business before **8:00 A.M.** or after **10:00 P.M.**

7-8-16 ADVERTISING. No person shall publish, or distribute or cause to be published or distributed, any advertising matter or business identification card that states or depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than a massage as defined in **Section 7-8-2.**

7-8-17 **SUPERVISION.** A permittee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one person who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall personally supervise the business, and shall not violate, or permit others to violate, any applicable provision of this Article. The violation of any such provision by any agent or employee of the permittee shall constitute a violation by the permittee.

7-8-18 **PERSONS UNDER AGE EIGHTEEN (18) PROHIBITED ON THE PREMISES.** No person shall permit any person under the age of **eighteen (18) years** to come or remain on the premises of any massage business establishment, as a masseur, employee, or patron, unless such person is on the premises on lawful business.

7-8-19 **LOCATION.** No massage business establishment shall be located closer than **one (1) block** from any church or school premises.

7-8-20 **ALCOHOLIC BEVERAGES PROHIBITED ON THE PREMISES.** No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.

7-8-21 **EMPLOYMENT OF MASSEURS.** No person shall employ as a masseur any person unless said employee has obtained and has in effect a permit issued pursuant to this Article.

7-8-22 **ACTIVITIES AT RESIDENCE.** No person shall, for compensation, administer the activities covered by this Article at his private residence at any time or permanently at any residence.

7-8-23 **INSPECTION REQUIRED.** The Police Chief or his authorized representatives shall from time to time make inspection of each massage business establishment for the purpose of determining that the provisions of this Article are fully complied with.

7-8-24 **RULES AND REGULATIONS.** The Police Chief or his authorized representatives may make and enforce reasonable rules and regulations not in conflict with but to carry out the intent of this Article.

7-8-25 **EXCEPTIONS.** The provisions of this Article shall not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts under the laws of the State, or persons working under the direction of any such persons or in any such establishment, nor shall this Article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State.

7-8-26 **APPLICATION OF CODE TO EXISTING BUSINESSES.** The provisions of this Code shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of this Code.

7-8-27 **VIOLATION AND PENALTY.** Every person, except those persons who are specifically exempted by this Code, 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 massages or conducts a massage 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 Code shall be guilty of a misdemeanor. Upon conviction such person shall be punished by a fine not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.60)**. (Ord. #74-17; 12-02-74)