

CHAPTER 7

BUSINESS REGULATIONS

ARTICLE I - GENERALLY

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 provisions to the contrary.

(B) Each application shall contain: the name of the applicant, the permit or license desired, the location to be used, if any, the time covered, and the fee to be paid. Each application shall also contain the number of the certificates of registration required under the Retailer's Occupation Tax Act (**35 ILCS 120/1 et seq.**), Service Occupation Tax Act (**35 ILCS 115/1 et seq.**), and/or Use Tax Act (**35 ILCS 105/1 et seq.**), 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.

(A) All businesses located in the Village shall be required to register with the Village Clerk and to pay a non-refundable **Twenty-Five Dollar (\$25.00)** registration fee.

(B) It is the responsibility of the business to keep information current at all times.

(C) 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, she or it is held forth as being engaged in the business, activity or occupation, or if he, she or it solicits patronage therefor actively or passively; or if he, she or it performs or attempts to perform any part of a business, activity or occupation in the municipality. (**Ord. No. 1365; 08-16-10**)

7-1-3 FORMS AND SIGNATURE. Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Village Clerk. Each license or permit issued shall bear the signature of the Mayor and the Village Clerk in the absence of any provisions to the contrary.

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 Village 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 days after receiving such application or a copy thereof.

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(C) The Code Enforcement Officer 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, the spread of disease, and the protection of health. 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 Village 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 Village Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained within 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 Village Clerk shall be directed to promptly notify the applicant that his or her 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 Village Clerk shall be directed to promptly notify the applicant that his or her application is approved, and the license or permit may be issued.

7-1-5 FEES. In the absence of provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefore is made to the Village 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. The annual license fee shall be **Twenty-Five Dollars (\$25.00)** per annum. **(Ord. No. 1365; 08-16-10)**

7-1-6 TERMINATION OF LICENSES.

(A) All annual licenses shall be operative and the license year for this Municipality shall commence on the first day of May of each year and shall terminate on the last day of April of the following year, where no provision to the contrary is made.

(B) The Village Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if an annual), three weeks prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license,

or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

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

7-1-8 CHANGE OF LOCATION. The location of any licensed business or occupation or the location of any permitted act may be changed provided that **ten (10) days'** notice thereof is given to the Village Clerk in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the 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 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.
(A) **Generally.** No business or establishment, whether or not licensed, 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.

(B) **Unsafe or Unhealthful Business.**
(1) No building or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.
(2) No substance, matter, or thing of any kind whatever 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.

(C) **Refuse Disposal.**
(1) **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, of impervious material and sturdy construction with a tight-fitting cover and equipped with handles properly placed to facilitate handling.

- (2) **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.
- (3) **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 or her own cost and expense, at least once each week, all refuse produced therein.
- (4) **Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, café, 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 or her own expense.

7-1-11 WORKING CONDITIONS.

(A) **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.

(B) **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; 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.

(C) **Heat Required.**

- (1) 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.

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

(D) **Inspection.** The Health Officer and the Building Inspector 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 of said commodity, or who interferes with such officer or employee while in the performance of his or her 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 first having presented a warrant authorizing such entry.

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

(A) When the conduct of 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.**

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

(C) Licenses and permits issued under the ordinances of this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in divisions (D) and (E) of this Section for any of the following causes:

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- (1) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;
- (2) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (4) Failure of the licensee or permittee to pay any fine or penalty owing to this Municipality;
- (5) Refusal to permit an inspection or sampling or any interference with a duly authorized officer or employee in the performance of his or her 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 ordinances of this Municipality.

(D) 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. The notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address at least **five (5) days** prior to the date set for the hearing.

(E) At the hearing, the Municipal Attorney shall present the complaint and shall represent this 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 in regard to the denial of an application for a business license, as provided in **Section 7-1-4**, or in connection with the revocation of a license or permit, as provided in **Section 7-1-13**, shall have the right to appeal to the Municipality. The appeal shall be taken by filing with the Village Clerk, within ten days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath, setting forth specifically the grounds for appeal. The Municipality shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-13**. The decision of the Municipality on such appeal shall be final.

7-1-15 **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this Municipality to keep his or her 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 Village 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 such vehicle.

(See Section 1-1-20 for penalty)

ARTICLE II – SOLICITORS

7-2-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REGISTERED SOLICITOR. 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. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING. Any one or more of the following activities:

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

7-2-2 **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this Municipality is required to make written application for a certificate of registration as herein provided.

7-2-3 **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Application 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 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 years if other than present address.
- (C) Age of applicant, date of birth, 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 code, if any.

(J) Has a certificate of registration issued to the applicant under this Code ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the code 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) 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 or her 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.

(A) 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 or the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

(B) 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 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.

(C) The certificate of registration shall state the expiration date thereof.

7-2-5 CHARITABLE INSTITUTIONS. All resident charitable organizations in this Municipality which have been in existence for **six (6) months** or longer shall register all solicitations and shall be exempt from registration thereafter.

7-2-6 **POLICY ON SOLICITING.** It is declared to be the policy of the governing body 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 residence(s). If no determination is made as is provided in **Section 7-2-7**, then in that event, registration is not required.

7-2-7 **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 described in division (B) of this Section.

(B) A weather-proof 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, 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) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

7-2-8 **DUTY OF SOLICITORS.**

(A) 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 7-2-7** of this Article, 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 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.

(B) 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.

7-2-9 **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 7-2-7**.

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

7-2-11 **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. No person engaged in collecting donations shall be allowed to sit at the intersection at any time.

(F) Solicit only from **9:00 A.M. to 3:00 P.M.** on Saturday or Sunday. There will be a 4-hour per day time limit on charitable solicitations.

(G) Any one charitable organization shall be limited to conducting no more than **two (2)** solicitations per calendar year.

(H) The Village of Freeburg will issue an approval letter for the donation collection request. The charitable organization must have the approval letter available for inspection during the collection event. **(Ord. No. 1530; 01-05-15)**

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

(A) For a period of not less than one per person per day, the sum of **Ten Dollars (\$10.00).**

(B) For an annual license, the sum of **Twenty Dollar (\$20.00)** per person per year.

(65 ILCS 5/11-60-1)

ARTICLE III - PEDDLERS

7-3-1 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 or her 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.

7-3-2 LICENSE REQUIRED. It shall be unlawful for any person to engage in the business of hawker or peddler of any merchandise, article, or thing without having first secured a license therefor.

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

- (A) Name and physical description of the 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 or she 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 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 declared to be unlawful and shall constitute a nuisance for any person, whether registered under this code 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 peddling as herein defined, prior to **9:00 a.m.** or after **5:00 p.m.** of any weekday or at any time on a Sunday or on a state or national holiday.

7-3-6 **FRAUD.** Any licensed peddler or hawker who shall be guilty of any fraud, cheating, or misrepresentation, whether through him or herself or through an employee while acting as a peddler in this Municipality, or who shall barter, sell, or peddle any goods or merchandise or wares other than those specified in his or her application for a license shall be fined not less than **Two Hundred Dollars (\$200.00)** for each offense, and the Mayor may revoke his or her license for such an offense.

7-3-7 **EXCLUSIONS.** The provisions of this Article shall not apply to the sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden products, so far as the sale of the commodities named herein is now authorized by law.

7-3-8 **PHOTOGRAPHS.** Two 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 agents and/or employees in a clear and distinguishing manner.

7-3-9 **UNWANTED PEDDLING.** Nothing contained in this Article, 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 or her agents, or employees are directed to depart from the private residence by the owner or person in charge thereof.

7-3-10 **FEE.** The fee for a license issued under this chapter for peddlers shall be **Ten Dollars (\$10.00)** per person per day and **Twenty Dollars (\$20.00)** per person per year.

ARTICLE IV – JUNK DEALERS

7-4-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNK. 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 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. 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. 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 division (A) of this Section.

(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 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, firm, partnership, or corporation 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 noncontiguous lots, blocks, tracts, or parcels of land.

7-4-4 **APPLICATION.** Before any license under the provisions of this Article is issued, any person, firm, partnership, or corporation desiring to operate a junk yard in this Village shall first make a verified application in writing to the Village Clerk, stating thereon the full name of the applicant, his or her residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate

location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of **seven (7) feet** measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of partnership, the names and residence addresses of all the partners, and in the case of a corporation, the name and residence addresses of the president and secretary, shall be stated in the application.

7-4-5 **DISQUALIFICATIONS.** 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.**

7-4-6 **LICENSE.**

(A) 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 nontransferable.

(B) The license shall further provide that it is issued subject to all provisions of this Chapter, that upon the first conviction for a violation of any of the provisions of this Section, 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 Section, 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 **One Hundred Fifty Dollars (\$150.00)**, payable in advance with the filing of the application for license, and shall not be subject to pro rata reduction for a portion of the year, either because of application for or because of revocation of a license; provided, however, that only one 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 with the Village, the annual fee shall be **Ten Dollars (\$10.00)** for each junk dealer.

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.

ARTICLE V – COIN-OPERATED MACHINES

7-5-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm, or corporation to operate, conduct, or maintain for gain or profit, or to own when operated, conducted, or maintained for gain or profit, any pinball machines, electronic games, bowling alley, billiard tables, bagatelle tables, pigeon-hole tables, pool tables, or any other table or implement kept for a similar purpose in any place of public resort, and coin-operated machines designated for amusement purposes operated in the Village, without first obtaining a license to do so, as hereinafter provided and set forth.

7-5-2 **APPLICATIONS.** The application for such license shall contain the following information:

- (A) Name and address of the applicant, age, date, and place of birth.
- (B) All prior convictions of felonies of the applicant, if any.
- (C) Address and name of business where the machine or device will be displayed and operated and the nature of the business conducted at the address and under said name.
- (D) The name and address of the owner of the machine, and if said machine is serviced and supplied by any person, firm, corporation, or association other than the applicant or the owner of the machine, the name and address of such person, firm, corporation, or association shall be set out in the application. No license shall be issued to any applicant unless he or she shall be 18 years of age or older and a citizen of the United States.

7-5-3 **INSPECTION.** Application for license shall be made out in duplicate, **one (1) copy** being retained by the Village Clerk and the other copy being referred to the Chief of Police of the Village.

- (A) The Chief of Police shall investigate the location wherein it is proposed to operate such machine and ascertain if the applicant is a person of good moral character.
- (B) If the Chief of Police determines that the applicant is not of good moral character, he or she shall report such findings to the Village Board.

7-5-4 **LICENSE APPROVAL.** No license shall be issued until the application therefor has been approved by the Mayor.

7-5-5 **DISPLAY OF LICENSE.** The license herein provided for shall be posted permanently and conspicuously at the location of the machine on the premises wherein the device is to be operated or maintained. Not more than one machine shall be operated on any one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him or her. If the licensee shall move his or her place of business to another location within the Village, the license may be transferred to such new location upon application to the Village Clerk, giving the street and number of the new location. The new location shall be inspected by the Chief of Police in the same manner as provided in the previous sections of this Chapter. The transfer must conform with the zoning regulations, if any.

7-5-6 **TERM OF LICENSE; FEES.** The license fee shall be paid annually on or before the first day of May of each year. If additional machines or devices are to be installed or displayed from time to time, the license shall be obtained before display or installation and shall be prorated. The license shall expire on the **thirtieth (30th) of April** of each year. The licenses herein above set forth and required shall be as follows: for coin-operated electronic video games and pinball machines operated in the Village, there shall be an annual fee of **Twenty Dollars (\$20.00)** per machine.

7-5-7 **PRIZES AND AWARDS PROHIBITED.** It shall be unlawful for any person receiving a license pursuant to this Chapter to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated in this Chapter under tournament, league, or any other individual or competitive play unless authorized by the Video Gaming Act as adopted by the Village in **Ord. No. 1426**.

ARTICLE VI – RAFFLES AND POKER RUNS

7-6-1 DEFINITIONS. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

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

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

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

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

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

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

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

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

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

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

(L) **"Raffle"**: A form of lottery, as defined in **720 ILCS 5/28-2**, conducted by an organization licensed under this Act, in which:

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

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

(230 ILCS 15/1)

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

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

7-6-2 REQUIREMENT OF LICENSE.

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

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

7-6-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

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

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

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
- (5) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (6) The maximum retail value of each prize awarded by a licensee in a single raffle;
- (7) The maximum price which may be charged for each raffle chance issued or sold;
- (8) The maximum number of days during which chances may be issued or sold;

- (9) The area in which raffle chances will be sold or issued;
- (10) The time period during which raffle chances will be sold or issued;
- (11) The date, time, and name and address of the location or locations at which winning chances will be determined;
- (12) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (13) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

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

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

7-6-4

APPLICATION FOR A LICENSE FOR A POKER RUN.

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

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

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

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

7-6-5 LICENSEE QUALIFICATIONS.

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

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

7-6-6 LICENSE ISSUANCE.

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

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

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

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

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

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

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

(1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.

(2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

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

7-6-7 CONDUCT OF RAFFLES AND POKER RUNS.

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

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

(2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.

(3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

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

being determined only when accompanied by his parent or guardian.

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

7-6-8 MANAGER - BOND.

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

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

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

7-6-9 RECORDS.

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

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

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

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

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

7-6-10 LIMITED CONSTRUCTION. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.