

Chapter 10

BUSINESSES AND OCCUPATIONS

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ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. PERMITS AND LICENSES

Sec. 10-19. Applications.

Applications for all licenses and permits required by ordinance shall be made in writing to the clerk, in the absence of provision to the contrary. Each application shall state 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; and each application shall contain such additional information as may be needed for the proper guidance of the village officials in the issuing of the permit or license applied for.

(Code 1981, § 11-1)

Sec. 10-20. Person subject to license.

When in this Code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of any such business or occupation in the village.

(Code 1981, § 11-2)

Sec. 10-21. Forms.

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the clerk.

(Code 1981, § 11-3)

Sec. 10-22. Signatures.

Each license or permit issued shall bear the signatures of the president and the clerk, in the absence of any provision to the contrary.

(Code 1981, § 11-4)

Sec. 10-23. License year.

The license year for the village shall begin on January 1 and end on December 31 of each year.

(Code 1981, § 11-5)

Sec. 10-24. Building and premises.

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the ordinance requirements of this Code. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of this Code.

(Code 1981, § 11-6)

Sec. 10-25. Change of location.

The location of any licensed business or occupation, or of any permitted act, may be changed; provided, however, that the building and zoning requirements of the village are complied with.

(Code 1981, § 11-7)

Sec. 10-26. Nuisances.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

(Code 1981, § 11-8)

Sec. 10-27. Inspections.

(a) When inspections of the premises which are used 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 secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

(b) When an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the village whose business is governed by such provision to give to any authorized officer or employee of the village requesting the same sufficient samples of such material or commodity for such analysis upon request.

(c) In addition to any other penalty which may be provided, the president may revoke the license of any licensed proprietor of any licensed business in the village who refused to permit any such officer or employee who is authorized to make such inspection or take such samples to make the inspection, or take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection, provided that a license shall not be revoked for such cause unless written demand

is made upon the licensee or person in charge of the premises, in the name of the village, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

(Code 1981, § 11-9)

Sec. 10-28. Revocation of license.

Any license or permit for a limited time may be revoked by the president at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied. Such revocation may be in addition to any fine imposed.

(Code 1981, § 11-10)

Sec. 10-29. Investigations.

Upon the receipt of an application for a license or permit where this Code necessitates inspection or investigation before the issuance of such permit or license, the clerk shall refer such application to the officer for making such investigation within 48 hours of the time of such receipt. The officer in charge of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten days after receiving the application or a copy thereof.

(Code 1981, § 11-11)

Sec. 10-30. 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 therefor is made to the clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fees paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the corporate fund.

(Code 1981, § 11-12)

Sec. 10-31. Posting license.

It shall be the duty of any person conducting a licensed business in the village to keep his license posted in a prominent place on the premises used for such business at all times.

(Code 1981, § 11-13)

Sec. 10-32. Penalty.

Any person violating any provision of this article shall be fined in accordance with the general penalty provisions in section 1-19 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 11-14)

Secs. 10-33—10-52. Reserved.

ARTICLE III. AMUSEMENTS

Sec. 10-53. Application of provisions.

The provisions of this article shall apply to all public shows, theatricals, circuses and other amusements in the village, whether or not specifically licensed in another article of this Code.

(Code 1981, § 12-1)

Sec. 10-54. Street shows.

No permit for any circus, exhibition, show or other amusement to be given on any public street or sidewalk or in such a place that the only main accommodation for the public or the audience will be in a public place shall be issued except on order of the president and board of trustees.

(Code 1981, § 12-2)

Sec. 10-55. Order, crowding.

The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it is unlawful for any person attending any such amusement, show or theatrical to create a disturbance in the audience. It is unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks.

(Code 1981, § 12-3)

Sec. 10-56. Inspections.

It shall be the duty of the president to see that every exhibition, amusement, theatrical or other public show is inspected to ensure conformity with the provisions concerning such amusements.

(Code 1981, § 12-4)

Sec. 10-57. Exhibition of criminals.

It is unlawful to exhibit any criminal or the body of any criminal or to exhibit any person who shall be notorious because of the commission of a crime, in any theatrical, exhibit, carnival or other public show or place.

(Code 1981, § 12-5)

Sec. 10-58. Riots.

It is unlawful to present in any public amusement or show of any kind anything which tends to or is calculated to cause or promote a riot or disturbance.

(Code 1981, § 12-6)

Sec. 10-59. Exit lights.

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall in which theatricals, shows, amusements, lectures and other entertainments are offered, operated or presented, to provide and place a sign on which the word "exit" shall appear in letters at least six inches high over a door or other opening from such hall to every means of egress therefrom, and a light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall.

(Code 1981, § 12-7)

Sec. 10-60. Penalty.

Any person violating any provision of this article shall be fined in accordance with the general penalty provisions of section 1-19 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 12-8)

Secs. 10-61—10-78. Reserved.**ARTICLE IV. PEDDLERS****Sec. 10-79. Definition.**

Every person who shall sell or offer for sale, barter or exchange, at retail, any goods, wares or merchandise, except milk or cream, traveling from place to place, in, along and upon the streets, avenues, alleys or public places of the village, going from place to place in the village, whether to regular customers or not, shall be deemed a peddler.

(Code 1981, § 14-1-1)

Sec. 10-80. License—Required.

No person shall engage in business as a peddler without first obtaining a license so to do.

(Code 1981, § 14-1-2)

Sec. 10-81. License—Prerequisites to granting; privilege granted by.

(a) The president shall grant licenses required in section 10-80 upon:

- (1) Registration by the applicant with the police chief.
- (2) Certification by the police chief to the president that the applicant is of good moral character.
- (3) Payment to the clerk of an annual fee as established by the village fee schedule.

(b) Such license shall include the right of the applicant to use only one wagon, vehicle or conveyance in carrying on his business.

(Code 1981, § 14-1-3)

Sec. 10-82. License—Transferability.

The license required by this article shall not be transferable without the consent of the president.

(Code 1981, § 14-1-4)

Sec. 10-83. License—Revocation.

In addition to any fine, all licenses that may have been issued to any person under this article may be revoked by the president upon conviction for a violation of any of the provisions of this article.

(Code 1981, § 14-1-5)

Sec. 10-84. Marking of vehicles.

Every wagon, cart or other vehicle used by a person licensed under this article shall be conspicuously and permanently marked with the name of such person and with the number of his license.

(Code 1981, § 14-1-6)

Sec. 10-85. Calling attention to sales by calling out, blowing horns.

No person, whether he has a peddler's license or not, in going along the streets, alleys, highways or public places of the village, shall call out, cry or by any device make any noise or blow any horn, to call attention to the sale of any goods, wares, merchandise or any article or thing whatsoever.

(Code 1981, § 14-1-7)

Sec. 10-86. Certain persons exempt from provisions of article.

This article shall not be so construed as to prevent any farmer, fruit or vine grower and gardener from the right to sell the produce of his farm, orchard, vineyard and garden within the village, in any quantity he may think proper, without obtaining a license therefor; nor shall the same be so construed as to make it a penal offense for children under the age of 12 years to peddle apples or other fruit, provided that they do not occupy a stand; nor shall it be so construed as to apply to the peddling of newspapers.

(Code 1981, § 14-1-8)

Sec. 10-87. Penalty.

Any person violating any of the provisions of this article shall be fined in accordance with the general penalty provisions of section 1-19 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 14-1-9)

Secs. 10-88—10-117. Reserved.

ARTICLE V. SOLICITORS**Sec. 10-118. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Solicitor means any person who goes from house to house or from place to place in the village selling or taking orders for, or offering to sell or take orders for, goods, wares or merchandise, upon immediate delivery, when the same is to be paid for upon an installment or deferred plan, or for future delivery where a deposit of money is made in advance of final delivery.

(Code 1981, § 14-2-1)

Sec. 10-119. Persons exempt from article.

The provisions of this article shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business.

(Code 1981, § 14-2-2)

Sec. 10-120. Compliance with article required.

It is unlawful for any person to engage in business as a solicitor, as defined in this article, within the village, until the provisions of this article have been complied with.

(Code 1981, § 14-2-3)

Sec. 10-121. License—Required; application.

Any person desiring to engage in business as a solicitor within the village shall, before engaging in such business, file with the clerk an application containing his name and address, the firm or corporation which he represents and the kind of goods to be offered for sale, and the length of time during which he desires to engage in such business.

(Code 1981, § 14-2-4)

Sec. 10-122. License—Issuance; fees.

Upon the filing of the application, a license shall be issued by the president to such applicant upon the payment of the fee as established by the village fee schedule.

(Code 1981, § 14-2-5)

Sec. 10-123. License—Revocation.

The president shall have the right to revoke the license of a solicitor if he shall be satisfied that the licensee is not responsible or does not represent responsible firms or corporations or has made false representations or statements in the application.

(Code 1981, § 14-2-6)

Sec. 10-124. Requirements as to orders taken.

All orders taken by solicitors within the village shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance. One copy of such order shall be given to the purchaser.

(Code 1981, § 14-2-7)

Sec. 10-125. Penalty.

Any person violating any of the provisions of this article shall be fined in accordance with the general penalty provisions of section 1-19 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 14-2-8)

Secs. 10-126—10-148. Reserved.

ARTICLE VI. TRANSIENT MERCHANTS

Sec. 10-149. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Transient merchant means any person engaging temporarily in the retail sale of goods, wares or merchandise within the village who, for the purpose of conducting such business, rents or leases any room, building, hotel, roominghouse, structure or lot of any kind, regardless of whether such goods, wares or merchandise are peddled from house to house, place to place or sold from the room, building, hotel, roominghouse, structure or lot.

(Code 1981, § 14-3-1)

Sec. 10-150. Compliance with article required.

It is unlawful for any person to engage in business as a transient merchant as defined by this article, within the village, until the provisions of this article have been complied with.

(Code 1981, § 14-3-2)

Sec. 10-151. Persons exempt from article.

The provisions of this article shall not apply to sales made to dealers by commercial travelers or selling agents in usual course of business.

(Code 1981, § 14-3-3)

Sec. 10-152. License—Required; application.

Any person desiring to engage in business as a transient merchant within the village shall make a sworn application, in writing, at least seven days before such applicant shall be

authorized to begin such business. Such application shall state the business, the name and address of the applicant, the place where such business is to be conducted, the kind of goods to be sold and the length of time for which the license is desired.

(Code 1981, § 14-3-4)

Sec. 10-153. License—Issuance; fees; expiration.

Upon the filing of the application and the approval thereof, a license shall be issued by the president to such applicant upon payment of the fee as established by the village fee schedule for one year. All such license fees must be paid in advance. If any such licensee desires to continue in business after the expiration of such license, a new license must be secured in the same manner and upon the same terms as the original license.

(Code 1981, § 14-3-5)

Sec. 10-154. License—Revocation.

The president shall have the right to revoke the license of a transient merchant if he shall be satisfied that the licensee is not responsible or has made false representation or statements in the application for such license.

(Code 1981, § 14-3-6)

Sec. 10-155. Penalty.

Any person violating any of the provisions of this article shall be fined in accordance with the general penalty provisions of section 1-19 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 14-3-7)

Secs. 10-156—10-178. Reserved.

ARTICLE VII. VIDEO GAMING

Sec. 10-179. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Licensed establishment means any establishment that is both licensed to sell liquor at retail in the village and licensed by the state gaming board to operate a video gaming terminal on its premises.

Video gaming terminal means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up, and blackjack, utilizing a video display and microprocessors in which

the player may receive free games or credits that can be redeemed for cash. The term "video gaming terminal" does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Code 1981, § 18-5-1(A); Ord. No. 803, 8-21-2012)

Sec. 10-180. Video gaming establishment license.

In order for a licensed establishment to operate a video gaming terminal, the licensed establishment is required to obtain an annual video gaming establishment license from the village by submitting a written application, on a form provided by the village, to the clerk. The burden is upon each applying licensed establishment to demonstrate its suitability for licensure. All video gaming establishment licenses issued by the village shall expire December 31 next after date of issue, with an annual license fee as established by the village fee schedule payable in full at the time the application is filed with the village. A license shall be purely a personal privilege, good for a time period not to exceed one year after issuance, unless sooner revoked as provided by law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered.

(Code 1981, § 18-5-1(B); Ord. No. 803, 8-21-2012)

Sec. 10-181. Video gaming terminal permit.

In order for a video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit from the village for each video gaming terminal located on its premises by submitting a written application, on a form provided by the village, to the clerk. Each video gaming terminal permit issued by the village shall expire December 31 next after date of issue, with an annual fee as established by the village fee schedule per video gaming terminal payable in full at the time the application is filed with the village.

(Code 1981, § 18-5-1(C); Ord. No. 803, 8-21-2012)

Sec. 10-182. Regulations governing licensed establishments operating video gaming terminals.

The following regulations apply to all licensed establishments operating a video gaming terminal on its premises with a valid gaming establishment license and valid video gaming terminal permits for each of its video gaming terminals:

- (1) A valid village video gaming establishment license must be clearly displayed at all times.
- (2) A valid village video gaming terminal permit shall be clearly displayed at all times on each video gaming terminal.
- (3) No more than five video gaming terminals may be located on the licensed establishment's premises.

- (4) All video gaming terminals must be located in an area restricted to persons 21 years of age or older. The entrance to such area must, at all times, be within the view of at least one employee who is at least 21 years of age.
 - (5) No licensed establishment may cause or permit any person under the age of 21 years to use, play or operate a video gaming terminal.
 - (6) No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to this Code.
 - (7) The licensed establishment must fully comply with the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., and all rules, regulations and restrictions imposed by the state gaming board.
 - (8) The licensed establishment must fully comply with this section and all other provisions of this Code as well as federal and state law and regulations.
- (Code 1981, § 18-5-1(D); Ord. No. 803, 8-21-2012)

Sec. 10-183. Inspection of premises.

Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the police chief or his or her authorized agents, at any time, to ensure compliance with this Code; this includes licensed establishments applying for a video gaming establishment license or video gaming terminal permit. It is unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the police chief or his or her respective agents in the course of an inspection.

(Code 1981, § 18-5-1(E); Ord. No. 803, 8-21-2012)

Sec. 10-184. Revocation/suspension of license and permit.

The village may revoke or suspend any video gaming establishment license and any video gaming terminal permit issued by the village if it determines that the licensed establishment has violated any of the provisions of this article. No license shall be so revoked or suspended, except after a public hearing, with a three-day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the village or by the state liquor commission, or has its video gaming license revoked or suspended by the state gaming board, shall automatically, without a hearing before the village, have its village video gaming establishment license and all village video gaming terminal permits revoked or suspended for the same timeframe as its liquor or state gaming board gaming license is suspended, whichever the case may be.

(Code 1981, § 18-5-1(F); Ord. No. 803, 8-21-2012)

Sec. 10-185. Seizure of unlawful video gaming terminals.

Every video gaming terminal that does not have a valid video gaming terminal permit or is otherwise unlawful shall be considered a gambling device subject to seizure and shall be turned over to the state gaming board, in accordance with board regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.

(Code 1981, § 18-5-1(G); Ord. No. 803, 8-21-2012)

Sec. 10-186. Monetary penalty.

Whoever violates any provision of this article shall be punished by a fine of not less than \$500.00 for a first offense in any 12-month period, and a fine of not less than \$750.00 for a second offense and each subsequent offense in a 12-month period. This penalty may be enforced by issuance of a notice of violation for the fine amount, or by issuance of a notice to appear. Each day any violation continues shall constitute a separate offense. This monetary penalty shall be in addition to any and all other remedies which may be available to the village or federal or state law.

(Code 1981, § 18-5-1(H); Ord. No. 803, 8-21-2012)