

CHAPTER 7

BUSINESS CODE

ARTICLE I – LICENSES

7-1-1 **LICENSES OR PERMITS REQUIRED.** No person shall engage in any trade, profession, business or privilege in the City for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the City in the manner provided in this Chapter, unless otherwise specifically provided.

7-1-2 **APPLICATION.** Unless otherwise provided, application for a license or permit shall be made in writing to the City Clerk upon forms provided by the City, and applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

7-1-3 **PAYMENT OF FEE.** The fees required for any license or permit shall be paid at the office of the City Clerk, before the granting of the license or permit. No fee paid shall be refunded, unless the license or permit is denied. Where over half of the license year has expired the license fee for the remainder of the license year shall be **one half (1/2)** of the annual license fee.

7-1-4 **APPROVAL OR DENIAL OF LICENSES.**
 (A) Where the approval of any City officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the City before any license or permit is issued.
 (B) No license or permit shall be approved by any City officer or issued by the City if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.

7-1-5 **CERTIFICATES.** Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the Mayor and City Clerk, and be impressed with the City seal. The Clerk shall keep a record of all licenses and permits issued.

7-1-6 **LICENSE AND PERMIT TERM.**
 (A) Unless otherwise provided, the term of the license year shall end on **May 1** of each year.
 (B) Where the issuance of licenses for a period of less than **one (1) year** is permitted, the effective date of such license shall commence with the date of issuance.
 (C) Permits shall be issued for the term set forth in the permit.

7-1-7 **EXHIBITION OF CERTIFICATE.** Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted; except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

7-1-8 **TRANSFER.** Unless otherwise provided, no license or permit shall be transferable or assignable.

7-1-9 **RENEWAL.** Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as original licenses or permits.

7-1-10 **REVOCATION.** Any license or permit issued by the City may be suspended or revoked by the Mayor or Council for any of the following causes:

- (A) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
- (B) Conviction of any crime or misdemeanor.
- (C) Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City, upon recommendation of the appropriate City official.
- (D) Expiration or cancellation of any required bond or insurance.
- (E) Actions unauthorized or beyond the scope of the license or permit granted.
- (F) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.
- (G) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

7-1-11 **HEARING.** Any person aggrieved by the action of the City official in denying or revoking a license or permit shall have the right to a hearing before the City Council on any such action, provided a written request therefor is filed with the City Clerk within **ten (10) days** after receipt of the notice of such suspension or revocation to reinstate any such license or permit. The action taken by the City Council after a hearing shall be final.

7-1-12 **INSPECTIONS.** City officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

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 SOLICITATIONS ON PUBLIC HIGHWAYS. No person shall stand on a highway for the purpose of soliciting contributions from the occupancy of any vehicle except where the City Council has expressly permitted the same by ordinance and when and where soliciting may take place based upon the safety of the solicitors and motorists:

(A) The soliciting agency shall 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.
- (F) Solicit only during daylight hours.
- (G) Any one charitable organization shall be limited to conducting no more than **two (2)** solicitations per calendar year.

(See 626 ILCS Sec. 5/11-1006)

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:** \$50.00 per person per year.

(See 65 ILCS Sec. 5/11-42-5)

ARTICLE III - PEDDLERS

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

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

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

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

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

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

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

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

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

7-3-9 **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the municipality by 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 the public square.

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

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

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

- (A) **Daily License:** **\$10.00 per person per day**
- (B) **Annual License:** **\$50.00 per person per year**

(See 65 ILCS Sec. 5/11-42-5)

ARTICLE IV - COIN-OPERATED MACHINES

7-4-1 **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

“COIN-OPERATED AMUSEMENT DEVICE” means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pool tables, pin-ball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

“OPERATOR” is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

“PROPRIETOR” is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

7-4-2 **LICENSE REQUIRED.** No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this municipality without having first obtained the proper license therefor.

7-4-3 **APPLICATION.** 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 a similar license on premises other than those described in the application and the disposition of such other 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.

- 7-4-4** **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 residency 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.

7-4-5 FEES. The annual fee for such license shall be **Fifteen Dollars (\$15.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

(A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the municipality, and all applications for renewal shall be made to the Clerk not more than **thirty (30) days, but no less than fifteen (15) days** prior to the expiration of such license.

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 GAMBLING REGULATIONS.

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

(D) **Permitting Gambling.** The gambling prohibition shall not apply to any game or gaming even for which a license or permit has been by the Illinois Gaming Board pursuant to the *Illinois Video Gaming Act, 230 ILCS 40/1 et seq.*, provided that such game or gaming event is conducted in full and complete compliance with all requirements of such act and all rules and regulations of the Illinois Gaming Board. **(See Chapter 21 – Liquor Code)**

7-4-8 DISPLAY OF LICENSE. Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

7-4-9 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.

7-4-10 CLOSING HOURS. No establishment operating under a license issued under this Article shall be open for use of any such devices between the hours of **12:00 Midnight and 6:00 A.M.** on any day or between **12:00 Midnight Saturday and 12:00 Noon** the following Sunday.

(See 65 ILCS Sec. 5/11-55-1)

ARTICLE V – RAFFLES AND POKER RUNS

7-5-1 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 Section 28-2(b) of the Criminal Code of 2012, 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.

(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.

7-5-2 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".

7-5-3 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 City Clerk on the forms provided by the City 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 City 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.

7-5-4 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 City Clerk on the forms provided by the City 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 City Clerk shall refer the application to the Mayor.

7-5-5 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.

7-5-6 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.

7-5-7 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 City.

7-5-8 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 City 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.

7-5-9 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 City 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 City 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.**

7-5-10 **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.

7-5-11 **PRIZE LIMITATIONS; TERM.**

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed **Two Million Dollars (\$2,000,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle or single poker run shall not exceed **Two Million Dollars (\$2,000,000.00)**;

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

(D) The maximum number of days during which chances may be issued or sold or poker hands issued or sold shall not exceed **one (1) year**;

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

(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 **230 ILCS 15/.01 et seq.**, being the Raffles and Poker Run Act;

(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 or poker run shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** in favor of the organization conditioned upon his honesty 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.

(Ord. No. 19-12; 09-03-19)

ARTICLE VI – YARD SALES

7-6-1 **DEFINITIONS.** “Yard Sales” shall include any outdoor display of used personal property for the purpose of exchanging it for legal tender or barter at a location not devoted exclusively to the retail sale of new personal property. Events commonly known as “Garage Sales”, “Tailgate Sales”, “Flea Market”, “House Sales”, “Moving Sales”, and similar designations should be defined as “Yard Sales” under the provisions of this Article. The outdoor sale of new or used vehicles at a motor vehicle dealership or new or used implements at a farm implement dealership shall not constitute a “Yard Sale”.

7-6-2 **DURATION.**
(A) No yard sale shall be conducted for a period greater than **three (3) successive calendar days.**
(B) Yard sales shall be conducted within the period between sunrise and sunset.

7-6-3 **FREQUENCY.**
(A) Yard sales shall be held no more than **three (3) times** within the same calendar year at the same location.
(B) Yard sales shall be held no sooner than **thirty (30) days** subsequent to the close of a yard sale at the same location.

7-6-4 **PROHIBITED MERCHANDISE.** Prohibited from such merchandise to be sold at yard sales shall be alcoholic beverages, firearms, firearm ammunition, materials determined by the City Code as obscene, animals or any other merchandise of which sale without proper licensing or authorization from state or local authorities is unlawful.

7-6-5 **PENALTY.** Any person who violates any provision of this Article, shall, upon conviction be fined not less than **Seventy-Five Dollars (\$75.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day of violation of this Article shall constitute a separate offense.

(Ord. No. 03-03; 04-01-03)

ARTICLE VII – TATTOO ARTISTS

7-7-1 **JURISDICTION.** This Article shall apply to all territory embraced within the City limits of the City of Newton, Jasper County, Illinois.

7-7-2 **DEFINITIONS.**

"City" means the City of Newton, Jasper County, Illinois.

"Consumer" means any member of the public who is provided access to a tattoo facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tattoo facility as a condition or benefit of membership or access.

"Fee" means the amount charged to any individual for tattooing.

"Other Compensation" means the payment or exchange of goods, services, or anything of value for use of the tattoo parlor.

"Inspectors" means all authorized agents of the City who have the authority to enter and make reasonable inspections of any tattoo parlor during their regular hours of business for the purpose of determining compliance with the City's rules governing tattoo parlors. The inspector shall prepare a written report of said inspection. Such report shall be signed by the inspector and by the tattoo parlor owner or other designated representative. A copy of such inspection report shall be left with the owner or manager. Inspectors may include not only employees of City, but such other individuals and personnel of either public or private agencies which may from time to time be engaged by the City for the purposes of this Article.

"Tattoo" means a permanent design on the skin made by puncturing the skin and inserting indelible colors.

"Tattooing" means the act of puncturing the skin and inserting indelible colors to form a permanent design.

"Tattooer" means a person who punctures the skin and inserts indelible colors to form a tattoo.

"Tattoo Facility" means any place where the act of the tattooing is performed regardless of whether a fee is involved.

7-7-3 **PREMISES.**

(A) All parts of the premises of a tattoo facility shall be kept in a clean, sanitary and orderly condition at all times.

(B) There shall be a hand washing facility located within the tattooing area. This hand washing facility shall be provided with hot and cold running water and be separate from any public restroom. A supply of bactericidal hand-cleansing soap or detergent must be available. A supply of disposable sanitary towels or a heated air hand-drying device must be provided at the hand wash sink. If disposable towels are used, easily cleanable waste receptacles must be conveniently located near the hand washing facility. Hand wash sinks shall be accessible to employees at all times.

7-7-4 **EQUIPMENT.**

(A) Needles, lancets, other sharp objects, pens, stencils, ink caps and their contents shall be disposed of after puncturing the skin and/or contact with body fluids, and prior to the tattooers removal of gloves.

(B) All other equipment used in the application of the tattoo shall be washed, rinsed, sterilized and air dried after each use. The method of sterilization shall be in a manner described in **Section 7-7-8.**

(C) Solder used as a part of the equipment must be lead free.

(D) All equipment and preparation materials used in the application of the tattoo shall be stored in such a manner as to prevent accidental contaminations.

(E) All tables or counters shall be constructed of a nonabsorbent, smooth, easily cleanable, durable material which is capable of being sanitized.

(F) Clean, dry and disposable sanitary toweling shall be provided and used for no other purpose than with the tattooing process. Towels and sheets shall be discarded or cleaned after each use. (No repeat use between clients.)

(G) Floors, walls and ceiling shall be constructed of a smooth, easily cleanable, durable material. Concrete or pumice blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface.

(H) Kneeling pads, other pads, and contact surfaces such as, but not limited to machine heads and clipcords, shall be cleaned and sanitized after each use. Such contact surfaces shall be sanitized by rinsing, spraying, or swabbing with a chemical sanitizing solution that will provide the equivalent bactericidal effect of a solution containing at least 100 ppm of available chlorine as a hypochlorite and having a temperature of at least **75°F**.

(I) A test kit or other device that accurately measures the parts per million concentration of the sanitizing solution shall be available and used after each mixing of a new batch.

7-7-5 BODY FLUID PRECAUTIONS.

(A) Hands shall be properly washed before and after contact with clients. Hands must be washed before and after gloves are used. If hands come in contact with blood, body fluids or human tissue they must be immediately washed with bactericidal soap and water.

(B) Surgical gloves must be worn when contact with blood, body fluids, tissue or contaminated surfaces is anticipated.

(C) Gowns and/or aprons must be worn when providing services for clients if clothing is likely to be soiled with blood/body fluids.

(D) Protective eyewear should be worn when services are being provided for the customer. Employees of the tattooer are required to wear protective eyewear while tattooing.

7-7-6 PREPARATION OF SKIN AND AFTER CARE.

(A) All materials used in the application of the tattoo are to be provided in sufficient quantities as to preclude the need for replenishment during the actual tattooing. In the event that supplies do run out during the tattooing, the tattooer is to either have an assistance, after proper hand washing, deliver the needed items, or the tattooer must remove their gloves, properly wash their hands, replenish supplies, properly wash their hands and put on new, unused surgical grade gloves.

(B) The skin surface to be tattooed shall be shaved clean by a razor.

(C) The skin surface to be tattooed shall be thoroughly washed for at least **one (1) minute** with a bactericidal soap.

(D) During the tattooing, any oils, creams, gels, stencils, etc. used must be dispensed in a sanitary manner. These items must be discarded after each tattoo.

(E) Following the application of the tattoo, the area of the skin having the tattoo shall be properly covered.

(F) Before leaving the tattoo parlor or facility, each client shall receive printed tattoo care instructions approved by the City.

7-7-7 DISEASES. All communicable diseases resulting from a tattoo shall be reported to the City by the facility operator and the person having received the tattoo. This shall be done immediately upon detection of a disease or complication.

7-7-8 STERILIZATION OF EQUIPMENT.

(A) Dry heat at **300°F** for a minimum of **two (2) hours**.

(B) Autoclave at **250°F** under **twenty (20) pounds** pressure for **fifteen (15) minutes**.

(C) Use of either method also requires that approved temperature indicators be used on all packaging.

(D) Needles, tubes and bars shall remain in their sterilization packages until used. Any one of the above methods mentioned is approved by the City for proper sterilization of tattooing equipment.

7-7-9 RECORDS AND LIMITATIONS.

(A) A file with the date of the procedure, tattooer's name, type of tattoo, client's name, age, address and phone number shall be kept for a minimum of **three (3) years**, and made available for the City upon inspection of the facility. The client's age is to be documented by a picture I.D. which includes the client's date of birth.

(B) The tattooing of any person under the age of **twenty-one (21)** by any person, other than a person licensed to practice medicine in all of its branches is prohibited. **(720 ILCS 5/12-10)** This information is to be posted next to the facility permits.

7-7-10 SANITARY FACILITIES.

(A) **Potable Water.** The potable water supply must be constructed and operated in accordance with the law.

(B) **Sewage Disposal.** All water-carried waste shall be disposed of by discharging into a sewerage system operated and maintained under permit of the Illinois Environmental Protection Agency (IEPA) or a private sewage system constructed in accordance with the Illinois Private Sewage Disposal Licensing Act and Code.

(C) **Solid Waste Disposal.**

(1) **Containers.**

(a) All solid waste shall be kept in durable containers that do not leak or absorb liquids. Infectious waste, biohazard bags, shall be used to line containers used for materials that have come into contact with body fluids.

(b) Containers shall be stored inside the establishment and shall be provided with tight-fitting lids and kept covered when not in use.

(2) **Disposal.** All garbage and rubbish shall be disposed of at least once a week to an IEPA regulated landfill or incinerator.

(D) **Sharps.** Used needles, lancets and other sharp items must be placed in puncture resistant containers located in the use area. The puncture resistant containers shall be disposed of by a licensed IEPA medical waste disposal company.

7-7-11 PERMITS.

(A) It shall be unlawful for any person to tattoo persons within the City who does not possess a valid permit issued by the City. Only a person who is age **twenty-one (21)** or older who complies with the requirements of this Article shall be entitled to receive and retain such a permit. Prior to applying for a permit or renewal of an existing permit, the applicant and all employees of the applicant must obtain a health certificate from a licensed physician certifying that the applicant and/or employee are free from any communicable diseases. It shall be unlawful to employ any person in the business of a tattooer who does not hold such a valid health certificate.

(B) **Issuance of Permits.**

(1) Any person desiring to tattoo shall make written application for a permit at least **one (1) week** prior to the proposed date of opening, or in the event of persons currently engaged in such activities, within **one (1) week** from the effective date of this Article, on forms provided by the City. Such application shall be completed and signed by the owner or his or her representative.

(2) Upon receipt of such application, the City shall inspect the establishment named in the application prior to the date of opening; and it shall determine if the establishment is in compliance with the provisions of this

Article. When an inspection reveals that the provisions of the Article have been met, a permit shall be issued. The permit is valid for a period of **twelve (12) months** from the date of issuance. The permit shall be prominently posted in public view.

- (3) The total number of tattoo establishments shall not exceed **two (2)** at any one time.
- (4) Permits issued hereunder are not transferable.

(C) **Suspension of Permits.**

- (1) Permits may be suspended temporarily by the City for failure of the holder to comply with the requirements of this Article.
- (2) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of any notice under the provision of **Section 7-7-8** of this Article, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, suspended and that an opportunity for a hearing will be provided, if, within **seventy-two (72) hours**, a written request for a hearing is filed with the City by the permit holder.
- (3) Notwithstanding the other provisions of this Article, whenever the City finds unsanitary or other conditions in the tattoo operation which, in its judgment, constitute a substantial immediate hazard to the public health, it may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such other shall state that the permit is suspended at the time of inspection. Tattoo service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply therewith, but, upon written petition, filed not more than **seventy-two (72) hours** after the discontinuance order, may request a hearing for abatement of the order. The City shall provide a hearing not later than **five (5) days** from the filing of said petition.

(D) **Reinstatement of Suspended Permits.** Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within **five (5) days** following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the City shall make a reinspection. If the applicant is in compliance with the requirements of this Article, the permit shall be reinstated.

(E) **Revocation of Permits.** For serious and/or repeated violations of any of the requirements of this Article, or for interference with the City, or its designees, in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided. Prior to such hearing, the City shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of **five (5) days** following service of such notice unless within such **five (5) day** period a written petition for a hearing is filed with the City. A hearing shall be provided no later than **five (5) days** from the filing of said petition. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

7-7-12 **INSPECTIONS.**

(A) At least quarterly, each tattooer located in the City shall be inspected. As many additional inspections or reinspections as are necessary for the enforcement of this Article will be made.

(B) The City, or its designee after proper identification, shall be permitted to inspect, at any reasonable time, any tattooer within the City, or its policy jurisdiction, for the purpose of determining compliance with this Article. They shall be permitted to examine records of the tattooer to

obtain information pertaining to supplies purchased, received or used in the act of tattooing and persons employed by the tattooer.

(C) Whenever an inspection of a tattooer is made, a record of findings will be made. A copy will be made available to the permit holder or operator.

(D) Whenever an inspection of a tattooer discovers that any of the provisions of this Article have been violated, the permit holder or operator will be notified of such violations by means of an inspection report form or written notice. In such notifications, a specific and reasonable period of time for the correction of the violation found will be noted.

7-7-13 **PERMIT FEES.** The annual fee for a Tattoo Permit shall be **Five Hundred Dollars (\$500.00)**. Such fees shall be payable upon receive of an invoice issued by the City.

(Ord. No. 05-32; 12-06-05)

ARTICLE VIII – SPECIAL EVENT PERMITS

7-8-1 **DEFINED.** “Special event,” as used in this Chapter, means any of the activities listed below which occur upon City property, including City parks, public streets, rights-of-way or sidewalks.

- (A) Block parties: street festivals and parties.
- (B) Car shows and motorcycle shows.
- (C) Circus.
- (D) Concerts.
- (E) Festivals.
- (F) Organized athletic events (walk, run, biking, baseball, football, basketball, soccer, softball, skateboarding).
- (G) Organized sporting tournaments.
- (H) Organized parades: excluding the Homecoming Parade, Fall Festival, Strawberry Festival and Holly Jolly Parade.
- (I) Scheduled league sporting events.
- (J) Vehicle cruises, vehicle races and derbies.
- (K) Activities involving the sale, distribution, or consumption of alcoholic liquor.

7-8-2 **PERMIT REQUIRED.** No person or organization shall conduct a special event on City property, including City parks, public streets, rights-of-way or sidewalks, without first having obtained a special event permit from the City.

7-8-3 **PERMIT APPLICATION.** An application for a special event permit shall be submitted to the City Clerk no later than **thirty (30) days** prior to the proposed event. Applicants may file applications as early as desired by the applicant. The following information shall be provided: name, address and telephone number of sponsoring organization or individual; if an organization, name, address and telephone number of chairman/president; purpose of the special event; proposed date, location and hours of operation; schedule of proposed events; proposed route, including areas where police assistance is requested; estimated number of participants, floats, bands and cars/trucks; and such other information as the City deems reasonably necessary to determine that the permit meets the requirements of this Chapter.

7-8-4 **STANDARDS FOR DENIAL OF PERMIT.** Reasons for denial of a special event permit include: the event will disrupt traffic within the City beyond practical solution; will interfere with access to fire stations and fire hydrants; the location of the special event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City; the application contains incomplete or false information; the applicant fails to comply with all terms of this Chapter, including failure to remit all fees and deposits or failure to provide proof of insurance to the City.

7-8-5 **DEPARTMENTAL COST ANALYSIS.** The City Clerk shall send copies of special event applications to affected departments. Each departmental activity required for the special event shall be itemized. Costs for requested police protection services or services from other departments requiring personnel in addition to regularly scheduled personnel shall be determined. The City reserves the right to charge the sponsor for services.

7-8-6 **PERSONNEL COSTS.** The sponsor shall pay **one hundred percent (100%)** of the personnel costs for requested police protection services and/or services from other departments requiring personnel in addition to regularly scheduled personnel. Regularly scheduled police personnel will be available to assist as requested during the event unless otherwise required to respond to a complaint or emergency. The City reserves the right to charge the sponsor for services.

7-8-7 **INSURANCE REQUIRED.** Permittee shall obtain and present evidence of comprehensive liability insurance naming the City as an additional insured, with a copy of the policy endorsement. The insurance requirement is a minimum of **One Million Dollars (\$1,000,000.00)** per occurrence and **Two Million Dollars (\$2,000,000.00)** aggregate for personal injury, including death, and property damage against all claims arising from permits issued pursuant to this Chapter. If the event poses higher risks than covered by the insurance requirement, the City may require additional insurance coverage up to **Two Million Dollars (\$2,000,000.00)**. Permittee shall obtain and present evidence of liquor liability insurance in the amount of **One Million Dollars (\$1,000,000.00)** combined single limit for any special event which includes the sale, distribution or consumption of alcoholic liquor. Evidence of insurance must be turned into the City Clerk **one (1) week** prior to the special event.

7-8-8 **WAIVER OR RELEASE OF LIABILITY.** If permittee requires participants to sign a waiver or release of liability, the waiver or release of liability shall also include language indemnifying and holding harmless the City, its officers and employees from any and all claims or lawsuits from personal injury, including death, or property damage arising from or in any way connected to the special event; excepting any claims arising solely out of the negligent acts of the City, its officers and employees.

7-8-9 **LIMITATION OF LIABILITY.** This Chapter shall not be construed as imposing upon the City or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permits has been issued. The City and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the City property.

7-8-10 **OBLIGATIONS OF PERMITTEE.** Permittee shall notify all participants of any laws or regulations which may apply to the event, including all relevant rules of the road. Permittee is also required to specifically inform private property and business owners, if any, who might be inconvenienced during the event. Permittee must comply with all Federal, State and Local laws, including the City Code.

7-8-11 **SANITATION AND CLEAN-UP.** Permittee shall clean the City property of rubbish and debris, returning it to its pre-event condition, within **twenty-four (24) hours** of the conclusion of the event. If the permittee fails to clean up such refuse, such clean up shall be arranged by the City and the costs charged to permittee.

7-8-12 **REVOCATION OF SPECIAL EVENT PERMIT.** All permits issued pursuant to this Chapter shall be temporary and do not vest any permanent rights. Reasons for revocation of a special event permit include application contained incomplete or false information; applicant does not comply with all terms and conditions of permit; applicant fails to arrange for or adequately remit all fees, deposits, or insurance to the City; and disaster, public calamity, or other emergency exists. Revocation of a special event permit may be appealed by the same person as an appeal which results from denial of a permit.

7-8-13 **APPEAL PROCEDURE.** Any applicant whose special event permit application has been denied or revoked may request a review of this decision by the City. This request must be in writing and received by the City Clerk within **five (5) business days** of the notice of permit denial or revocation. Applicant may appeal the decision of the City Council by filing a written notice of such appeal with the City Clerk within **five (5) business days** of the notice of denial of permittee's appeal by the City. The City Council shall set a hearing date within **fifteen (15) days** of receiving such appeal request. At such hearing, the applicant is entitled to be heard and present evidence in his/her behalf. The City Council shall determine whether the denial or revocation of the permit is justified.

7-8-14 **VIOLATION – PENALTY.** Any person who violates a provision of this Chapter shall be subject to a fine of not less than **Seventy-Five Dollars (\$75.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(Ord. No. 14-1; 01-07-14)

ARTICLE IX – ADULT USE LICENSING AND REGULATION

7-9-1 **PURPOSE.** The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The City recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

7-9-2 **DEFINITIONS.**

(A) **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.

(B) **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, “go-go” dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display “specified anatomical areas”; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of “specified sexual activities”.

(C) **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

(D) **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing “novelties”, lotions and other items distinguished or characterized by their emphasis on or use for “specialized sexual activities” or “specified anatomical areas” or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment’s premises or any other factors showing the establishment’s primary purpose is to purvey such material.

(E) **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn “thong” type bikini bottom.

(F) **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious

ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Criminal Activity.** For the purpose of this Article, "specified anatomical areas" means:

- (1) less than completely and opaquely covered:
 - (a) human genitals;
 - (b) pubic region;
 - (c) buttocks;
 - (d) female breasts below a point immediately above the top of the areola; and
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
 - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
 - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

7-9-3 **LICENSE REQUIRED.**

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City pursuant to this Article.

(B) An application for a license shall be made on a form provided by the City.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the City to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and
- (4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1) the business' fictitious name and
- (2) submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-9-4 **ISSUANCE OF LICENSE.**

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1) The applicant is under **eighteen (18) years** of age;
- (2) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
- (4) The applicant has been denied a license by the City to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;
- (5) The applicant has been convicted of a specified criminal activity defined in this Article.
- (6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this Article has not been paid.
- (8) The applicant of the proposed establishment is in violation or not in compliance with all of the provisions of this Article.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with City codes within **twenty (20) days** of receipt of the application by the City.

(D) No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E) No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

7-9-5 **LIQUOR.** No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

7-9-6 **FEES.** Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Seven Hundred Fifty Dollar (\$750.00)** non-refundable application and investigation fee.

7-9-7 **INSPECTION.**

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-9-8 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-9-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the City denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-9-9 SUSPENSION. The City may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

- (A) violated or is not in compliance with any section of this Article;
- (B) refused to allow an inspection of the adult use business premises as authorized by this Article, or
- (C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-9-10 REVOCATION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-8-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

- (B) The City may revoke a license if it determines, after a hearing, that:
 - (1) A licensee gave false or misleading information in the material submitted during the application process;
 - (2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;
 - (3) A licensee or management personnel has knowingly allowed prostitution on the premises;
 - (4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;
 - (5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;
 - (6) A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;
 - (7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or
 - (8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the City revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the City finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-9-11 TRANSFER OF LICENSE. A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-9-12 BUSINESS RECORDS. All adult uses shall file a verified report with the City showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-9-13 LIQUOR LICENSE. No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

7-9-14 ADULT ENTERTAINMENT CABARETS – RESTRICTIONS. All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

7-9-15 VIDEO VIEWING BOOTHS – RESTRICTIONS. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

7-9-16 HOURS OF OPERATION. No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

7-9-17 INVESTIGATION. Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

ARTICLE X – FIREWORKS CODE

7-10-1 **DEFINITIONS.** The following definitions shall apply to this Article:

Chief shall mean the Wade Community Fire Protection District Fire Chief or his designee.

Class B Fireworks shall mean those fireworks regulated by the Bureau of Alcohol, Tobacco, and Firearms as defined by applicable state and federal law. They are considered professional grade fireworks.

Facility shall mean any tent, building, enclosure, or similar structure used for the sale, offering for sale or display of fireworks.

Fireworks shall have that meaning as defined in **425 ILCS 30/2(a)** and shall include fireworks identified as Class C fireworks pursuant to applicable state and federal law.

Fireworks Sale Permit shall mean the permit issued by the Chief authorizing the sale, offering for sale, or display for sale of fireworks within the corporate boundaries of the City.

Permittee shall mean a person, corporation, firm, partnership or association applying for a fireworks sales permit as provided for herein, or otherwise being authorized to sell, offer for sale, display for sale fireworks pursuant to this Article.

7-10-2 **RESTRICTIONS.**

(A) No person, corporation, firm, partnership or association shall sell, offer for sale, or display for sale fireworks within the corporate boundaries of the City unless said person, corporation, firm, partnership or association has been issued a fireworks sale permit as provided for herein.

(B) No person, corporation, firm, partnership or association shall sell, offer for sale, display for sale, or use Class B fireworks within the corporate boundaries of the City unless said person, corporation, firm, partnership or association has been so authorized by the Bureau of Alcohol Tobacco and Firearms pursuant to applicable state and federal law. An application for permit for Class B fireworks in the form of **Exhibit "B"** must also be completed and approved by the City.

(C) No person, corporation, firm, partnership or association shall sell, offer for sale or display for sale consumer fireworks from a tent unless the following conditions are met:

- (1) The tent may not be larger than **one thousand five hundred (1,500) square feet**.
- (2) There may be only **one (1) tent** for each permit granted.
- (3) The tent may not be located closer than **one hundred (100) feet** from a permanent structure.
- (4) A vehicle may not be parked closer than **twenty (20) feet** from the edge of the tent.
- (5) The tent must be fire retardant.
- (6) The sales site must comply with all applicable local zoning and land use rules.
- (7) Sales of fireworks may be made from the tent for not more than **forty-five (45) days** in a year.
- (8) The weight of consumer fireworks in a tent may not exceed **three thousand (3,000) gross pounds** of consumer fireworks.

7-10-3 **PERMIT.** Any person, corporation, firm, partnership or association desiring to sell, offer for sale, or display for sale Class C fireworks within the corporate boundaries of the City shall first apply for a fireworks sale permit with the City Clerk by filing the fireworks sale permit application, a true and accurate copy of which is attached hereto as **Exhibit "A"** and hereby incorporated by reference as though fully stated herein. The fireworks sales permit shall be required in addition to any other permits required by local ordinances.

7-10-4 PERMIT ISSUANCE.

(A) Within a reasonable time following the receipt of a fireworks sales permit application, the Chief shall conduct such investigation as the Chief deems necessary into the background of the permittee, the facilities, and any other matters that the Chief deems necessary for the protection of the health and safety of the community. The Chief shall deny all fireworks sales permit applications unless:

- (1) The facility is equipped with at least **one (1) ten (10) pound** ABC fire extinguisher.
- (2) The permittee has proof of insurance coverage in a minimum amount of:
 - (a) **One Million Dollars (\$1,000,000.00)** of product liability coverage.
 - (b) **One Million Dollars (\$1,000,000.00)** of premises liability coverage.
- (3) The facility is equipped with adequate signs reading "CAUTION – FIREWORKS – NO SMOKING." Such signs shall be placed in each corner of the facility and over each entrance to the facility.
- (4) All electrical outlets in or provision for electrical service to the facility shall be ground fault interface.
- (5) The permittee executes an authorization for release of personal information, a true and accurate copy of which is attached hereto as **Exhibit "C"** and hereby incorporated by reference as though fully stated herein.

(B) The Chief shall deny any fireworks sales permit application if, in the exercise of his official authority and discretion, determines that:

- (1) The facility poses an unreasonable danger to the health and safety of the community.
- (2) The facility is located, operated, constructed, or maintained in an unsafe manner.
- (3) The permittee has been convicted of a violation of the Illinois Fireworks Regulation Act of Illinois, the Illinois Fireworks Use Act, or any applicable local, state or federal law regulating the use, display or sale of fireworks.
- (4) The permittee has been convicted of a felony offense in the State of Illinois or any other state.

(C) If the provisions of subsections (A) and (B) are met to the satisfaction of the Chief, then the Chief shall issue to the permittee a fireworks sales permit in the form of **Exhibit "D"**, which is attached hereto and hereby incorporated by reference as though fully stated herein.

(D) Fireworks sales permits shall not be transferable or assignable. The transfer or assignment of a fireworks sales permit to any person, corporation, firm, association, or partnership shall serve to terminate the fireworks sales permit.

7-10-5 PERMIT FEE. Upon issuance of a fireworks sales permit, the permittee shall pay to the City Clerk a permit fee in the amount of **Two Hundred Dollars (\$200.00)**, to be divided **One Hundred Dollars (\$100.00)** to the City and **One Hundred Dollars (\$100.00)** to the Fire Protection District.

7-10-6 TERM OF PERMIT. A fireworks sale permit shall be valid for a period of **ninety (90) days** from the date of issuance by the Chief.

7-10-7 INSPECTION.

(A) The Chief shall be authorized to inspect the facility at any time, with or without notice to permittee. In the event the Chief determines that a violation of this Article has occurred, the Chief shall:

- (1) Notify the City Police Department;
- (2) Order the permittee to cease selling, offering for sale, or displaying for sale fireworks;
- (3) Immediately revoke the permittee's fireworks sales permit;
- (4) Take necessary steps to close the facility and otherwise prevent the permittee from selling, offering for sale or displaying for sale fireworks within the corporate boundaries of the City; and
- (5) Direct the City Police Department to issue appropriate citations to the permittee or such person, corporation, association or partnership violating this Article, or to take such other action as authorized by applicable law, including but not limited to the arrest of the permittee or such person, corporation, association or partnership violating this Article.

(B) The Chief of Police and City Police Department personnel are hereby directed to cooperate with the Chief in the enforcement of this Article.

7-10-8 **HOURS OF OPERATION.** The permittee shall not operate the facility, nor shall the permittee sell, offer for sale, or display for sale fireworks within the corporate boundaries of the City except during the hours of **9:00 A.M. to 9:00 P.M.**, Monday through Sunday. Operation of the facility or the sale, offer for sale, or display for sale of fireworks during any other hours shall be a violation of this Article.

7-10-9 **VIOLATIONS OF THIS ARTICLE.** Any person, corporation, firm, partnership, or association found to have violated this Article shall be guilty of a Class C misdemeanor, punishable by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)**. Any second or subsequent violation of this Article shall be a Class B misdemeanor, punishable by a fine of not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **Five Hundred Dollars (\$500.00)**, and a term of incarceration in the Jasper County jail up to **six (6) months**.

(Ord. No. 16-07; 10-18-16)

EXHIBIT "A"

APPLICATION FOR PERMIT FOR SALE OF CONSUMER FIREWORKS

A. We hereby make application for a permit to conduct sale of Consumer Fireworks during the period from _____ to _____, 20_____, between the hours of 9:00 a.m. to 9:00 p.m.

B. Full Name, address, and phone number of Applicant:

C. Description of name, address, phone number, date of birth, experience and physical characteristics of all persons designated to assist with the selling of the Consumer Fireworks:

D. Numbers and kinds of Consumer Fireworks:

E. Manner and place of storage of Consumer Fireworks:

I certify that the facts contained in this application are true and complete to the best of my knowledge. I do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District Fire Department, whether the said records are of a public, private or confidential nature.

Attach proof of public liability insurance in the amount of not less than \$ 1,000,000.00 naming the City of Newton as an additional insured on a primary, non-contributory basis:

Yes _____ No _____

Attach \$1,000 public liability bond or cash bond with the City of Newton

Yes _____ No _____

Attach \$200.00 Consumer fireworks Display fee. Yes _____ No _____

Attach copy of proof of consumer fireworks training approved by the Office of the State Fire Marshall. Yes _____ No _____

Attach copies of releases of personal information and affirmation of all Consumer Fireworks Display assistants. Yes _____ No _____

All accidents must be reported by mail to the office of City of Newton or Wade Community Fire Protection District within twenty-four (24) hours of the occurrence.

Signatures of Applicants:

EXHIBIT "B"

**APPLICATION FOR PERMIT FOR PUBLIC EXHIBITION OF
PYROTECHNIC DISPLAY**

A. We hereby make application or a permit to conduct a Public Exhibition of a Pyrotechnic Display on the _____ day of _____, 20____, between the hours of _____ a.m. to _____ p.m.

Said display to be held at _____

B. Full Name, address, and phone number of Applicant sponsoring the Pyrotechnic Display:

C. Description of name, address, phone number, date of birth, experience and physical characteristics of all persons designated to assist with the set-up of the Pyrotechnic Display at the Public Exhibition: _____

D. Numbers and kinds of Display Fireworks or Flame Effects to be discharged duping the Public Exhibition: _____

E. Manner and place of storage of Display Fireworks or Flame Effects prior, during, and after the Public Exhibition: _____

I certify that the facts contained in this application ae true and complete to the best of my knowledge. I do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District, whether the said records are of a public private or confidential nature.

Attach proof of public liability insurance in the amount of not less than \$1,000,000.00, naming the City of Newton as an additional insured on a primary, non-contributory basis:

Yes _____ No _____

Attach \$1,000 public liability bond or cash bond with the City of Newton:

Yes _____ No _____

Attach \$200.00 Consumer fireworks Display fee. Yes _____ No _____

Attach copy of proof of Class B fireworks training approved by the Office of the State Fire Marshall. Yes _____ No _____

Attach copies of releases of personal information and affirmation of all Class B Fireworks Display assistants. Yes _____ No _____

All accidents must be reported by mail to the office of City of Newton or Wade Community Fire Protection District within twenty-four (24) hours of the occurrence.

Signatures of Applicants:

EXHIBIT "C"

(CLASS C FIREWORKS)

**AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION AND
AFFIRMATION OF CONSUMER OPERATOR AND ASSISTANTS
OF CONSUMER FIREWORKS SALES**

I, _____, SSN; _____ Date of Birth: _____ do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District, whether the said records are of a public, private or confidential nature.

I _____, further solemnly swear or affirm that I am:

1. At least 21 years of age; and,
2. Have not been declared incompetent by any competent court by reasons of mental or physical defect or disease; and,
3. Do not have any addiction to or dependency on alcohol or drugs; and,
4. Have not been convicted in any jurisdiction of any felony within the past five years; and,
5. Am not a fugitive from justice.

By: _____

EXHIBIT "C"

(CLASS B FIREWORKS)

**AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION AND
AFFIRMATION OF ASSISTANTS TO PYROTECHNIC DISPLAY**

I, _____, SSN; _____ Date of Birth: _____ do hereby authorize a review of and full disclosure of all records concerning me including, but not limited to an investigative consumer report and/or a report from any law enforcement agency, to any duly authorized Officer of the City of Newton or Wade Community Fire Protection District, whether the said records are of a public, private or confidential nature.

I _____, further solemnly swear or affirm that I am:

1. At least 21 years of age; and,
2. Registered to assist a Licensed Lead Pyrotechnics Operator with the Office of the Illinois State Fire Marshall; and,
3. Have not been declared incompetent by any competent court by reasons of mental or physical defect or disease; and,
4. Have not willfully violated any provision of the Pyrotechnic Distributor and Operator Licensing Act, 227 ILCS 21/1 et seq.; and,
5. Do not have any addiction to or dependency on alcohol or drugs; and,
6. Have not been convicted in any jurisdiction of any felony within the past five years; and,
7. Am not a fugitive from justice.

By: _____

EXHIBIT "D"

FIREWORKS SALES PERMIT

Pursuant to City of Newton, Illinois Ordinance No. _____, and the Fireworks Regulation Act of Illinois, 425 ILCS 30/1 et. seq., the Wade Community Fire Protection District Fire Chief hereby grants a Fireworks Sales Permit to:

Name: _____

Address: _____

Phone #: _____

This Permit authorized the above-named Permittee to sell, offer for sale, and display for sale fireworks within the corporate boundaries of the City of Newton, Illinois in accordance with the regulations set forth in Ordinance No. _____ and applicable State and Federal Law at the facility located at:

This Permit may be revoked by the Wade Community Fire Protection District Fire Chief as provided for in Ordinance No. _____. The Permittee has paid to the City of Newton the sum of \$_____ as to a permit fee. This Permit shall expire ninety (90) days from the date of issuance. This Permit is non-transferrable and non-assignable. This Permit shall terminate if transferred or assigned.

THE PERMITTEE HEREBY KNOWINGLY AND VOLUNTARILY GRANTS HIS/HER CONSENT TO THE WADE COMMUNITY FIRE PROTECTION DISTRICT FIRE CHIEF, HIS DESIGNEE, OFFICERS OF THE CITY OF NEWTON POLICE DEPARTMENT, AND OTHER LAW ENFORCEMENT OFFICERS ASSISTING THEM TO SEARCH THE FOLLOWING AT ANY TIME WITH OR WITHOUT NOTICE:

The facility located at _____,
Including any part, container, compartment, vehicle, motor vehicle, object, box, contents, items or are located within or immediately surrounding said facility.

SIGNED: _____
_____, Permittee

SIGNED: _____
_____, Fire Chief of Wade Community Fire Protection District

DATE OF ISSUANCE: _____

OFFICIAL BUSINESS LICENSE

STATE OF ILLINOIS)
COUNTY OF JASPER) ss.
CITY OF NEWTON)

ILLINOIS SALES TAX NUMBER _____

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

WHEREAS _____,
having complied with all the requirements of the laws of the State of Illinois and the ordinances
of the **City of Newton, Illinois** in this behalf made and required license is, by authority of the
City of Newton, Illinois given and granted to the _____ to _____
_____ at _____ in the
City of Newton, County of Jasper, and State of Illinois, from the _____ date hereof
until the _____ day of _____, 19____, said _____
_____ to be subject to all laws of the State of Illinois and all ordinances of the **City of Newton,**
Illinois, not in conflict therewith, which are now or hereafter may be in force touching the
premises.

(L.S.)

Given under the hand of the Mayor of the **City of Newton, County of Jasper, Illinois**
and the seal thereof, this _____ day of _____, 19____.

MAYOR
CITY OF NEWTON

COUNTERSIGNED:

CITY CLERK
CITY OF NEWTON

(SEAL)

APPLICATION FOR RAFFLE LICENSE

Organization Name: _____
Address: _____
Type of Organization: _____
Length of Existence of Organization: _____

If organization is incorporated, what is the date and state of incorporation?

Date: _____ State: _____

List the organization's presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle.

PRESIDENT:

SECRETARY: _____ Birth Date: _____
Address: _____
Social Security No.: _____ Phone No.: _____

RAFFLE MANAGER: _____ Birth Date: _____
Address: _____
Social Security No.: _____ Phone No.: _____

List any other members responsible for the conduct and operation of the raffle on the back of this page. List name, date of birth, address, social security number, and phone number.

_____ This request is for a single raffle license.
_____ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ _____
Maximum retail value of each prize to be awarded in the raffle: \$ _____
The maximum price charged for each raffle chance issued: _____
The area or areas in which raffle chances will be sold or issued: _____

Time period during which raffle chances will be issued or sold: _____

The date, time and location at which winning chances will be determined: _____

Date: _____ Time: _____
Location: _____

If multiple raffles license is requested, list on a separate sheet, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE CITY COUNCIL.

APPLICATION FOR RAFFLE LICENSE

SWORN STATEMENT

The following officers attest to the not-for-profit character of the applicant organization.

(NAME OF ORGANIZATION)

Dated this _____ day of _____, 19__.

PRESIDING OFFICER

SECRETARY

STATE OF ILLINOIS)
) ss.
COUNTY OF JASPER)

Signed and sworn to before me this _____ day of _____, 19__.

PRESIDING OFFICER

SECRETARY

NOTARY PUBLIC

SINGLE RAFFLE LICENSE

License No.: _____

Organization Name: _____

Address: _____

Area or areas in which raffle chances may be sold or issued: _____

Period of time during which raffle chances may be sold: _____

Maximum price charged for each raffle chance issued or sold: \$ _____

Date, time and location at which winning chance will be determined:

Date: _____ Time: _____

Location: _____

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.

WITNESS the hand of the Mayor of the City of Newton and the Corporate Seal thereof, this ____ day of _____, 19__.

MAYOR
NEWTON, ILLINOIS

CITY CLERK
NEWTON, ILLINOIS

(SEAL)

MULTIPLE RAFFLE LICENSE

License No.: _____

Organization Name: _____

Address: _____

Area or areas in which raffle chances may be sold or issued: _____

Period of time during which raffle chances may be sold: _____

Maximum price charged for each raffle chance issued or sold: \$_____

This is a license for multiple raffles to be held within the maximum period of one (1) year from date of this license. The date, the and location of each raffle is as set forth on Exhibit 1, attached hereto and hereby incorporated by reference.

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.

WITNESS the hand of the Mayor of the City of Newton and the Corporate Seal thereof, this ____ day of _____, 19__.

MAYOR
NEWTON, ILLINOIS

CITY CLERK
NEWTON, ILLINOIS

(SEAL)

EXHIBIT 1

The following is the date, time and location at which winning chances will be determined for multiple raffles to be held within a maximum period of one (1) year from the date of issuance of this license.

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____

Date: _____ Time: _____
Location: _____