

CHAPTER 7

BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 **DEFINITIONS.** As used in this Article, unless otherwise required, the following words shall have the meaning hereinafter ascribed to them:

(A) **"Business"** means any for profit business operated by a sole proprietor, partnership, corporation or organization within the City.

(B) **"City"** means the City of Du Quoin, Perry County, Illinois.

(C) **"Owner(s)"** means any sole proprietor, partner(s), corporation or organization.

(D) **"Registration Year"** means the period of time commencing with **12:01 A.M., January 1** of each calendar year and ending **11:59 P.M.**, the succeeding **December 31** calendar year.

(E) **"Temporary"** means any business located within the City for a period of **three (3)** or less business days, whether it is consecutive or spaced throughout the registration year.

7-1-2 **REGISTRATION REQUIRED.** Any Business domiciled in the City, conducting or wishing to conduct business from a location or locations within the City must register said Business with the City.

7-1-3 **FEE.** The annual Registration Fee is **Twenty-Five Dollars (\$25.00)** and shall be submitted with the registration application. This fee is nonrefundable and is used solely for the administration of this Article.

7-1-4 **DURATION.** Businesses must be registered during the month of January every year. Registrations are effective for **one (1) year**, beginning the **first (1st) day of January** each year and terminating on the last day of **December** of the following year.

(A) The City Clerk shall notify all registered Businesses of registration expiration during the month of November. However, it is the obligation of each Business to renew its registration and failure to receive an expiration notification is not a defense for operating without a registration.

(B) The City Clerk shall issue a Certificate of Registration for each registered Business. This certificate shall be posted in a prominent visible location in each Business at all times.

7-1-5 **REGISTRATION NOT ASSIGNABLE; UNLAWFUL USE.** No registration granted under the provisions of this Article shall be assigned or transferred. Each registration is only valid for the person and/or business location named in the registration.

7-1-6 **APPLICATION EXISTING BUSINESS.**

(A) Each registration application shall be made to the City Clerk in writing on a form provided by the City Clerk.

(B) Each application will contain no less than the following information:

- (1) Registration Fee
- (2) Type of business
- (3) Business name, address and phone number; Parent Corporation name, address and phone number
- (4) Date business began operations in the City
- (5) Contact name(s) and telephone number(s)
- (6) Hours of operation
- (7) An after hour (emergency) contact name and telephone number
- (8) The number of the Certificate of License as required under the Retailers Occupation Tax Act, the Service Occupation Tax Act and/or the Use Tax Act, if applicable
- (9) Federal Income Tax Number
- (10) Type and location of any toxic, flammable or hazardous materials stored or used at said location
- (11) Name, type and contact information for any burglar/hold-up alarm on premises

(C) Every application for a food-related business shall provide evidence of the required Health Certificates issued by the Perry County Health Department.

(D) Any business required by law to be bonded or insured shall provide evidence of such bond or insurance.

(E) Significant changes during the registration year to information submitted are to be reported to the City Clerk as soon as possible and registration shall be amended at no additional charge to the registrant.

7-1-7 **APPLICATION NEW BUSINESS.** Each registration application shall be made to the City Clerk in writing on a form provided by the City Clerk at least **sixty (60) days** prior to the proposed date of opening for the new business.

(A) Each application will contain no less than the following information:

- (1) Registration Fee;
- (2) Description of business activity, services performed and/or goods to be sold/marketed, including a business plan which includes the proposed hours of operation;
 - (a) Standard Industrialization Classification (SIC) codes may be utilized where appropriate;

- (3) Business name, address and phone number; Parent Corporation name, address and phone number;
- (4) Date business anticipates beginning operations in the City;
- (5) Contact name(s) and telephone number(s);
- (6) Hours of operation;
- (7) An after hour (emergency) contact name and telephone number;
- (8) The number of the Certificate of License as required under the Retailers Occupation Tax Act, the Service Occupation Tax Act and/or the Use Tax Act, if applicable;
- (9) Federal Income Tax Number;
- (10) Type and location of any toxic, flammable or hazardous materials stored or used at said location;
- (11) Name, type and contact information for any burglar/hold-up alarm on premises.

(B) Every application for a food-related business shall provide evidence of the required Health Certificates issued by the Perry County Health Department.

(C) Any business required by law to be bonded or insured shall provide evidence of such bond or insurance.

(D) Significant changes during the initial registration process are to be reported to the City Clerk as soon as possible and registration shall be amended at no additional charge to the registrant.

(E) Before any proposed new business opens, the City will sign off with its approval and the Fire Department will inspect all structures so that the proposed location of the new business complies with all applicable codes and life safety issues.

(Ord. No. 2015-10-02; 11-09-15)

7-1-8 SUSPENSION, REVOCATION AND APPEAL.

(A) The City Clerk is hereby authorized to suspend or revoke a Business Registration thereby causing the cessation of a business when:

- (1) The business operation constitutes a clear and present danger to the public safety, health or general welfare.
- (2) The registration application information is fraudulent, false, incomplete or deceptive.
- (3) The business fails to maintain all applicable taxes imposed by the City or State of Illinois.

(B) If a registration is suspended or revoked the business will be notified in person by an Officer of the City with written notice issued by the City Clerk. A follow-up notice will be issued to the Owner and be sent by Certified Mail within **two (2) business days** of the suspension or revocation of the Business Registration. The notification(s) will include the reason or reasons as outlined above in (A)(1) through (3) that caused the action. A suspension or revocation shall remain in place unless rescinded by the City Clerk or reinstated by a successful appeal to the City Council.

(C) An appeal of the suspension must be requested by the registrant and filed with the City Clerk within **three (3) business days** and will be heard at:

- (1) The next regularly scheduled City Council meeting, provided that the notice of appeal has been filed **three (3) business days** prior to the next scheduled meeting, or

- (2) The meeting immediately following the notice of appeal should the time constraints listed in (1) above not be met, or
- (3) A special meeting of the City Council, if requested by the business owner, provided that:
 - (a) The special meeting must meet City Ordinances and public notice requirements. Special meetings of the Council require no less than **five (5) business days** notice.

(D) The City Attorney shall present the complaint and represent the City. The registrant is allowed counsel and has the right to submit evidence and cross examine witnesses. A **two-thirds (2/3)** corporate majority vote of the City Council is required to rescind or continue the suspension or revocation. In case of a tie, the Mayor will cast the deciding vote.

(E) The City will keep an electronic record of the hearing. If either party requires a transcript that party shall pay the cost of the transcription.

(F) Revocation of a Business Registration shall not preclude prosecution or imposition of other penalties for the violation of any other Ordinance of the City.

7-1-9 PENALTY. Any business operation in violation of this Article, once notified in writing by the City Clerk of the violation shall be fined **Five Hundred Dollars (\$500.00)** per day for each offense. Each calendar day of operation a business without the requisite certificate shall be considered a separate offense.

7-1-10 ENFORCEMENT OF OTHER ORDINANCES. Any businesses issued a registration certificate must still comply with all other City Ordinances and codes. By issuing a registration the City has not waived the full enforcement of any other ordinances nor is the possession of a valid registration a defense to any other violation.

ARTICLE II - SOLICITORS

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

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

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

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

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

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

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

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

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

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

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

(C) Age of applicant and marital status; and if married, the name of spouse.

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

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

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

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

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

7-2-4 **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration

to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

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

The Certificate of Registration shall state the expiration date thereof.

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

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

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

(B) A weatherproof card, approximately **three inches by five inches (3" x 5")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

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

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

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

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

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

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

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

7-2-10 SOLICITATIONS ON PUBLIC HIGHWAYS. Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "**An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor,**" approved July 26, 1963, as amended.

- (1) The term "**Charitable or Beneficent Organization**" shall denote an organization which in the opinion of the City Council exists for the accomplishment of altruistic, religious, charitable, educational, or socially beneficial works.
- (2) The term "**Road-Block**" shall denote a fund raising activity wherein a charitable or beneficent organization, with the approval of the City Council, stations members or volunteers at various designated intersections within the City for the purposes of soliciting contributions.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) It shall be unlawful for any organization to conduct a road-block without first obtaining a permit from the City for such road-block, of which only **six (6) permits** shall be granted per annum, excluding the months of January, February, March, and December, of each year, for which no permits shall be granted.

In the event that there are more than **six (6)** applications for the permits for such roadblocks, the permits shall be granted on a "first come, first serve" basis. However, in the event that more than **six (6)** organizations were to submit their applications simultaneously, then, in that event, a simple lottery would be conducted by the City Clerk, but placing the names of all the organizations into a hat, and drawing out the names of the first **six (6)** organizations, which would then be granted the permits.

(D) Only charitable or beneficent organizations as herein defined, having their principal place of business or chapters located within the geographic limits of the Community Unit District 300 school district shall be permitted to apply for a permit conduct a road-block within the City.

(E) Any organization desiring to apply for such a permit to conduct a road-block shall complete such application as may be required by the City Clerk, and shall post such proof of insurance and registration of charitable organization with the Attorney General.

(F) Should an organization be granted a permit for a road-block, it shall furnish all of its members or volunteers who will be engaged in the actual activity of soliciting for contributions with a badge, sign or article of clothing which clearly identifies in readily visible print, the organization for which the member or volunteer is soliciting.

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

(2) The organization shall give a receipt or token to those making a contribution and may thereafter display such proof that a contribution has been made on the dashboard or rear view mirror of their vehicle.

(G) Any permit for a road-block shall be granted for **one (1) day** only. Permits for road-blocks shall not be permitted to include multiple days and only during daylight hours.

(H) The City Council may deny permission to any organization to conduct a road-block in the event the City Council deems that the purposes of the organization are not in compliance with the limitations herein set forth.

(I) This Section will be applicable to requests for roadblocks commencing with the calendar year 2013. Applications for roadblocks will be received on the first business day of January, 2013, and on the first business day of each year thereafter. No roadblocks shall be held in 2012.

(Ord. No. 2012-08-05; 10-22-12)

(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: | \$25.00 per person per day. |
| (B) | Annual License: | \$100.00 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.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

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

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

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

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

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

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

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

(A) **Daily License:** **\$25.00 per person per day**

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

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

ARTICLE IV – PAWNBROKERS

7-4-1 **DEFINITIONS.** Any person within the City who loans money on deposits of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property into his possession, is hereby declared to be a pawnbroker.

7-4-2 **LICENSE REQUIRED.** It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the City without first having procured a City license therefor as hereinafter provided.

7-4-3 **APPLICATION FOR LICENSE.** The application shall state the name of the person, and, in case of a firm or corporation, the names of all of the partners in such firm, or of the directors, officers and stockholders of such corporation; also the place, street and number where such business is to be carried on, and shall specify the amount of capital proposed to be used by the applicant in such business, and shall be signed by at least **ten (10) citizens** of the City, of good reputation, certifying to the good reputation and moral character of the applicant.

At the time of filing such petition, the applicant shall deposit an amount of money equal to at least **one-half (1/2) year's**, and not more than **one (1) year's** charge for the license applied for. This sum of money shall be refunded to the applicant, upon demand, in case the license petitioned for shall not be granted.

7-4-4 **ISSUANCE OF LICENSES.** No such license shall be issued to any person, corporation, co-partnership, or association other than the real and actual proprietor of the business and place of business for which it is issued.

7-4-5 **INVESTIGATION BY CHIEF OF POLICE.** All applications for pawnbroker's licenses or renewals thereof shall be presented to the City Council at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the Chief of Police, provided that the City Council shall not be bound by the Chief's recommendation.

7-4-6 **BOND.** The applicant shall file, with the application, a bond running to the City, conditioned for the faithful observance of all provisions of this Article respecting pawnbrokers, during the continuance of such license, and any renewal thereof, for not more than **one (1) year**. This bond shall be in the sum of

Ten Thousand Dollars (\$10,000.00), with a corporate surety or **two (2)** or more individual sureties. To such bond shall be attached a justification to the effect that the sureties are residents within the County and each is worth the amount specified in such bond, over and above all just debts and liabilities, and exclusive of property exempt from execution.

7-4-7 **LICENSE REQUIREMENTS.** The license issued under this Article shall state the name of the person to whom issued, the place of business and street number where such business is located and the amount of capital employed. Such license shall entitle the person receiving it to do business at the place designated in such license.

7-4-8 **NONUSE AND TRANSFER OF LICENSE.** If a pawnbroker shall not conduct said business for a period of **ninety (90) days**, the license shall be null and void. Pawnbroker's licenses shall not be transferable to any other person, except by a majority vote of the City Council, and the filing of an application and a new bond by the person to whom such license is, or may be, transferred or assigned. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the City Council.

7-4-9 **POSTING.** It shall be unlawful for any person to conduct or transact a pawnbroker business in the City unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor, and a copy of all ordinances relating to pawnbrokers.

7-4-10 **FORFEITURE OF PAWN.** The pawnbroker shall retain in his possession every pledge or pawn **ten (10) days** after the maturity of the loan, or **ten (10) days** after the last payment of interest, or part of the principal, whichever is greater. If the pledgor shall fail or neglect for **ten (10) days** after maturity of the loan, or **ten (10) days** after the last payment of interest, or part of the principal, to redeem the pawned property, the pawnbroker may sell any such property held for redemption, provided that such property shall have been held for redemption for a period of not less than **one hundred fifty (150) days** from the date of pledge. After a loan is in default the pawnbroker may refuse to accept any payment less than the entire principal and interest due.

7-4-11 **PAWN TICKET TO BE FURNISHED.** Each pawnbroker shall furnish to the pledgor a printed receipt clearly showing the amount loaned with a specific, detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption, the name of the pledgee. The reverse side of said

receipt shall be marked in such a manner that the amounts of principal and interest and any other charges paid by the person securing the loan can be clearly designated thereon. Each payment shall be entered upon the reverse side of said receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charge, with the date of said payments shown thereon. The pawnbroker shall affix to each article or thing a tag upon which shall be inscribed a number, of legible characters, which shall correspond to the number on the pawn ticket and be entered in the book required to be kept by **Section 7-4-17** hereof. The pawnbroker shall furnish all information required by law to be given to borrowers by state law and federal law.

The following information shall be printed on the front or back of each pawn ticket required to be given the pledgor: "In the event of failure to pay the loan within **ten (10) days** from the date hereof, or within **ten (10) days** after maturity, or within **ten (10) days** after payment of any monthly interest when due, whichever period of time is the greater, you shall thereby forfeit all right and title unto such pledged and pawned property to the pawnbroker who shall thereby acquire an absolute title to the same."

7-4-12 **MEMORANDUM OF ENTRY.** Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made by him in such record book, and an estimated value of the goods, articles or things pledged; and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note.

7-4-13 **RECEIPT FOR PAYMENT TO BE FURNISHED.** Upon redemption of any pledge, the pawnbroker shall furnish to the pledgor at the time of redemption a written signed receipt indicating the exact amount paid on principal and interest in order that said pledgor may have the benefit of said receipt for income tax purposes and other matters. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible.

7-4-14 **SEPARATE PAWN TICKET FOR EACH ITEM.** Every pawnbroker shall prepare and deliver to the pledgor at the time of the pledge a separate pawn ticket for each and every item pledged.

7-4-15 **MAXIMUM INTEREST RATE.** It shall be unlawful for any pawnbroker to charge interest exceeding **six percent (6%)** per month on any pledge. The amount of interest so tendered and received shall be recorded on the reverse side of the pawn ticket for each separate pledge, together with the initials of the person

accepting such tender. Each and every pawn ticket shall provide, in addition to other required printing thereon as specified in this Article, the following words:

"Maximum legal interest rate **six percent (6%)** per month plus **One Dollar (\$1.00)** service charge." Pledgor shall sign said ticket on a space provided thereunder.

7-4-16 **SIGN TO BE POSTED SHOWING INTEREST AND SERVICE CHARGE.** Each and every pawnbroker shall post and maintain, in a prominent location within the confines of said pawnshop and maintain, in a prominent location within the confines of said pawnshop, a printed sign not less than **fifteen (15)** by **twenty (20) inches** with clearly discernible red lettering on a white background in not less than **two (2) inch** size, the following words:

"Maximum legal interest **six percent (6%)** per month plus **One Dollar (\$1.00)** service charge."

7-4-17 **RECORDS.** Every pawnbroker shall keep a book in which shall be entered and legibly written in ink, at the time of each loan or receipt of personal property, an accurate account and description of the goods, articles or things pawned, or received, the amount of money loaned or advanced thereon, the number of the pawn ticket given to the pledgor, the time when redeemable, the time both day and hour, of pawning or receiving such goods, articles or things, and the name, residence, age, sex, color and description as near as possible of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated, or defaced. The book, as well as every article or thing pawned, pledged or deposited, shall at all reasonable times be open to inspection by the Chief of Police or any officer directed by the Chief.

7-4-18 **DAILY REPORT.** Every pawnbroker or pawnshop keeper in the City must, before the hour of **twelve o'clock (12:00) Noon** of every day except Sunday and days the pawnbroker is closed all day make and deliver to the Chief of Police, at the Police Station, a full, true and detailed copy of all pawn tickets legibly written, setting forth an exact description of each article or thing pawned or received by such pawnbroker or pawnshop keeper during the period since the last such report. Said ticket shall be a full, detailed and correct copy of all entries in the book required to be kept in the immediately preceding section. If no article or thing has been pawned or received, a report must be made to that effect.

7-4-19 **REPORT SLIPS.** The Chief of Police shall cause such a number of blanks to be printed as may be necessary for the purpose of making the reports required by this Article. He shall from time to time cause such additional blanks to be printed as may be required. These blanks shall be so printed and subdivided that they shall have space for writing in all the matters required by this Article to be registered

and reported. This report shall be written in the English language in a clear, legible manner. Such blanks shall bear a caption, providing spaces in which shall be filled in the date of the report, the name and residence of the person making the same and the hour of day when made, and all other matters required by this Article to be reported.

7-4-20 FILING OF REPORTS; INSPECTION. The Chief of Police shall deliver the blanks provided for in the immediately preceding section to the person from whom these reports are required, from time to time, at the cost of the Police Department. He shall, upon receipt of such reports, file them in some secure place in his office, and they shall be open to inspection only by the Chief of Police or any officer directed by the Chief, or upon any order of court.

7-4-21 PERSONS FROM WHOM PAWN MAY NOT BE TAKEN. It shall be unlawful for any pawnbroker, pawnshop keeper, his servant or employee to receive any goods, articles or things in pawn or pledge from a person who is intoxicated, under the influence of drugs, insane, or a person under the age of **eighteen (18) years**.

7-4-22 MINORS NOT TO RECEIVE PLEDGES OR MAKE LOANS. It shall be unlawful for any pawnbroker to employ any clerk or person under the age of **eighteen (18) years** to receive any pledge or make any loan.

7-4-23 ACTS OF EMPLOYEES. The holder of a pawnbroker's license shall be responsible for any and all acts of his employees, and for any violation by them of the provisions of this Article.

7-4-24 GOODS WHICH MAY NOT BE TAKEN FOR PAWN. No licensed pawnbroker shall buy, sell, or take for pledge, pawn or security, any brass knuckles.

7-4-25 SAFEKEEPING OF PLEDGES. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledge received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire or loss by theft.

7-4-26 CHARGES. It shall be unlawful for any pawnbroker to charge or receive any appraisal fee, storage fee, or any fee or charge other than the amounts specified in this Article. No charges shall be made for restoring stolen property to its rightful owner.

7-4-27 EMPLOYEE REGISTRATION. Every employee of a pawnshop as hereinafter defined shall, within **thirty (30) days** from the effective date of this Article, register his name and address with the Police Department of the City and shall have had his thumbprints, fingerprints, and photograph taken and filed with the City and receive a certificate showing compliance therewith. For the purpose of this Section, an employee of a pawnshop shall include all persons working in a pawnbroker's shop and any owner, stockholder if the owner is a corporation, partner or any other person who receives income in any manner from the operation of said pawnshop. Every person seeking to be registered under the provisions of this Section shall first pay to the City the sum of **One Dollar Twenty-Five Cents (\$1.25)** as a condition precedent to having issued to him or her a certificate as provided herein.

7-4-28 REVOCATION OF LICENSE. The City Council may revoke any pawnbroker's license for repeated violations of the provisions of this Article. Any licensee shall have the opportunity for a hearing before such revocation.

7-4-29 SECONDHAND DEALERS. No pawnbroker shall engage in the business of buying and selling or trading secondhand merchandise without obtaining a secondhand dealer's license in addition to a pawnbroker's license.

7-4-30 LOCATION. No pawnbroker's license shall be issued in any location in which such business is not permitted by the zoning ordinances of the City.

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

ARTICLE V - SECONDHAND STORES

7-5-1 **LICENSE REQUIRED; FEE.** No person shall operate or conduct a secondhand or consignment store in the City without having first obtained a license therefor, or without complying with the provisions of this Article. The annual license fee for a secondhand or consignment store license shall be such amount as the City Council shall establish from time to time.

7-5-2 **APPLICATION FOR LICENSE.** Applications for secondhand store licenses shall be made to the City Clerk in writing and shall state the location intended to be used.

7-5-3 **RECORDS REQUIRED; INSPECTION.** Every person operating a secondhand store shall keep a record of all articles purchased, which records shall be, together with the articles themselves, open to inspection by any member of the Police Department at all reasonable hours.

7-5-4 **DEFINITIONS.** The following words shall have the meanings ascribed to them to-wit:

"Consignment Store": A retail store that receives merchandise on consignment and the proprietor is expected to pay following the sale.

"Secondhand Store": A retail store that deals in previously used merchandise that is obtained, derived or borrowed from another.

ARTICLE VI - RAFFLE CODE

7-6-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

"NET PROCEEDS" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

"RAFFLE" means a form of lottery, as defined in **Section 28-2, subparagraph (b) of the Criminal Code of 1961**, conducted by an organization licensed under this Article in which:

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

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

The definitions contained in **Section 15/2, of Chapter 230; (Ill. Comp. Stat.)** are hereby adopted by reference as if fully set out herein. **(See 230 ILCS Sec. 15/1)**

7-6-2 **ADMINISTRATION.** The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff, the City Attorney, the City Clerk, and the Chief of Police. **(See 230 ILCS Sec. 15/2)**

7-6-3 **LICENSE REQUIRED.** No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this City without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the **Illinois Compiled Statutes**. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year period** a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized

for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. **(See 230 ILCS Sec. 15/2)**

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

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

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

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

7-6-4 APPLICATIONS FOR LICENSE. The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the City upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk with the seal of his office affixed thereto.

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

(A) The name and address of the organization;

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

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

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

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

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

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

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

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

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

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

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

7-6-5 APPLICATION: ISSUANCE. All licenses issued by the Mayor or City Clerk are subject to the following restrictions:

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

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

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

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

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

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

7-6-6 PROHIBITED LICENSEES. The following are ineligible for any raffle license:

(A) Any person who has been convicted of a felony.

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

(E) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;

(F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. **(See 230 ILCS Sec. 15/3)**

7-6-7 RESTRICTIONS ON THE CONDUCT OF RAFFLES.

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

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle;

(D) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;

(E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18) years** may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(G) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the governing body of any county or municipality under the provisions of this Code. **(See 230 ILCS Sec. 15/4)**

7-6-8 RECORDS.

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

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

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

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

7-6-9 **TERM AND FEES.**

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall have no limit;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall have no limit;

(C) The maximum price which may be charged for each raffle chance shall have no limit;

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

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

(Ord. No. 2015-04-01; 04-27-15)

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

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

(See 230 ILCS Sec. 15/2)

ARTICLE VII – ADULT USE LICENSING AND REGULATION

7-7-1 **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.

7-7-2 **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.

7-7-3 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.

7-7-4 **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 in 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.

7-7-5 **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.

7-7-6 **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 **One Thousand Five Hundred Dollar (\$1,500.00)** non-refundable application and investigation fee.

7-7-7 **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 if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-7-8 **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 7-7-4**. 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.

7-7-9 **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.

7-7-10 REVOCAION.

(A) The City shall revoke a license if a cause of suspension in **Section 7-7-8** 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.

7-7-11 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.

7-7-12 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.

7-7-13 AGE OF PATRONS. No individual under the age of **eighteen (18) years** shall be admitted to or permitted to avail himself of the services of any adult use establishment. In the event that any adult use establishment is found to be admitting or serving patrons under the age of **eighteen (18) years**, such violation of this Section shall be grounds for revocation or suspension of the adult use license of such establishment. **(Ord. No. 2001-008-01; 09-24-01)**

7-7-14 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.

7-7-15 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.

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

7-7-17 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 VIII - TAXICAB CODE

7-8-1 **DEFINITIONS.** Terms used in this Article have the following meanings:

"CALLBOX STAND". A place alongside a street, or elsewhere where the City has authorized a holder of a certificate of public convenience and necessity to install a telephone or callbox for the taking of calls and the dispatching of taxicabs.

"CERTIFICATE". A certificate of public convenience and necessity issued by the City Clerk, authorizing the holder thereof to conduct a taxicab business in the City.

"DRIVER'S LICENSE". The permission granted by the City Council to a person to drive a taxicab upon the streets of the City.

"HOLDER". A person to whom a certificate of public convenience and necessity has been issued.

"OPEN STAND". A public place alongside the curb of a street or elsewhere which has been designated by the City as reserved exclusively for the use of taxicabs.

"TAXICAB". A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than **seven (7) persons** and not operated on a fixed route.

"WAITING TIME". The time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

7-8-2 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.**
No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without a certificate of public convenience and necessity from the City Clerk.

7-8-3 **APPLICATION FOR CERTIFICATE.** An application for a certificate shall be filed with the City Clerk upon forms provided by the City. The application shall be verified under oath and shall furnish the following information:

- (A) The name and address of the applicant.
- (B) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- (C) The experience of the applicant in the transportation of passengers.
- (D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of certificate.
- (E) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

- (F) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (G) Such further information as the City Council may require.

7-8-4 PUBLIC HEARING. Upon the filing of an application for a certificate, the City Clerk shall fix the time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have previously been issued, and shall also be published in a newspaper published in the City at least **ten (10) days** before the hearing. Any interested person may file with the City Clerk a memorandum in support of or opposition to the issuance of a certificate.

7-8-5 ISSUANCE OF CERTIFICATE. If the City Council finds that further taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Article and the rules promulgated by the Council, the City Clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise the application shall be denied. In making its findings, the Council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

7-8-6 BOND OR LIABILITY INSURANCE.

(A) No certificate shall be issued or continued in operation unless there is in effect an indemnity bond for each vehicle authorized in the amount of **Fifty Thousand Dollars (\$50,000.00)** for bodily injury to any **one (1)** or more persons sustained in the same accident and **Ten Thousand Dollars (\$10,000.00)** for property damage resulting from any one accident. The bond shall inure to the benefit of any person who is injured or who sustains damage to property proximately caused by the negligence of a holder, his employees or agents. The bond shall be filed in the office of the City Clerk and shall have a surety thereon, a surety company authorized to do business in Illinois.

(B) The City Council may allow the holder to file in lieu of the bond, a liability insurance policy issued by an insurance company authorized to do business in Illinois. The policy shall conform to the provisions of this Section relating to bonds.

7-8-7 LICENSE FEES. No certificate shall be issued or continued in operation unless the holder has paid a license fee of **Five Dollars (\$5.00)** per year for the right to engage in the taxicab business. The license fees are for the fiscal year and

are in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicles under his operation and control.

7-8-8 TRANSFER OF CERTIFICATES. No certificate may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Council.

7-8-9 SUSPENSION AND REVOCATION OF CERTIFICATES. A certificate may be revoked or suspended by the City Council if the holder thereof has (1) violated any provision of this Article, (2) discontinued operations for more than **thirty (30) days**, or (3) violated any provision of this Code or the laws of the United States or of the State of Illinois, the violation of which reflect unfavorably on the fitness of the holder to offer public transportation. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

7-8-10 TAXI DRIVER'S REGULATIONS.

(A) **Required.** No person shall drive a taxicab for hire upon the streets of the City and no person who owns or controls a taxicab shall permit it to be so driven at any time for hire, unless the driver has a taxicab driver's license.

(B) **Application.** An application for a taxicab driver's license shall be filed with the City Clerk on a form provided by the City. The application shall be verified under oath and shall be accompanied by:

- (1) Evidence of ownership of a valid driver's license, as required by state statute, for the operation of vehicles carrying passengers for hire.
- (2) **Two (2) photographs**, one to be placed on the license, and one to be filed with the City Clerk. In addition, each applicant shall submit himself to the Police Department for a police department photograph and shall, at such time, pay a fee of **One Dollar (\$1.00)** for the making of such photograph. This photograph shall remain on file with the Police Department.
- (3) A certificate from a reputable physician, certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.
- (4) A list, showing the residence of the applicant for the previous **ten (10) years**.
- (5) A statement under oath that the applicant has never been convicted or charged with a crime, either felony or misdemeanor, as defined by the Illinois Compiled Statutes.

(6) **Three (3)** character references, together with their addresses.

(7) License fee for **one (1) year**.

The certificate of a reputable physician, as hereinbefore required, shall have been issued by such physician not more than **sixty (60) days** prior to the application for license, as herein provided.

(C) **Qualifications.** Before any driver's application is finally passed upon by the City Council, the applicant shall pass a satisfactory examination as to his knowledge of the City, and show that he has a current motor vehicle operator's permit issued by the State of Illinois.

(D) **Police Investigation.** The Police Department shall record, fingerprint and conduct an investigation of the applicant for a taxicab driver's license. Such police investigation should be conducted both at time of initial application and prior to all renewals of taxicab driver's license. A report of such investigation and copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the City Council.

(E) **Consideration by Council.** The City Council, upon consideration of the driver's application shall approve or reject it. If the application is rejected, the applicant may request a personal appearance before the City Council to offer evidence why his application should be reconsidered.

(F) **Issuance and Term.** Upon approval of a driver's application, the City Clerk shall issue a license which shall bear the name, address, color, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the calendar year. Provided, however, that such license shall automatically expire if the holder thereof ceases to be employed by a taxicab company which has been issued a certificate of public convenience and necessity by the City.

(G) **Fee.** The fee for a taxicab driver's license is **Two Dollars (\$2.00)** for each calendar year.

(H) **Display of License.** A taxicab driver, while driving a cab, shall post his driver's license in the taxicab in full view of the passengers.

(I) On the **first (1st) day** of each month, it shall be the duty of a holder of a certificate of public convenience and necessity to supply the Chief of Police and the City Clerk with a list of all drivers and their addresses employed by said holder at that time.

7-8-11 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

The City Clerk may suspend or revoke the driver's license of any taxicab driver who fails to comply with the provisions of this Article. A suspension shall be for a period of not more than **ten (10) days**. A license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.

7-8-12 VEHICLES, EQUIPMENT AND MAINTENANCE, LICENSE. No taxicab shall be operated unless it bears a state license, duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, windshield wipers in good condition. Before a vehicle is used as a taxicab, it shall be inspected by the Police Department. If the Police Department finds the vehicle meets the above standards, it shall issue a license so stating, and also stating the authorized seating capacity of the vehicle. It shall be the duty of the Police Department to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this Section. If a taxicab so inspected shall fail to meet the standards of this Section, the Police Department shall order said taxicab out of service and said taxicab shall not be returned to service until after the Police Department has reinspected it to determine if the deficiency so noted has been corrected.

7-8-13 DESIGNATION OF TAXICABS. All taxicabs operated by a holder of a certificate of public convenience and necessity shall be painted the same color and on the outside of each rear door, in painted letters, not less than **two (2) inches**, nor more than **five (5) inches** in height, the name of the holder and in addition, may bear any identifying design approved by the City Council. No taxicab shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon, in the opinion of the City Council, conflicts with or imitates any color scheme, identifying design, monogram or insignia used on a taxicab already licensed under this Article, in such a manner as to be misleading or tend to deceive or defraud the public. The color scheme, identifying design, monogram or insignia of a taxicab shall not be changed so as to be, in the opinion of the City Council, in conflict with or an imitation of a color scheme, identifying design, monogram or insignia used by any other holder or operator.

7-8-14 RATES OF FARE.
(A) **Rates.** The holder or a driver of a taxicab shall not charge more than **Two Dollars Seventy-Five Cents (\$2.75)** for the **first (1st) one-tenth (1/10) mile** and **Fifteen Cents (\$0.15)** per **one-tenth (1/10)** of each subsequent mile for transporting a passenger. On trips of less than **one (1) mile**, the customer will pay only the metered rates and will not be charged the **Two Dollars Seventy-Five Cents (\$2.75)** charge. Each extra passenger will be charged an additional **One Dollar (\$1.00)**. Senior citizens will receive a **Fifty Cent (\$0.50)** discount on each fare. It shall be the duty of the holder or the driver of a taxicab to, at all times, deliver a passenger from the point of pickup to the point of destination by following the most direct traffic route. There will be a **five (5) minute** grace period while waiting for a passenger at their point of destination. The holder or driver of a taxicab shall charge **Twenty-Five Cents (\$0.25)** per additional minute not to exceed **Fifteen Dollars (\$15.00)** per hour while waiting for a passenger.

(B) The holder shall record any change and reason therefor with the City Clerk **thirty (30) days** prior to the effective date of any such changes. The City

Council shall review the rate change to see that the holder is operating in the best interests of the public.

(C) A rate card setting forth the authorized rates of fare shall be displayed in each taxicab in view of the passengers.

7-8-15 **RECEIPT.** The driver of a taxicab shall, upon demand by a passenger, render to such passenger a receipt for the amount charged, by a specially prepared receipt on which shall be recorded the name of the owner, license number or motor number, charges and date of transaction.

7-8-16 **REFUSAL TO PAY FARE.** No person shall refuse to pay the legal fare of any taxicab after having hired the same. No person shall hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.

7-8-17 **SOLICITATION OF PASSENGERS.**

(A) No driver of a taxicab shall solicit passengers, except when sitting in the driver's compartment of the taxicab or while standing immediately adjacent to the curbside thereof. The driver shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that a driver may be absent from his taxicab for not more than **fifteen (15)** consecutive minutes, when necessary, and may assist passengers into or out of the vehicle.

(B) No driver shall solicit patronage in a loud or annoying tone of voice, or by a sign, or annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(C) No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the City Council. Such areas and times shall only be designated when the Council finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(D) No driver shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

7-8-18 **ADDITIONAL PASSENGERS.** No driver shall permit any person other than the first person to engage the taxicab to ride in the taxicab unless the person first employing the taxicab consents to the acceptance of the additional passenger or passengers.

7-8-19 **NUMBER OF PASSENGERS.** No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab

as stated in the license for the vehicle issued by the Police Department. A child in arms shall not be counted as a passenger.

7-8-20 **REFUSAL TO CARRY PASSENGERS.** A driver shall convey any orderly person or persons, upon request, unless previously engaged, or unable or forbidden by the provisions of this Article to do so.

7-8-21 **SOLICITING FOR OTHERS.** A driver of a taxicab shall not solicit business for any hotel, or attempt to divert patronage from one hotel to another. A driver shall not sell intoxicating liquor or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers.

7-8-22 **TAXICAB SERVICE.** Persons engaged in the taxicab business in the City shall render an overall service to the public. Holders shall maintain a central place of business and keep the same open for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so, and if such service cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.

7-8-23 **MANIFESTS.** Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place or origin and destination of each trip and amount of fare. The completed manifests shall be returned to the holder by the driver at the conclusion of his tour of duty. The forms for the manifest shall be furnished to the driver by the holder and shall be of a character approved by the City Council. Every holder shall retain and preserve drivers' manifests for the calendar year next preceding the current calendar year. The manifests shall be available to the Council and the Police Department.

7-8-24 **RECORDS.** Every holder shall keep accurate records of receipts, expenses, capital expenditures, and such other operating information as may be required by the City Council. The records and other data required by this Article shall be readily accessible for examination by the Council.

7-8-25 **REPORT OF ACCIDENTS.** An accident arising from or occurring in connection with the operation of a taxicab which results in death or injury to any person, or damage to any vehicle or property in an amount exceeding the amount of

One Hundred Dollars (\$100.00), shall be reported within **twenty-four (24) hours** from the time of occurrence to the Police Department on a form of report furnished by the Police Department.

7-8-26 **ADVERTISING.** Subject to the rules and regulations of the City Council, a holder may permit advertising matter to be affixed in or on his taxicabs.

7-8-27 **ENFORCEMENT.** The Police Department shall report violations of this Article to the City Council, which will order or take appropriate action.

ARTICLE IX – FIREWORKS CODE

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

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

(A) The term includes:

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

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

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

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

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

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

(B) Fireworks not classified as common fireworks.

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

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

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

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

Dipped stick, sparklers and smoke devices.

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

7-9-7 ISSUANCE – NONTRANSFERABLE VOIDING.

(A) **Sellers.** Each seller's permit issued under this Article shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in **Section 7-9-11** of this Article. Each seller's permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

7-9-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-9-12** of this Article.

7-9-9 APPLICATION FOR SELLER'S PERMIT—CONDITIONS FOR ISSUANCE. Applications for seller's permits shall be made to the City Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall

close on **April 15th** of such year unless extended by action of the City Council. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of those fireworks allowed pursuant to **Section 7-9-4** of this Article shall be issued only to applicants meeting the following conditions:

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

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

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

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

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

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

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

7-9-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-9-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

7-9-15 NONPROHIBITED ACTS. This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-9-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-9-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-9-18 **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-9-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

ARTICLE X - MASSAGE ESTABLISHMENTS (PHYSICAL THERAPISTS)

7-10-1 **DEFINITIONS.** For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

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

(B) **Therapeutic Massage Establishments.** Any establishment having a fixed place of business where any person, firm, association or corporation engaged in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in **Section 7-10-1(A)** of this Article.

(C) **Out-Call Therapeutic Massage Service.** Any business, the function of which is to engage in or carry on therapeutic massages at a location designated by the customer or client rather than at a therapeutic massage establishment.

(D) **Massage Therapist.** Any person who, for any consideration whatsoever, engages in the practice of therapeutic massages as herein defined.

(E) **Employee.** Any and all persons other than the massage therapist, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.

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

(G) **Permittee.** The operator of a therapeutic massage establishment.

(H) **Sexual or Genital Area.** Sexual or genital area shall include the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female. However, genital area shall exclude displacement of breast tissue for muscular therapy.

7-10-2 **PERMITS AND EDUCATION REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a therapeutic massage establishment as herein defined, without first having obtained a permit from the Chief of Police.

Furthermore, no person shall be allowed to engage in, conduct or carry on, or upon any premises in the City, the operation of a therapeutic massage establishment, or engage in the occupation of Therapeutic Massage Therapist as hereinafter defined, without first maintaining a minimum of **five hundred (500) hours** of education from a recognized school training in therapeutic massage and licensed in the State of Illinois issues licenses. Any person holding a permit from the City on **July 1, 2003**, shall not have to meet the **five hundred (500) hours** requirement.

Furthermore, all persons shall be required to secure **One Hundred Thousand Dollars (\$100,000.00)** liability insurance in order to operate as a therapeutic massage therapist.

7-10-3 FILING OF APPLICATION AND FEE PROVISION. Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in duplicate under oath with the Chief of Police upon a form provided by said Chief of Police and pay a non-refundable filing fee of **One Hundred Dollars (\$100.00)** to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the Chief of Police.

The Chief of Police shall within **five (5) days** refer copies of such application to the Director of Public Health, the Fire Department, and the Zoning Administrator. The Director shall within **thirty (30) days** inspect the premises proposed to be operated as a therapeutic massage establishment and make written recommendations to the Chief of Police concerning compliance with the codes that they administer. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Chief of Police shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Chief of Police shall advise the applicant in writing whether the application is granted or denied.

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

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

7-10-4 APPLICATION FOR THERAPEUTIC MASSAGE ESTABLISHMENT. The application for a permit to operate a therapeutic massage establishment shall set forth the exact nature of the therapeutic massage to be administered, and the proposed place of business and facilities therefor.

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

- (A) Name and address;
- (B) Written proof that the individual is at least **eighteen (18) years** of age;
- (C) All residential addresses for the past **three (3) years**;
- (D) The applicant's height, weight, color of eyes and hair;

(E) The business, occupation or employment of the applicant for **three (3) years** immediately preceding the date of application;

(F) The therapeutic massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;

(G) All criminal or city ordinance violation convictions, forfeitures of bond and pleading of nolo contendere on all charges, except minor traffic violations;

(H) The fingerprints and photograph of the applicant; and

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

(J) The following personal information concerning an individual; each stockholder holding more than **ten percent (10%)** of the stock of the corporation, each officer and each director, if the applicant is a corporation; the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business for all of the above entities;

(1) Name, complete residence address and residence telephone numbers;

(2) The **two (2)** previous addresses immediately prior to the present address of the applicant;

(3) Written proof of age;

(4) Height, weight, color of hair and eyes, and sex;

(5) **Two (2)** front-face portrait photographs taken within **thirty (30) days** of the date of the application and at least **two (2) inches** by **two (2) inches** in size;

(6) The massage or similar business history and experience, including, but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;

(7) All criminal or municipal ordinance violation convictions, bond forfeitures, or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition and the circumstances thereof;

(8) A complete set of fingerprints taken and to be retained on file by the Chief of Police or his authorized representatives;

(9) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will

administer massage in each massage establishment for which a permit is requested;

(K) If the applicant is a corporation, or if the applicant is a partnership and a partner of the partnership is a corporation, provide the name of the corporation as set forth in its Certificate of Incorporation and provide copies of the corporation's Articles of Incorporation, Certificate of Incorporation, and Certificate of Authority to do business in the State of Illinois if the corporation is a foreign corporation, and Certificate of Goodstanding from the Illinois Secretary of State;

(L) If the applicant is a sole proprietorship, joint venture, partnership, or any other kind of business than a corporation, provide a copy of its registration with the County Recorder, or other such office receiving the same, for the County in which it is located;

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

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

(O) The names, addresses, and telephone numbers of all owners of the property on which the massage establishment is located;

(P) The names, addresses, and telephone numbers of all lessor's of the property on which the massage establishments is located;

(Q) The applicant must also produce proof of ownership of the premises that are to be licensed or a lease on said premises for **one (1) year** or more;

(R) The applicant must produce a certified copy of his or her birth certificate;

(S) A copy of their social security card.

7-10-5 ISSUANCE OF PERMIT FOR A THERAPEUTIC MASSAGE ESTABLISHMENT. Upon receipt of the recommendations of the departments referred to in **Section 7-10-3** and the certificate of the Director of Health that the establishment is in compliance with all of the requirements of **Section 7-10-12** the Chief shall issue a permit to maintain, operate or conduct a therapeutic massage establishment, unless he finds:

(A) That the operation; as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the building, health, planning, housing, zoning and fire codes of the City; or

(B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a therapeutic massage establishment has been convicted of:

- (1) a felony,
- (2) an offense involving sexual misconduct with children,

- (3) prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping or other offense opposed to decency and morality.

The Chief of Police, at his discretion, may issue a permit to any person convicted of any of the crimes in **Subsections (A)(1), (2) and (3)** if he finds that such conviction occurred at least **four (4) years** prior to the date of application, the applicant has had no subsequent convictions and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

Every therapeutic massage establishment permit issued pursuant to this Chapter will terminate at the expiration of **one (1) year** from the date of its issuance, unless sooner suspended or revoked.

7-10-6 REVOCATION OR SUSPENSION OF PERMIT FOR THERAPEUTIC MASSAGE ESTABLISHMENT. Any permit issued for a therapeutic massage establishment may be revoked or suspended by the Chief of Police after a hearing for good cause or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a massage therapist, is engaged in any conduct at permittee's place of business, which violates any of the provisions of this Article or any state law which provides for imprisonment, and permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this Article or in any case where the permittee or licensee refuses to permit any duly authorized police officer or health inspector of the City and the County to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing upon the recommendation of the Director of Public Health that such business is being managed, conducted or maintained without regard for the public health or healths of patrons or customers or without due regard to proper sanitation or hygiene.

The Chief of Police, before revoking or suspending any permit, shall give the permittee at least **ten (10) days'** written notice of the charges against him or her and the opportunity for a public hearing before the Chief of Police, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The Chief of Police may suspend a license for up to **fourteen (14) days** pending the public hearing. If a license is revoked, no new license shall be issued for the premises for a period of **twelve (12) months** after the revocation.

7-10-7 APPLICATION FORM FOR THERAPEUTIC MASSAGE PERMIT. Any person desiring a masseur's permit shall file a written application with the Chief of Police on a form to be furnished by the Police Department. The application shall be accompanied by a fee non-refundable filing fee of **One Hundred Dollars (\$100.00)** plus a check payable to the Illinois State Police for a criminal history check prior to any

action being taken on the part of the Chief of Police and shall include the following information:

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

(B) The following personal information concerning the applicant:

- (1) Name, complete residence address and residence telephone numbers;
- (2) Social security number and driver's license number;
- (3) The **two (2)** previous addresses immediately prior to the present address of the applicant;
- (4) Written proof of age;
- (5) Height, weight, color of hair and eyes, sex;
- (6) **Two (2)** front-face portrait photographs taken within **thirty (30) days** of the date of the application and at least **two (2) inches** by **two (2) inches** in size;
- (7) The massage or similar business history and experience, including, but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
- (8) All criminal or municipal ordinance violation convictions, bond forfeitures, or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition, and the circumstances thereof;
- (9) A complete set of fingerprints taken and to be retained on file by the Chief of Police or his authorized representatives;
- (10) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will administer massage in each massage establishment for which a permit is requested;
- (11) Certified copy of a license issued by the Department of Professional Regulation pursuant to the Illinois Physical Therapy Act (**225 ILCS 90/1 et seq.**) as revised and amended;
- (12) A statement in writing from a physician licensed in this State that he has examined the applicant and believes the applicant to be free of all communicable diseases;

(C) The names and addresses of **three (3) adults** who will serve as character references. These references must be persons other than relatives and business associates;

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

(E) Authorization for the City, its agents, and employees to obtain verification of the statements set forth in the application and the qualifications of the applicant for the permit;

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

(G) Proof of education or license as required by **Section 7-10-2**;

(H) A certified copy of their birth certificate;

(I) A copy of their social security card.

7-10-8 **ISSUANCE OF THERAPEUTIC MASSAGE PERMIT.** The Chief of Police may issue a therapeutic massage permit within **twenty-one (21) days** following application, unless he finds that the applicant for therapeutic massage permit has been convicted of:

(A) a felony;

(B) an offense involving sexual misconduct with children;

(C) keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering.

The Chief of Police, in his discretion, may issue a permit to any person convicted of such crimes if he finds that such conviction occurred at least **four (4) years** prior to the date of the application and the applicant has had no subsequent convictions.

(D) Each permit shall expire **April 30th** each year.

7-10-9 **REVOCATION OF THERAPEUTIC MASSAGE PERMIT.** A therapeutic massage permit issued by the Chief of Police shall be revoked or suspended where it appears that the massage therapist has been convicted of any offense which would be cause for denial of a permit upon an original application, had made a false statement on an application for a permit, or has committed an act in violation of this Article.

The Chief of Police in revoking or suspending a therapeutic massage permit shall give the permit holder a written notice specifying the grounds therefor. Such person may within **ten (10) days** of such revocation or suspension file a written request with the Chief of Police for a public hearing before the Chief of Police, at which time the massage therapist may present evidence bearing upon the question.

7-10-10 FACILITIES NECESSARY. No therapeutic massage establishment shall be issued a permit, nor be operated, established or maintained in the City unless an inspection by the Director of Public Health reveals that the establishment complies with each of the following minimum requirements:

(A) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the Building Codes of the City;

(B) All therapeutic massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;

(C) Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and therapeutic massage room facilities shall be provided;

(D) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering therapeutic massages. Such non-disposable instruments and materials shall be disinfected after use on each patron;

(E) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering therapeutic massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinet shall be kept separate from the clean storage areas;

(F) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each **twenty (20)** or more employees or patrons of that sex on the premises at any **one (1) time**. Urinals may be substituted for water closets after **one (1)** water closet has been provided. Toilets shall be designated as to the sex accommodated therein;

(G) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap and a dispenser and with sanitary towels; and

(H) The premises shall be equipped with a service sink for custodial services. The Director of Public Health shall certify that the proposed therapeutic massage establishment complies with all the requirements of this Section of this Article and shall send such certification to the Chief of Police.

7-10-11 OPERATING REQUIREMENTS.

(A) Every portion of the therapeutic massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition;

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers;

(C) All employees, including massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the therapeutic massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing;

(D) All therapeutic massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner;

(E) The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist;

(F) It shall be unlawful for any person, knowingly, in a therapeutic massage establishment, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person;

(G) No massage therapist, employee or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions or other preparations used in administering therapeutic massages shall be kept in clean, closed containers or cabinets.

(J) Eating in the therapeutic massage work areas shall not be permitted. Animals, except for seeing eye dogs, shall not be permitted in the therapeutic massage work area.

(K) No massage therapist shall administer a therapeutic massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely massaged prescribing the conditions thereof.

(L) Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a therapeutic massage to each patron.

7-10-12 KEEPING OF RECORDS. Every person who operates a massage establishment or practices or provides a massage shall, at all times, keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the Chief of Police or his authorized representative(s).

7-10-13 TRANSFERS PROHIBITED. No massage establishment permit and/or masseur permit shall be transferable, and such authority as a permit confers shall be conferred only on the permitted named thereon. However, upon the death or incapacity of the manager or a massage establishment the massage establishment permit may continue in effect and the business be allowed to continue to operate for **forty-five (45) days** after the death or incapacity to allow for the Chief of Police to determine whether the new manager meets the qualifications of this Article for operation of the massage establishment.

7-10-14 ADVERTISING. No therapeutic massage establishment granted a permit under provisions of this Article shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available, Other than those services described in **Section 7-10-1(A)** of this Article, or that employees, or massage therapists are dressed in any manner other than prescribed in **Section 7-10-12(B)** of this Article, nor shall any therapeutic massage establishment indicate in the text of such advertising that any services are available other than those services described in **Section 7-10-1(A)**.

7-10-15 OUT-CALL REGISTRATION. Any massage therapist who provides any of the services listed in **Section 7-10-1(A)** of this Article at any hotel or motel must first register his or her name and permit number with the owner, manager or person in charge of the hotel or motel.

7-10-16 OUT-CALL SERVICE. No "Out-Call Massage Service" may be operated other than by a licensed therapeutic massage establishment. All therapeutic massages performed by an "out-call massage service" must be performed in the manner prescribed in **Section 7-10-12** and **7-10-13**.

7-10-17 INSPECTIONS. The Police Department and the Department of Public Health shall from time to time, and at least twice a year, make an inspection of each therapeutic massage establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

7-10-18 EMPLOYMENT OF PERSON UNDER THE AGE OF EIGHTEEN (18) PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any therapeutic massage establishment to employ any person to perform therapeutic massages who is not at least **eighteen (18) years** of age.

7-10-19 IDENTIFICATION CARD. The Chief of Police shall provide each massage therapist granted a permit with an identification card which shall contain a photograph of the massage therapist and the full name and permit number assigned to the said massage therapist, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this Article.

7-10-20 TRANSFER OF PERMITS. No permit for the operation of a therapeutic massage establishment issued pursuant to the provisions of this Article shall be transferable except with the written consent of the Chief of Police and approval of the Director of Public Health; provided, however, that upon the death or incapacity of the permittee the therapeutic massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

7-10-21 DISPLAY OF PERMITS. Every permittee shall display a valid permit in a conspicuous place within the therapeutic massage establishment so that the name may be readily seen by persons entering the premises.

7-10-22 EMPLOYMENT OF MASSAGE THERAPISTS. It shall be the responsibility of the permittee for the therapeutic massage establishment or the employer of any persons purporting to act as massage therapists to insure that each person employed as a massage therapist shall first have obtained a valid permit pursuant to this Article.

7-10-23 NONAPPLICABILITY OF THIS ARTICLE. This Article shall not apply to hospitals, nursing homes, sanitarium or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Illinois or persons working under the direction of any such persons or in any such establishments, nor shall this Article apply to barbers or cosmetologist lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State of Illinois.

7-10-24 **RULES AND REGULATIONS.** The Chief of Police, the Director of Public Health, or both officers, may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article.

7-10-25 **VIOLATION AND PENALTY.** Every person except those persons who are specifically exempted by this Article, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives therapeutic massages or conducts a therapeutic massage establishment without first obtaining a permit and paying a license fee to do so from the City, or shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed **One Thousand Dollars (\$1,000.00)**.

7-10-26 **MAINTAINING PUBLIC NUISANCE.** Any building used as a therapeutic massage establishment in violation of this Chapter with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Chapter are hereby declared to be a nuisance.

7-10-27 **REVIEW OF POLICE CHIEF'S DECISION.** The decision of the Chief of Police with regard to the issuance, suspension or revocation of any license under this Article shall be reviewable by the Mayor of the City, upon the written request of the party filed with the Mayor within **ten (10) days** of such refusal, revocation or suspension. The Mayor shall review evidence previously submitted to the Chief of Police, and any additional evidence presented with the written request for review. The decision of the Mayor upon such review shall be a final appealable order.

ARTICLE XI

TATTOOING ESTABLISHMENTS

7-11-1 **DEFINITIONS.** For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

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

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

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

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

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

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

(G) **Employee.** Any person and all persons including Tattooer, Body-Piercer, who render any service to the Permittee, who receives compensation directly from the Permittee, and who have no physical contact with customers and clients.

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

(I) **Permittee.** The operator of a Tattoo or Body-Piercing establishment.

7-11-2 **PERMITS AND CERTIFICATES REQUIRED.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in or upon any premises in the City the operation of a Tattoo or Body-Piercing establishment as herein defined, without first having obtained a permit from the Mayor.

Prior to applying for a permit to operate a Tattoo or Body-Piercing establishment the applicant and/or employee shall obtain a health certificate from a licensed physician. A health certificate shall be issued only upon a finding of a licensed physician that the

applicant is free from any communicable disease and all employees of any Tattoo or Body-Piercing establishment must also subject themselves to an annual physical examination by a licensed physician, and it shall be unlawful to employ any person in the business of a Tattooer or Body-Piercer who does not hold a valid health certificate.

Furthermore, all persons shall be required to secure **One Million Dollars (\$1,000,000.00)** Liability Insurance in order to operate a Tattooing or Body-Piercing establishment.

7-11-3 FILING OF APPLICATION AND FEE PROVISION. Every applicant for a permit to maintain, operate or conduct a Tattoo, Body-Piercing establishment shall file an application in duplicate under oath with the Mayor upon a form provided by said Mayor and pay a non-refundable filing fee of **One Hundred Dollars (\$100.00)** for an original application and **One Hundred Dollars (\$100.00)** for a renewal application to the Mayor, who shall issue a receipt which shall be attached to the application filed with the Mayor.

The Mayor shall within **five (5) days** refer copies of such application to the Police Department and other applicable departments. The appropriate departments shall within **thirty (30) days** inspect the premises proposed to be operated as a Tattoo or Body-Piercing establishment and make written recommendations to the Mayor concerning compliance with the codes that they administer. The Police Department, shall within **sixty (60) days** conduct a background investigation and make written recommendations to the Mayor concerning the applicants background compliance. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Mayor shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Mayor shall advise the applicant in writing whether the application is granted or denied.

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

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

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

7-11-4 APPLICATION FOR TATTOO OR BODY-PIERCING ESTABLISHMENT. The application for a permit to operate a Tattoo, Body-Piercing establishment shall set forth the exact nature of the Tattooing or Body-Piercing to be administered, and the proposed place of business and facilities therefore.

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

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

7-11-5 ESTABLISHMENT. Upon receipt of the recommendations of the departments referred to in **Section 7-11-3**, that the establishment is in compliance with all of the requirements of **Section 7-11-3**, the Mayor shall issue a permit to maintain, operate or conduct a Tattoo or Body-Piercing establishment, unless he finds:

- (A) That the operation, as proposed by the applicant, if permitted, would not have complied with all applicable laws, including; but not limited to, the Building, Health, Planning, Housing, Zoning and Fire Code of the City of Du Quoin; or
- (B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a Tattoo or Body-Piercing establishment has been convicted of:
 - (1) an offense involving sexual misconduct, or,
 - (2) the following sections of **720 ILCS 5** or a similar City Ordinance; 11 et al (Sex Offense); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

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

7-11-6 FACILITIES NECESSARY. No Tattoo or Body-Piercing establishment shall be issued a permit, nor be operated, established or maintained in the City unless an inspection by the Code Enforcement Officer reveals that the establishment complies with each of the following minimum requirements.

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

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

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

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

(E) The room in which Tattooing or Body Piercing is done shall have an area of not less than **one hundred (100) square feet** with walls, floors and ceiling having an impervious, smooth and washable surface. All pre-existing tattoo establishments as of the date of passage shall be exempt from this paragraph for **five (5) years** from the date of passage of this Ordinance or until such time as they renew their lease or renovated their facilities, which ever comes first.

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

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

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

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

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

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

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

(M) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap dispenser and with sanitary towels.

(N) The premises shall be equipped with a service sink for custodial services.

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

The City Code Enforcement Officer shall certify that the proposed tattoo, body-piercing establishment complies with all the requirements of this Section of this Article and shall send such certification to the Mayor.

7-11-7 BODY-PIERCING ESTABLISHMENT. Any permit issued for a tattoo or body-piercing establishment may be revoked or suspended by the Mayor after a hearing for good cause, or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a tattooer or body-piercer, is engaged in any conduct at the permittee's place of business, which violates any of the provisions of any sections of this Article or any State law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have had actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this Article or in any case where the permittee or licensee refuses to permit any duly authorized Police or Code Enforcement Officer or Health Inspector of the City and the County of Perry to inspect the premises or the operations wherein. Such permit may also be revoked or suspended by the Mayor, after hearing upon the recommendation of the Code Enforcement and Fire Department that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

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

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

7-11-8 TATTOOING OR BODY-PIERCING PERMIT. Any person, including an applicant for a tattoo or body-piercing establishment permit, who engages in the practice of tattooing or body-piercing as herein defined shall file an application for a tattooing or body-piercing permit with the Mayor upon a form provided by said Mayor and shall pay a nonrefundable filing fee of **Sixty-Five Dollars (\$65.00)** for an original application and **Sixty-Five Dollars (\$65.00)** for a renewal application, to the City Clerk, who shall issue a receipt which shall be attached to the application filed with the Mayor.

7-11-9 PERMIT. The application for a tattooing or body-piercing permit shall contain the following:

- (A) Name and residence address;
- (B) Social Security Number and drivers license number, if any;
- (C) Applicant's weight, height, color of hair and eyes;
- (D) Written evidence that applicant is at least **twenty-one (21) years** of age;
- (E) Business, occupation or employment of the applicant for **five (5) years** immediately proceeding the date of application;
- (F) Whether the applicant has ever received court supervision, been convicted of, pleaded nolo contendere to or suffered a forfeiture on a bond charge of committing any crime except minor traffic violations. If the answer is in the affirmative, a statement must be made giving the place and the court in which such conviction plea or forfeiture was had, the specific charge under which the conviction plea or forfeiture was obtained and the sentence imposed as a result thereof;
- (G) The Chief of Police, or his delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

7-11-10 ISSUANCE OF TATTOOING OR BODY-PIERCING PERMIT. The Mayor may issue a temporary permit within **sixty (60) days** following application unless he finds that the applicant or any other person who will be directly or indirectly engaged in the management or operation of a tattoo or body-piercing establishment has been convicted of:

- (A) an offense involving sexual misconduct or,
- (B) the following sections of **720 ILCS Sec 5** or a similar City ordinance: 11 et al (Sex Offenses); 12-10 (Tattooing the Body of a Minor); 12-10.1 (Piercing the Body of a Minor); 12-33 (Ritualized Abuse of a Minor); and 12-34 (Female Genital Mutilation).

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

7-11-11 REVOCATION OF TATTOOING OR BODY-PIERCING PERMIT.

A tattooing or body-piercing permit issued by the Mayor shall be revoked or suspended where it appears that the tattooer or body-piercer has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Article.

The Mayor, before revoking or suspending a tattooing or body-piercing permit, shall give the permit holder a written notice specifying the grounds thereof. Such person may within **ten (10) days** of such revocation or suspension, file a written request with the Mayor for a public hearing before the Mayor at which time the tattooer or body-piercer may present evidence bearing upon the question.

7-11-12 OPERATING, HEALTH, AND SANITARY REQUIREMENTS.

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

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

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

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

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

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

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

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

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

(J) Single-service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after

completing work on a patron and any dye in which the needles were dipped shall not be used on another person.

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

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

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

7-11-13 DAILY REGISTER. Every permittee operating a tattoo or body-piercing establishment shall keep a bound appointment book showing all patrons, with names, addresses, date of birth, age, type of identification presented, identification control number, and hours of arrival. Such daily register, shall, at all times during business hours, be subject to inspection by the Police Department or Code Enforcement Officer and shall be kept on file for **one (1) year**. Only the following picture identification documents shall be acceptable for proof of age and daily register documentation:

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

7-11-14 OUT-CALL SERVICE. No "Out-Call Tattooing or Body-Piercing Service" may be operated.

7-11-15 INSPECTIONS. The Police Department and the Code Enforcement Officer shall, from time to time, make an inspection of each tattoo or body-piercing establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any person as defined in **Section 7-11-1(H)** to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

7-11-16 EMPLOYMENT OF PERSON UNDER THE AGE OF TWENTY-ONE (21) PROHIBITED. It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo or body-piercing establishment to employ any person to perform tattooing or body-piercing who is not at least **twenty-one (21) years** of age.

7-11-17 IDENTIFICATION CARD. The Police Department shall provide each tattooer or body-piercer granted a permit with an identification card which shall contain a photograph of the tattooer or body-piercer and the full name and permit number assigned to said tattooer or body-piercer, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit, pursuant to this Article.

7-11-18 TRANSFER OF PERMITS. No permit for the operation of a tattoo or body-piercing establishment issued pursuant to the provisions of this Article and sections shall be transferable. However, upon the death or incapacity of the permittee, the tattoo or body-piercing establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit upon receiving written consent of the Mayor.

7-11-19 DISPLAY PERMITS AND ORDINANCE. Every permittee shall display a valid permit and a copy of the tattoo or body-piercing establishments and Tattooing and Body-Piercing Services Ordinance in a conspicuous place within the tattoo or body-piercing establishment so that persons entering the premises may readily see them.

7-11-20 EMPLOYMENT OF TATTOOER OR BODY-PIERCER. It shall be the responsibility of the permittee for the tattoo or body-piercing establishment or the employer or any persons purporting to act as tattooer or body-piercer to insure that each person employed as a tattooer or body-piercer shall first have obtained a valid permit pursuant to this Article and sections.

7-11-21 TIME LIMIT FOR FILING APPLICATION FOR PERMIT. Applications for renewal of permits must be filed not more than **two (2) months** nor less than **one (1) month** prior to termination of an existing permit.

7-11-22 AGE REQUIREMENTS FOR TATTOOS. It shall be unlawful for any person, other than a person licensed to practice medicine in all its branches, to

tattoo or offer to tattoo a person under the age restriction established by **720 ILCS Sec. 5/12-10** of the **Illinois Compiled Statutes**.

7-11-23 **AGE REQUIREMENTS FOR BODY-PIERCING.** It shall be unlawful for any person to pierce or offer to pierce the body of a person under the age restriction established by **720 ILCS Sec. 5/12-10** of the **Illinois Compiled Statutes** without written consent of a parent or legal guardian who shall be present at the time of the piercing.

7-11-24 **RULES AND REGULATIONS.** The Mayor may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article and Section.

7-11-25 **VIOLATION AND PENALTY.** Every person, except those persons who are specifically exempted by this Article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives tattooing or body-piercing or conducts a tattoo or body-piercing establishment without first obtaining a permit and paying a license fee to do so from the City, or shall violate any of the provisions of this Article and Section shall, upon conviction, be punished by a fine not to exceed **Five Hundred Dollars (\$500.00)**.

7-11-26 **MAINTAINING PUBLIC NUISANCE.** Any portion of a building used as a tattoo or body-piercing establishment in violation of this Section with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Section are hereby declared to be a nuisance.

7-11-27 **LIMITATIONS OF LICENSES.** The total number of Tattoo/Body-Piercing establishments as defined in this Article shall not exceed **two (2)** at any one time.

(Ord. No. 2009-04)

ARTICLE XII – VIDEO GAMING TERMINALS

7-12-1 GAMBLING. It shall be unlawful for any person to keep, operate for hire or use in such manner as to involve any chance in the determination of the number or value of any chance in the determination of the number or value of any article or articles purchased or played for, any cigar wheel, slot machine, dice or any piece of mechanism, the operation of which involves or creates any chance; provided, however, the prohibitions provided for in this Chapter and any other chapter or section of the City Code that may reference or govern gambling or gaming, including, without limitation, **Section 21-3-17**, shall not apply to any device for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, **230 ILCS 40/1 et seq.**, so long as such device is conducted in compliance with all requirements of said act and all rules and regulations of the Illinois Gaming Board.

7-12-2 DEFINITIONS.

(A) The phrases "video gaming terminal", "licensed establishment", "licensed fraternal establishment", "licensed veterans establishment", and "licensed truck stop establishment" shall have the meanings set forth in the Illinois Video Gaming Act (**230 ILCS 40/1 et seq.**).

(B) "Licensee" shall mean and include all of the establishments defined in paragraph (A) hereof.

7-12-3 IMPOSITION OF ANNUAL FEE. Commencing upon adoption of this Article, an annual fee of **Twenty-Five Dollars (\$25.00)**, is hereby imposed upon each video gaming terminal operated by a licensed establishment, licensed fraternal establishment, licensed veterans establishment or licensed truck stop establishment within the City in accordance with the provisions of the Illinois Video Gaming Act, **230 ILCS 40/1 et seq.** (the "Act"). The fee paid for each video gaming terminal shall be for the fiscal year May 1 through April 30, and any fee paid during a fiscal year shall apply until the end of the fiscal year in which paid. Any continuing operation of a video gaming terminal shall require the payment of a new annual fee on or before **May 1** of each year for the ensuing fiscal year.

7-12-4 APPLICATION FOR PERMIT. Every licensee shall make application to the City Clerk's office for a permit, and shall pay the annual fee for each video gaming terminal operated. The application shall designate the name of the licensee, the location of the licensed establishment operating the video gaming terminal, the number of video gaming terminals operated at that location, and shall include a copy of the license issued by the State of Illinois for the operation of the video gaming terminal. No permit shall be issued to any person whose video gaming terminal is not licensed by the State of Illinois for the location for which the permit is sought.

7-12-5 LIMITATIONS UPON PLACEMENT. No video gaming terminal permit shall be issued to, and no video gaming terminal shall be placed or operated from within, a location that does not also have issued to it a license for the sale of alcoholic beverages at retail by the drink for consumption on the premises. Notwithstanding any greater limit which may from time to time be established by the Illinois legislature, no more than **five (5) video gaming terminals** shall be allowed, nor permits be issued therefor, under this Article for each licensee at any one location. All licensed devices shall be placed restricted to locations zoned business (C-1) or highway business (C-2).

7-12-6 PLAY BY MINORS PROHIBITED; PENALTIES. No person under the age of **twenty-one (21) years** shall be permitted to use or play a video gaming terminal, and any licensee who shall suffer or permit a person under the age of **twenty-one (21) years** to use or play a video gaming terminal shall be subject to fine or have his or her licenses issued under this Chapter suspended or revoked, after hearing before the Mayor acting pursuant to the procedures applicable to hearings held pursuant to the provisions of Section 8-295 of the Municipal Code.

7-12-7 PENALTY FOR VIOLATION. Any person, firm or corporation violating the provisions of this Article by operation of a video gaming terminal without having obtained the permit and paid the annual fee therefore, or by operating a video gaming terminal in violation of any provision of this Article, shall be guilty of a petty offense, and shall be fined an amount not to exceed **Five Hundred Dollars (\$500.00)** for each such offense, and the license or licenses shall be subject to suspension or revocation as herein provided. Each day that a video gaming terminal is operated in violation of this Article shall constitute a separate offense.

7-12-8 HOURS. No establishment operating under a license issued under this Article shall be open for use of any such devices between the hours of **1:00 A.M.** and **6:00 A.M.** on any day or between **1:00 A.M.** on Sunday and **12:00 Noon** Sunday.

7-12-9 INSPECTION OF RECORDS. Each licensee shall permit the inspection of the books and records of the licensee pertaining to and reflecting operation of each video gaming terminal of the licensee at the request of any law enforcement officer of the City or the State of Illinois at all reasonable times.

(Ord. No. 2012-06-05; 08-13-12)