

Appendix A
ALGONQUIN MUNICIPAL CODE DEFINITIONS

In addition to the definitions found elsewhere in this Code, the following words and terms, whether capitalized or not, shall have the meanings hereinafter set forth, except where otherwise specifically indicated. Terms not defined within this Code shall have the meanings customarily given them.

Abandoned Vehicle: Any vehicle which is left at any place for such time and under such circumstances as to cause such vehicle to reasonably appear to have been abandoned.

Abandoned Vehicle: Any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

Accessory Structure: A building the use of which is incidental to that of the principal building and which is located on the same lot.

Adult Business: Any establishment in which 25 percent or more of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theaters, Adult Entertainment Centers, Rap Parlors, Adults-Only Nightclubs or Adults-Only Saunas, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated. *98-O-30, Amended, 08-O-01*

Adult Entertainment Business: Synonymous with “Adult Business,” as defined herein. *98-O-30*

Adult Entertainment Center: An enclosed building or part of an enclosed building, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person nude or in such attire, costume or clothing as to expose to view the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; or, female breast, at or below the areola thereof. In addition, the viewing of a live person, in the above described manner, after paying of any admission or fee for the viewing of same activity. *98-O-30*

Adults-only: Any items or activities emphasizing, depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. *98-O-30*

Adults-Only bookstore: A bookstore or video store in which 25 percent or more of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. *98-O-30, Amended, 08-O-01*

Adults-Only Motion Picture Theater: An enclosed building used regularly and routinely for presenting adults-only material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, explicit sexual conduct (whether auto-erotic,

heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity, for observation by patrons therein. *98-O-30*

Adults-Only Nightclub: An establishment or place either occasionally or primarily in the business of featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where explicit sexual conduct is depicted an/or sexual activity is explicitly or implicitly encouraged or tolerated. *98-O-30*

Adults-Only Sauna: An establishment or place primarily in the business of providing a steam bath and/or massage services, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated. *98-O-30*

Alarm Administrator: The Chief of Police or any other person designated by the Chief of Police.

Alarm Business: Any business operated by a person who is engaged in the activity of altering, installing, leasing, maintaining, moving, repairing, replacing, selling, servicing or responding to an emergency alarm system, or which causes any of these activities to take place.

Alarm Detection System: An assembly of equipment arranged to signal the presence of a hazard requiring urgent attention to which the police or fire/ambulance service departments are expected to respond.

Alarm User: Any person or business on whose premises an alarm system is maintained other than alarm systems on a motor vehicle.

Alcohol: Alcohol means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic Liquor: Alcoholic liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

ALFPD: The Algonquin-Lake in the Hills Fire Protection District, a special district pursuant to 70 ILCS 705/0.01 *et seq.* *05-O-44*

Animal Rescue Organization: Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes. This term does not include any entity which, is or is housed on the premises of, a breeder or broker, obtains dogs, cats or rabbits from a breeder or broker in exchange for payment or compensation, or resells dogs, cats, or rabbits obtained from a breeder or broker and provides payment or compensation to such breeder or broker. *20-O-09*

Antique vehicle: Any motor vehicle or other vehicle 25 years of age or older. *Amended, 2007-O-15*

Appendix A: This Appendix A of the Algonquin Municipal Code.

Appendix B: Appendix B of the Algonquin Municipal Code.

APSAP: Algonquin Public Safety Answering Point.

Automatic Digital Dialing Alarm Equipment: An alarm system that has the capability of transmitting digital code signals to an alarm receiving board at the APSAP. The alarm system uses existing telephone lines instead of a dedicated line.

Automatic Voice Dialing Alarm Equipment: An alarm system which automatically sends over regular telephone lines a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

Basement: A portion of any building located partly underground but having less than half of its clear floor to ceiling height below the average grade of the adjoining ground.

Beer: Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Board of Trustees: The President and Board of Trustees of the Village.

Bonfire: An outdoor fire used as part of a celebration, or for the burning of rubbish or as a signal exceeding 3 feet wide by 3 feet long, or 3 feet in diameter, and not more than 2 feet in height. 10-0-17

Booth: Any enclosure that is specifically offered to patrons of an Adult Business for the private viewing of any adults-only item or movie. Said definition does not include enclosures that are used as private offices by any operator, employee or agent for attending to the tasks of their employment and are not offered for use by the public. 98-0-30

Bowling Alley: A recreational area or facility contained within a building and so constructed as to permit the public to engage in the recreational form commonly known as bowling and constructed primarily for use in connection with such recreational pursuit.

Breast: A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and areola (the darker colored area of the breast surrounding the nipple) and an outside area of such gland wherein such outside area is (i) reasonably compact and contiguous to the areola and (ii) contains at least the nipple and the areola and one-fourth of the outside surface area of such gland. 98-0-32

Breeder: A person that maintains a dog, cat or rabbit for the purpose of breeding and selling their offspring. 20-0-09

Broker: A person that transfers a dog, cat or rabbit from a breeder for resale by another person. 20-0-09

Building Commissioner: That person appointed by the Manager as the Building Commissioner for the Village. Building Commissioner is also synonymous with Building Inspector, Building Official and Building and Zoning Officer. Building Commissioner shall also mean the Building Commissioner's designee.

Buttocks: The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two imaginary straight lines running parallel to the ground when a Person is standing, the first or top such line being one-half inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being one-half inch above the lowest point of the curvature of the fleshly protuberance (sometimes referred to as the gluteal fold), and between two imaginary straight lines, one on each side of the body (the "outside lines"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor fasciae latae muscle or any of the above-described portion of the human body that is between either (i) the left outside perpendicular line and the left outside perpendicular line or (ii) the right inside perpendicular line and the right outside perpendicular line. For the purpose of the previous sentence the left inside perpendicular line shall be an imaginary straight line on the left side of the anus (i) that is perpendicular to the ground and to the horizontal lines described above and (ii) that is one-third of the distance from the anus to the right outside line. (The above description can *generally* be described as covering one-third of the buttocks centered over the cleavage for the length of the cleavage.) 98-O-32

Building: Any residential or nonresidential support, shelter or enclosure of persons, animals or movable property of any kind, and which is permanently affixed to the land.

Building Commissioner: The Village Building Commissioner pursuant to Section 3.05 of this Code. Building Commissioner shall also mean the Building Commissioner's designee.

Cellar: A portion of a building located partly or wholly underground and having half or more than half of its clear floor to ceiling height below grade.

Chapter: When "Chapter" appears within a chapter of this Code, it means that particular chapter.

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

Circuit Court: The 22nd Judicial Circuit of McHenry County.

Civil Emergency: A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by 3 or more persons acting together without authority of law; or any natural disaster or manmade calamity,

including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Clerk: The Village Clerk pursuant to Section 3.01 of this Code.

Club: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors which conforms to the definition of a club, as provided by 235 ILCS 5/1-3.24, as amended. *Amended, 97-O-45*

Collector: The Village Collector pursuant to Section 3.03 of this Code.

Combustible Waste: All waste substances capable of incineration or burning, but excluding explosive or highly flammable material.

Commercial Kitchen: A kitchen designed for preparing food for sale to the public rather than food to be eaten by those who prepare it. A commercial kitchen shall include a multi-compartment sink, Type 1 hood, automatic fire suppression system, and commercial grade appliances such as a dishwasher, flat iron, oven, and fryer. *24-O-08*

Community Development Director: Hired by the Manager, the Community Development Director has charge of the Community Development Department. Community Development Director shall also mean the Community Development Director's designee.

Country Club: A recreational area with buildings or structures used in conjunction therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, e.g. golf, tennis, etc.

County: Kane County and /or McHenry County.

Cubicle: Synonymous with "booth," as defined herein. *98-O-30*

Curfew: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, except officials of any governmental unit and persons officially designated to duty with reference to such civil emergency as outlined in Chapter 43.17.

Diameter at Breast Height (DBH): The diameter of a tree measured at 4½ feet above existing grade. *96-O-72*

Door: Full, complete, non-transparent closure device that obscures the view or activity taking place within the enclosure. *98-O-30*

Dwelling Unit: A single family attached and detached residence and duplex.

Electrical Inspector: The designated Village official(s) for making inspections pursuant to Chapter 23 of this Code. *00-0-32*

Electronic or Mechanical Amusement Device: The term “electronic amusement device” or “mechanical amusement device” is defined as follows:

1. Each machine which, upon the insertion of a coin, trade token or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money, trade token or slug, or which makes no provision whatever for the return of money to the player.
2. Any machine, apparatus or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine.
3. Each machine vending recorded music or a period of radio or television entertainment in return for insertion or deposit therein of a coin, trade token or slug; however, this does not include coin-operated radios or television sets in private quarters.
4. All amusement machines and/or electronic devices, whether purporting to be games of skill or otherwise, for which a fee or charge is made for the privilege of playing or operating the same.

Employee: For purposes of Section 31.09, any person other than a massage therapist who renders any service for the licensee and who receives compensation directly from the licensee but has no physical contact with customers or clients. *11-0-12*

Entity: Any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company or other for profit and/or not for profit organization. *98-0-32*

EPA: The U.S. Environmental Protection Agency.

EPA Administrator: Administrator of the U.S. Environmental Protection Agency.

Extermination: The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized legal pest elimination methods.

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

False Alarm: The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system of his employees or agents, except that the following shall not be considered false alarms:

1. Alarms caused by the failure or malfunction of the equipment located in the APSAP.
2. Alarms occurring on a repeated basis without apparent cause within the first 30 days after installation of the Alarm Detection System, and where continuous effort, in the sole opinion of the Alarm Administrator, is being made jointly by the Alarm User, the Alarm Business and any other concerned person to correct the malfunction expeditiously.
3. Alarms caused by actual illegal entry or attempted entry of which there is visible evidence.
4. Alarms caused by an on-premises fire.
5. Alarms intentionally caused by a person acting under a reasonable belief that a need exists to call the police or fire/ambulance department.
6. Alarms caused by tornadoes, earthquakes, major floods or other natural disaster or conditions.

Finance Director: The duly appointed finance director for the Village. *02-O-7*

Fire District or Fire Protection District: The applicable fire protection district, such as Algonquin-Lake in the Hills Fire Protection District and Huntley Fire Protection District. *00-O-32*

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

Golf Course: A recreational area with or without club house facilities primarily for the use of members and their guests or the general public as the case may be, engaging in a form of recreation or game commonly known as golf.

Hard landscape waste: Tree trunks, limbs, branches and twigs, excluding leaves, grass or shrubbery clippings and cuttings. *93-O-51, Amended, 10-O-17, 96-O-19*

Highway or Street: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicle travel. Any street, alley or public way within the Village.

Hotel: A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge or otherwise.

IEPA: Illinois Environmental Protection Agency. *10-O-17*

Illinois Compiled Statutes: The Illinois Compiled Statutes, as amended. *97-O-45*

Illinois Municipal Code: 65 ILCS 5/1-1-1 *et seq.*, as amended. *Amended, 97-O-45*

Infestation: The presence within or around a dwelling unit of any insects, rodents or other pests.

Inoperable Motor Vehicle: Any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

The term “inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to historic vehicles over 25 years of age, nor to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles, nor to any motor vehicle which has been rendered temporarily incapable of being driven under its own power by authorization of the Chief of Police.

Kindling: Bits of dry wood or other easily lighted material, not prohibited in Section 43.08 of this Code, for starting a fire. *10-O-17*

Kitchen: A room or part of a room or building in which food is prepared or cooked. *11-O-12*

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

Legal Guardian: A person appointed guardian or given custody of a minor by a Circuit Court of the State, but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act, 705 ILCS 405/1-3, as amended. *Amended 97-O-45*

Let: To give another person the right to occupy any portion of a building or real estate or both. The act of “letting” shall be deemed to be a continuing act for so long as the person given the right to occupy the premises continues to do so. A further “letting” by any occupant for a portion of a building is, for the purpose of this Code, also a “letting” by the owner or operator of the building.

Licensee: An organization, person or firm which has been issued a license, such as to operate a raffle.

Manager: The chief administrative officer of the Village. Manager shall also mean the Manager’s designee.

Massage or massage therapy: A system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may

be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage is to enhance the general health and well-being of the mind and body of the recipient. “Massage” does not include the diagnosis of a specific pathology. “Massage” does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice. *11-O-12*

Massage establishment: Any establishment having its place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged or carried on any of the activities referenced in the definition of massage in Appendix A. *11-O-12*

Massage services: The performance of a massage. *11-O-12*

Massage therapist: Any person who is licensed by the Illinois Department of Professional Regulation and administers massage for compensation. *11-O-12*

May: May is permissive.

Minor: A person who is above the age of 11 years but not yet 18 years of age.

Motor vehicle: Vehicles propelled by automotive power, either automobiles or motorcycles, with the exception of traction engines, farm tractors, road rollers and stream railways. *Amended, 2007-O-15*

Municipality: The Village of Algonquin.

Net Proceeds: The gross receipts from the conduct of raffles, less sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

Network: The Algonquin-Lake in the Hills Fire Protection District (ALFPD) Keltron Wireless Alarm Network or any other similar and suitable state of the art equipment approved by the Village and the ALFPD. *05-O-44*

Nightclub: An establishment serving food and/or liquor and providing music and space for dancing by patrons only. A nightclub shall not include an “Adult Business.” *98-O-30*

Non-Profit: Organized, operated and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of such operation.

Nude: Any person insufficiently clothed in any manner so that any of the following body parts are not entirely covered with a fully opaque covering:

1. The male or female genitals, or
2. The male or female pubic area, or
3. The female breast, or

4. The buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-Strings, T-Backs, and thongs.

Body paint, body dyes, tattoos, liquid latex whether wet or dried, and similar substances shall not be considered opaque covering. Each female person may determine which one-fourth of her breast surface area (see definition of breast) contiguous to and containing the nipple and the areola is to be covered. 98-O-32

Nudity: The display of the human male or female genitalia; pubic hair; buttocks; perineum; anal or pubic regions; female breast, at or below the areola thereof, with no covering or with a less than fully opaque covering; or, male genitalia, in a discernible turgid state, with or without covering. 98-O-30

Obscene: Any material or performance is obscene if:

1. The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
2. The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
3. Taken as a whole, it lacks serious literary, artistic, political or scientific value. [Statutory Reference: 720 ILCS 5/11-20] 98-O-30

Occupant: Any person, over one year of age, living in, sleeping in or having actual possession of a building or portion thereof.

On-Going Raffle: A raffle in which (1) there is 1 sale of chances before an initial drawing date; thereafter, the chances shall be valid at subsequent drawings in the same raffle; or (2) a specified number of raffles to be conducted during a specified period not to exceed 1 year. *Amended, 01-O-41*

Open Air Meeting: Any congregation of citizens held outdoors and upon any public property for the purpose of hearing speakers or discussing some matter of common interest where the number of participants expected may reasonably be assumed to exceed 50.

Open burning: The burning of materials outside of the confines of a dwelling or building wherein products of combustion are emitted directly into the ambient air. Open burning does not include road flares, smudgepots and similar devices associated with safety and/or occupational uses or recreational fires. For the purpose of this definition, any outdoor fire burning in an area larger than 3 feet wide by 3 feet long, or 3 feet in diameter, and in height more than 2 feet is considered open burning for which a permit is required to be issued by the applicable unit of government, such as the county or a fire protection district, prior to the burn taking place. *Amended, 10-O-17*

Operator: Any person having charge, care, management or control of any building or part thereof.

Operator: For purposes of an Adult Business, as defined herein, any person, (whether said persons be an individual, partner, corporation, joint stock company, fiduciary, officer, director, stockholder, employee or manager), which conducts, maintains or owns any Adult Business. 98-O-30

Owner: Any person who alone or jointly or severally with others shall have legal or equitable title to any building, the agent of said person or any person having management or control of the building or portion thereof, including, but not limited to a purchaser, mortgagee, receiver or lessee in possession of any building or portion thereof.

Parade: Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the Village.

Park Trees: Trees, shrubs, bushes and all other woody vegetation located in any park property owned by the Village. 96-O-72

Patron: For purposes of an Adult Business, as defined herein, any customer, patron or visitor to an Adult Business who is not employed by any operator of said establishment. 98-O-30

Peddling: 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 the Village or from house to house, whether at one place 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.

Person: Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Person: For purposes of Chapter 27, any individual, firm or corporation, public or private, the State and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

Person: For purposes of Section 43.32, any live human being aged 10 years of age or older. 98-O-32

Pet Store: A retail establishment where dogs, cats or rabbits are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization. 20-O-09

PIN: Permanent Index Number assigned by the appropriate county department.

Places Provided or Set Apart for Nudity: For purposes of Section 43.32, this shall mean enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being Nude is used for the promotion of business or is otherwise commercially exploited. 98-O-32

Plumbing: Gas pipes, gas burning equipment, water heating equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, wells, septic tanks, catch basins, drains, vents and any similar supplied fixtures, together with all connections to water, sewer or gas lines.

Population: The population determined by the most recent official federal, state or Village census.

Premises: A lot, plot or parcel of land, including the buildings and structures thereon.

President: The Village President pursuant to Section 2.02 of this Code.

Property: Any real property within the Village which is not a street or highway.

PUD: A planned development, which is commonly referred to as a planned unit development.

Public Place: For purposes of Section 43.32, 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 cover charge or membership requirement); bottle clubs; hotels; motels; restaurants; night clubs; country clubs; cabarets; meeting facilities utilized by any religious, social, fraternal or similar organization. A premises, or portion thereof such as a hotel room, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a Public Place. 98-O-32

Public Works Director: The Public Works Director of the Village pursuant to Section 5.01 of this Code. Any reference to Public Works Director shall also mean the Public Works Director's designee.

Raffle: A form of lottery, as defined in 230 ILCS 15/1 et seq., conducted by an organization licensed pursuant to Section 31.07 in which: *Amended, 97-O-45*

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

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

Rap Parlor: An establishment or place primarily in the business of providing non-professional conversation or similar services for adults, where explicit sexual conduct is depicted and/or sexual activity is explicitly or implicitly encouraged or tolerated. *98-O-30*

Recreational fire: A small outdoor fire burning hard landscape waste or untreated wood only and does not include rubbish, trash, refuse, flammable liquids, construction material, grass, brush or leaves, where the fuel being burned is contained within a burn area no larger than 3 feet wide by 3 feet long, or a circle no larger than 3 feet in diameter, and 2 feet or less in height for pleasure, cooking for human consumption, warmth or similar purposes. *Amended, 10-O-17*

Registered Solicitor: Any person who has obtained a valid certificate of registration as provided in this Code, and which certificate is in the possession of the solicitor on his person while engaged in soliciting.

Religious Organization: Any church, congregation, society or organization founded for the purpose of religious worship.

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

Restaurant: Any public place kept, used and maintained, advertised and held out to the public as a place where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail Sale: The sale for use or consumption and not for resale.

Room: For purposes of Section 31.10, synonymous with “booth,” as defined herein. *98-O-30*

Rubbish: Combustible and noncombustible waste material, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, dust, animal matter, garbage, litter or any object that is removed from the things that are presently worthless or unsuitable for immediate purpose. *Amended, 10-O-17*

Sadomasochistic activity: Flagellation or torture by or upon a nude person; a person clad in undergarments, a mask or bizarre costume. In addition, the condition of being fettered, bound or otherwise physically restrained with the intent to stimulate or arouse sexually the initiator and/or the recipient. *98-O-30*

Sanitary Landfill: A type of operation in which refuse is deposited by plan in a pit or excavation of open land, is compacted by force applied by mechanical equipment and then is covered by a layer of earth, ashes or suitable covering material to a depth of at least 2 feet.

Seaplane: Any aircraft designed to rise from and alight on the water, including but not limited to all conventional aircraft, hovercraft, airboats or any kite designed to carry a person, or any other airborne devise.

Section: Wherever “Section” appears within a particular section number of this Code, it means that particular section. For example, if “Section” appears within Section 1.01 of this Code, Section means Section 1.01. When a number is included with the word “Section,” it shall mean that section number of this Code.

Sell: Includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell. *98-O-30*

Sexual conduct: Ultimate sex acts (whether auto-erotic, heterosexual, homosexual or otherwise), bestiality or sadomasochistic activity. In addition, physical contact, intended to stimulate or arouse sexually the initiator and/or the recipient, with a person’s unclothed genitalia, buttocks, perineum, anal or pubic regions, or female breast. *98-O-30*

Sexual or genital area: The genitals, pubic area, anus, or perineum of any person, including the vulva or breasts of a female. *11-O-12*

Shall: Shall is mandatory.

Soliciting: Any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application of purchase of insurance of any type, kind or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
4. Seeking to obtain contributions of any type or kind.

Spirits: Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whisky, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

State: State of Illinois.

Street or Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicle travel.

Street Trees: Trees, shrubs, bushes and all other woody vegetation located within any Village street, alley or other public right-of-way. *96-O-72*

Subdivision Code: Chapter 22 of this Code.

Supplied: Paid for, installed, furnished or provided by and under the control of the owner or operator at its own expense.

This Code: The Algonquin Municipal Code.

Topping: The severe cutting back of limbs of a tree to stubs larger than three inches in diameter within the tree's crown, and shall mean such cutting as would remove the tree's normal canopy and disfigure the tree. *96-O-72*

Treasurer: The duly appointed Treasurer of the Village pursuant to Section 3.02 of this Code.

Underage: Any person under 18 years of age, the legally minimum age at which one can purchase or view adults-only items. (Statutory Reference: 720 ILCS 5/11-20) *98-O-30*

Vehicle: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation the following: abandoned vehicle, antique vehicle, automobile, camping trailer, derelict vehicle, house trailer, junk vehicle, motorcycle, motor driven cycle, mini motor home, motor carrier, motor home, motorized pedalcycle, motor vehicle, off-highway motorcycle, passenger car, recreational vehicle, road tractor, semitrailer, special hauling vehicle, specially constructed vehicle, stinger-steered semitrailer, street rod, tank vehicle, tow truck, trailer, travel trailer, truck camper, trickster, truck tractor and van camper. *Amended, 2007-O-15*

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

Video gaming terminal or video gaming device: Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only. (Statutory Reference: 230 ILCS 40/5). *16-O-35, amended 23-O-21*

Video gaming café: An establishment whose primary or a major focus of the establishment is video gaming and the service of alcohol; food is secondary to the operation of video gaming. The

following factors may be considered when determining if the establishment is a video gaming café: *16-O-35*

1. The layout and design of the establishment;
2. The preparation and variety of food and beverages offered;
3. The creation and operation of a commercial kitchen on the premise where gaming is situated;
4. The number of video gaming machines relative to the customer seating capacity of the establishment must be 10 customer seating to one machine;
5. The square footage of space devoted to video gaming relative to the amount of space devoted to other activities must be 4 for non-gaming to 1 gaming;
6. The source of proposed or actual revenue derived from the establishment;
7. The number of employees at the establishment and their proposed function; and
8. Any other factors as determined as relevant by the Local Liquor Control Commissioner.

Village: Village of Algonquin, McHenry and Kane counties, Illinois.

Village Arborist: The Certified Arborist, as certified by the International Society of Arboriculture, appointed by the Public Works Director or the Manager, to manage and maintain the Village's urban forest. *96-O-72*

Village Board: The President and Board of Trustees of the Village.

Village Engineer: The duly appointed engineer of the Village or his designee.

Wall sign: Any flat sign which is placed against a building or other structure and attached thereto in such manner that only one side is visible. *98-O-30*

Wine: Wine means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Zoning Code: Chapter 21 of this Code.