

Chapter 31
BUSINESS REGULATIONS

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31.01 BILL POSTING AND ADVERTISING *Amended, 06-O-22, 03-O-11, 02-O-41, 99-O-19*

A. License Required: No person shall distribute, post, paint or exhibit any handbill or advertisement upon any street, public ground or place or other ground or place in the Village without a license issued by the Clerk.

B. Littering: No person shall post, throw or distribute any handbill or advertisement in any street or alley or on any sidewalk in the Village.

C. Obscenity: No person shall post, distribute, paint or expose to public view or show within the Village any handbills, advertisements, signs, writing, pictures or forms of an indecent or immoral character.

D. Consent of Owners: No person shall post, paint, print or otherwise fasten any handbill, poster or advertisement on any sidewalk, tree, lamp post, utility pole, fence or hydrant within the Village without the consent, in writing, from the owner of the property.

E. Method of Distribution: No person shall distribute or hand out upon any street, alley, sidewalk or other public place in the Village any handbill or any advertising matter except by directly handing it to a person who accepts it, or distribute handbills or other advertising matter at houses, stores or places of business otherwise than by putting the same under doors or affixing to the premises. When so distributing, no bell shall be rung or no signals shall be given to disturb the occupants of the premises.

F. Exceptions: Exceptions to this Section are as follows:

1. This Section shall not apply to advertisements made in the course of legal proceedings.
2. Not-for-profit organizations or charitable organizations engaged in bill posting involving the advocacy of religious or political causes, as well as any local school, church, service organization or governmental association which is based within the Village corporate boundaries, or provides its

primary service within the Village, shall not be subject to licensing, registration or fee requirements.

3. Any organization that is not subject to this Section shall comply with Section 31.01-E herein regarding the method of distribution, as well as any applicable limitations or regulations found in Chapter 34 of this Code.

G. Fees: The fee for a license under this Section shall be found in Appendix B.

31.02 AUCTIONEERS *Amended, 91-O-87*

A. License Required: No person shall act as auctioneer or carry on the business of auctioneer in the Village without a license issued by the Clerk.

B. Fee: The fee for an auctioneer's license shall be found in Appendix B.

C. Exceptions: Exceptions to this Section are as follows:

1. This Section shall not apply to persons or officers acting under legal process or to any person who is a resident of the Village.
2. Not-for-profit organizations shall be exempt from paying a license fee as outlined in Section 31.02-B.

31.03 MOTION PICTURE THEATERS

A. License Required: No person shall operate any motion picture theater in the Village without a license approved by the Village Board.

B. Fee: The fee for the annual license shall be found in Appendix B.

31.04 PUBLIC EVENTS, ENTERTAINMENTS *Amended, 15-O-41, 08-O-19, 06-O-21, 01-O-45*

A. License Required: A Village license is required for all public events in the Village including, but not limited to, outdoor exhibitions, shows, carnivals, circuses, concerts and musical performances. In the event the event sells or serves alcoholic liquor, a liquor license shall be required pursuant to Chapter 33 of this Code. In the event one or more raffles will be conducted at the event, such activity shall be governed by Section 31.07, Raffles, of this Code.

Public event licenses are issued after approval of Village staff. If the event meets certain criteria (e.g., multi-day event, selling or serving alcoholic liquor, use of public property, road closures, enhanced police protection, admission fees and amplified music), as determined by Village staff, Village Board approval, with any conditions attached as the Village Board deems appropriate to protect the health, safety and welfare of the public, will be required.

B. Application: Not less than 45 calendar days before the public event an application, available at the Village Hall, shall be submitted to the Deputy Clerk. The application shall include:

1. A site plan showing the layout of the event.

2. An indemnification and hold harmless agreement signed by the public event licensee in favor of the Village and proof of the following insurance:
 - a. All public events permits shall be supported by evidence of insurance coverage for the terms of the permit. Prior to commencing any of the activities approved by the public event permit, the applicant, at no expense to the Village, shall obtain and file with the Village, no less than 30 days prior to the event, evidence that its insurance meets the minimum requirements of this Section. All policies of insurance are (1) subject to Village approval of the insurance company, form, and coverage; (2) must be primary to and non-contributory with all other insurance and self-insurance maintained by the Village; and (3) must protect the Village from any and all claims and risks in connection with the permitted activity.
 - b. Minimum Insurance Requirements:
 - i. Commercial General Liability: One million dollars (\$1,000,000) per occurrence for bodily injury, and property damage, and two million dollars (\$2,000,000) in the aggregate. Coverage shall be written on an industry standard form no more restrictive than the ISO CG 00 01 1001. This requirement applies to every permit application submitted for approval.
 - ii. Liquor Liability (Dram Shop): One million dollars (\$1,000,000) per occurrence for bodily injury, and property damage, and two million dollars (\$2,000,000) aggregate. This requirement applies when alcohol is being sold or consumed on private or public property.
 - iii. Business Automobile Liability: One million dollars (\$1,000,000) combined single-limit per accident for bodily injury and property damage. Coverage shall be written on an industry standard form no more restrictive than the ISO CA 00 01. This requirement applies when a sponsor, organizer, or vendor is using vehicles as part of the event set-up, take down or being operated in relation to the event.
 - iv. Workers' Compensation and Employers' Liability: Workers' Compensation coverage with statutory limits and employers' liability limits of five hundred thousand dollars (\$500,000) per accident. This requirement only applies when a sponsor is using employees (not subcontractors or vendors) as part of the event set-up, take down or working in relation to the event.
 - c. Additional Insured Coverage: All insurance policies of event sponsors, coordinators, organizers, and vendors must be endorsed to name the Village as an "Additional Insured" on an industry form

no more restrictive than the ISO forms CG 20 26 (CGL) and CA 20 48 (business auto liability) and shall provide for primary and non-contributory coverage limits. A copy of all additional insured endorsements must be supplied with the permit application.

- d. Certificate of Insurance: Certificates of insurance evidencing the insurance coverage required for sponsors, organizers, coordinators, and vendors must be supplied with the permit application. Insurance certificates must be on Acord 25 form, and must include the following language:

The Village of Algonquin is, and has been, endorsed as an additional insured under the above reference policy number _____ on a primary and non-contributory basis for general liability coverage of the [EVENT NAME] on [DATE OF EVENT] taking place at [EVENT LOCATION].

- e. With reasonable notice to the sponsors and event organizers, the Village reserves the right to require insurance of the event sponsors, organizers, and vendors other than that specifically provided herein, and to change the minimum acceptable limits of liability based on the Village's determination, in its sole discretion, that the risk presented by the public event warrants such changes. The Village does not warrant or represent that the specified insurance is adequate to protect the interests or liabilities of the sponsor, organizer, or vendors.
 - f. All insurance documents must be submitted not less than 30 days prior to the event. A public event permit cannot be issued without approved insurance.
- 3. The filing fee, which is \$50 for each day the public event will run. Said fee will be waived for Village not-for-profit organizations that submit a copy of their certificate of incorporation.
 - 4. A letter of consent from the property owner if the event will be held on private property or a letter to the Village Board requesting the use of public property.
 - 5. Sign/temporary use permit issued by the Community Development Department.
 - 6. Electrical permit issued by the Community Development Department with a copy of the contractor's electrical license and a detailed drawing that includes the power source and circuitry. The fee for this permit is \$35.
 - 7. Copy of the county temporary food service permit, if applicable.
 - 8. Receipt in the amount of \$750 issued by the Finance Department for connection to the Village's potable water system, if applicable.

C. Carnivals, Circuses: The following shall apply for carnivals and circuses:

1. The location for any carnivals or circus shall be approved by the Village.
2. The event shall not exceed 10 days.
3. The event shall not be located in or directly adjacent to any developed residential area, with the exception that it may be on church, school or public park property even if located next to residential property.
4. The event must be operated or sponsored by a not-for-profit organization based in the Village.
5. No location may host more than one carnival/circus per year.
6. Unless authorized by the Chief of Police, no employee, agent or other representative of the carnival/circus may live, sleep or otherwise remain overnight on the premises of the carnival. Persons providing security on the site may receive an exemption from this requirement.
7. All carnival workers must keep government issued photo identification on their person at all times during the public event. The government issued identification must be presented at any time to an officer of the Village upon request.
8. Only those carnival/circus employees who have completed a background check through the Algonquin Police Department will be permitted to work on the premises. The background check is valid for the calendar year in which it is conducted and is subject to review after the initial approval. No person will be allowed to work on the public event site if he/she:
 - is a registered sex offender, as defined in the Sex Offender Registration Act (730 ILCS 150/1.1 *et seq.*; or
 - has been convicted of any offense set forth in Article 9 or 11 of the Criminal Code of 1961; or
 - has been convicted of a felony in the past five years; or
 - has been convicted of any other crime involving moral turpitude or violence; or
 - is identified as a known gang member in the Illinois State Police LEADS system.
9. Any operator who knowingly has employees who are in violation of this Section shall be subject to a fine and license revocation. Any employee who is in violation of this Section shall also be subject to a fine.

D. Carnivals, Circuses Applications: In addition to the application requirements herein, applications for carnivals and circuses shall include:

1. Copy of an Illinois Department of Labor amusement ride permit.
2. List of all employees who will work on the premises of the public event including their legal name, date of birth, home address and social security number.
3. All registered employees shall submit their fingerprints along with a completed police background authorization form. The fee for this service shall be \$500 plus \$50 for each employee. Volunteers for local not-for-profit organizations shall be exempt from fingerprinting.
4. Signed waivers of liability for all employees who will work on the premises of the public event.
5. Completed Village carnival operator questionnaire, if required by the Village.

E. Village Inspections: Any Village official shall have free access to the public event grounds and all booths, shows and concessions at all times to insure compliance with Village, county and state ordinances and regulations.

F. License Revocation: The Manager or designee may revoke an entertainment license or carnival worker permit at any time and demand immediate cessation of the public event when it is found to be in violation of Village, county or state ordinances and regulations or when public safety is endangered.

31.05 **BOWLING ALLEYS, SHOOTING GALLERIES, BILLIARD TABLES and ELECTRONIC AMUSEMENT DEVICES** *Amended, 06-O-64*

A. License Required: No person shall have or keep in any place of public resort in the Village any billiard or pool table, any bowling alley or shooting gallery or any mechanical or electronic amusement device without a license from the Village. Applications for said licenses shall be made in writing to the Clerk. Such applications shall contain the name of the applicant, address at which such pool or billiard tables, bowling alley, shooting gallery or electronic or mechanical amusement devices are to be kept, the number of such tables, alleys, galleries or electronic or mechanical amusement devices, and shall be filed with the Clerk together with the license fee hereinafter required.

B. Annual Fee:

1. The annual fee for a license as herein required shall be found in Appendix B. The annual fee shall be due and payable on the first day of January of each year, and all issued licenses shall expire on the 31st day of December of said year. When issued for a period of less than 6 months, the fee shall be one-half of the annual fee.
2. Any business where internet-based electronic amusement devices are the primary business and are the main source of income, and where no alcohol is sold on the premises, shall be subject to the reduced fee found in Appendix B.

31.06 VENDING MACHINES

A. License Required: It shall be unlawful for any person to own, use, possess or place, or permit to be used or placed on the premises owned or controlled by him, any merchandise vending machine anywhere in the Village without having first obtained a license from the Village to do so.

B. Application: Application for such licenses shall be made in writing to the Clerk. Such applications shall contain the name of the applicant, address at which such sales are to be made, the number of vending machines and shall be filed with the Clerk, together with the license fee hereinafter required.

C. Annual Fee: The annual fee for a license as herein required shall be found in Appendix B. The annual fee shall be due and payable on the first day of January of each year, and all issued licenses shall expire on the 31st day of December of said year. When issued for a period of less than 6 months, the fee shall be one-half of the annual fee.

31.07 RAFFLES *Amended, 05-O-54, 01-O-41, 00-O-46, 93-O-2, 91-O-87*

A. Definitions: Terms used in this Section are defined in Appendix A.

B. License Required: It shall be unlawful for any person to conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the Village and in accordance with the provisions of this Section.

C. License Application:

1. Contents of Application: Any person seeking to conduct or operate a raffle shall file an application therefore with the Clerk on forms provided by the Clerk. Said application shall contain the following information:
 - a. The name, address and type of organization;
 - b. The length of existence of the organization and, if incorporated, the date and state of incorporation;
 - c. The name, address, telephone number and date of birth of the organization's presiding officer, secretary, raffle manager and any other members responsible for the conduct and operation of the raffle;
 - d. The aggregate retail value of all prizes to be awarded in the raffle;
 - e. The maximum retail value of each prize to be awarded in the raffle;
 - f. The maximum price charged for each raffle chance issued or sold;

- g. The maximum number of raffle chances to be issued;
- h. The area or areas in which the raffle chances will be sold or issued;
- i. The time period during which raffle chances will be issued or sold;
- j. The date, time and location at which winning chances will be determined;
- k. A sworn statement attesting to the not-for-profit character of the applicant organization, signed by the presiding officer and secretary of that organization; and
- l. A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

- 2. Fees: There shall be no license fee for a raffle license issued pursuant to this Section.

D. Licensee Qualifications: Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years or more immediately preceding the making of application for a license and which have had during that entire 5-year period a bona fide membership engaged in carrying out their objectives.

The following are ineligible for any license under this Section:

- 1. Any person who has been convicted of a felony;
- 2. Any person who is or has been a professional gambler or a gambling promoter;
- 3. Any person who is not of good moral character;
- 4. Any firm or corporation in which a person defined in Sections 31.07-D1, 2 or 3 herein has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- 5. Any organization in which a person defined in Sections 31.07-D1, 2 or 3 herein is an officer, director or employee, whether compensated or not; and
- 6. Any organization in which a person defined in Sections 31.07-D1, 2 or 3 herein is to participate in the management or operation of a raffle as defined in this Section.

E. Issuance of License.

1. The Manager shall review all raffle license applications and shall, within 30 days from the date of application, accept or reject a raffle license application. If an application is accepted, a license shall be issued and, for a single raffle event, shall be valid for a period of 60 days from and after its issuance unless the Manager specifically authorizes a license for a longer period, but in no case for more than 120 days and, for ongoing raffles, as defined in Appendix A, shall be valid for the specified period not to exceed 1 year.
2. A raffle license shall show the following:
 - a. The area or areas in which raffle chances may be sold or issued;
 - b. The period of time during which the raffle chances may be sold or issued;
 - c. The maximum price which may be charged for each raffle chance issued or sold; and
 - d. The date, time and location on or at which winning chances will be determined.
3. Said license shall be prominently displayed at the time and location of the determination of the winning chances.
4. A license shall be valid for 1 raffle or for an ongoing raffle as defined in Appendix A.

F. Conduct of Raffles: The operation and conduct of raffles are subject to the following restrictions:

1. The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game;
2. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;
3. No person may receive any remuneration or profit for participating in the management or operation of the raffle;
4. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Section;
5. Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;
6. Each raffle chance shall have printed thereon the following:

- a. The cost of said chance;
- b. The aggregate retail value of all prizes to be awarded in said raffle;
- c. The maximum number of raffle chances to be issued; and
- d. The date(s), time(s) and location(s) on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain such information.

- 7. No cash prize in excess of \$500,000 may be awarded.
- 8. No real property, including land and any buildings thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.
- 9. No person under the age of 18 years may participate in the conducting of raffles of chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.
- 10. A person under the age of 18 years may participate in the conducting of raffles of chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

Notwithstanding the foregoing, any person may make a gift of a chance to any person of any age.

G. Raffles Manager, Bonds: All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.

The raffles manager shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the licensee, conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than 30 days prior to its cancellation.

H. Records:

- 1. Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single fathering or occasion at which winning chances are to be determined. All deductions from gross receipts for each single fathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or oth-

er reason for the deduction and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

2. Gross receipts from the operation of raffle programs shall be segregated from other revenues of the licensee, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefore issued by the Illinois Department of Revenue, and placed in a separate account. Each licensee shall have separate records of its raffles. The person who accounts for 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.
3. Each licensee shall report within 30 days after the conclusion of each raffle to its membership and to the Clerk: its gross receipts, expenses and net proceeds for raffles, and the distribution of net proceeds itemized as required herein.
4. Records required herein shall be preserved for 3 years, and licensees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

I. Penalties: Violation of this Section or any of its requirements or provisions shall be punishable by a fine found in Appendix B. Each day the violation continues shall constitute a separate offense. Each member of the sponsoring organization shall be jointly and severally liable with the organization and with each other for any violation.

The imposition of penalties herein prescribed shall not preclude the Village from instituting appropriate action to prevent unlawful raffles or to restrain, enjoin, correct or abate a violation of this Section or of the conditions of the raffle license issued pursuant hereto.

31.08 **PAWNBROKER REGULATIONS** 95-O-17

A. “Pawnbroker” is defined in 205 ILCS 510/1, as amended.

B. Record, Identification: Every pawnbroker shall keep a standard record book that has been approved by the Chief of Police, in which shall be written in ink, at the time of each and every loan or taking of a pledge:

1. An accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged;
2. The amount of money, value or thing loaned thereon;
3. The time of pledging the same;
4. The rate of interest to be paid on such loan;
5. The name and residence of the person making such pawn or pledge; and

6. The serial number or identification number of items received which are required to bear such number.

Every pawnbroker shall also record in his book, an accurate account and description, in the English language, of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, not in the course of a pledge or loan, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles or other things to the pawnbroker. No entry in such book shall be erased, mutilated or changed.

C. Daily Report: It shall be the duty of every pawnbroker to make out and deliver to the Chief of Police, on each day before the hour of 12 noon, a legible and exact copy from the standard record book as described in Section 31.08-B herein, that lists all personal property and other valuable things received on deposit or purchase during the preceding day, together with the exact time when received or purchased, and a description of the person or person by whom left in pledge, or from whom the same were purchased.

D. Inspections: The business premises of a pawnbroker, standard record book and every article or other thing of value pawned or pledged shall, at all times, be open to inspection by the Chief of Police or any member of his police force.

31.09 MESSAGE ESTABLISHMENTS *11-O-12*

A. Definitions: Terms used in this Section are defined in Appendix A.

B. Message Establishment License Required: No person shall conduct, operate, maintain, or permit to be conducted, operated or maintained, or participate in the conduct, operation, or maintenance of, a message establishment within the Village unless the Village has issued a license for such message establishment as provided for in this Section. Such valid and current license shall be displayed in a conspicuous place within the message establishment at all times. Licenses shall be valid for a period of one year, and shall be valid only for the address specified in the application for license.

C. License Fee: The annual license fee for each message establishment is found in Appendix B.

D. Application Requirements: Any person desiring to operate a message establishment shall make application for a license to the Manager, or designee, on a form supplied by the Village. The application shall include, but not be limited to, the following items:

1. The name of the person(s) who will serve as the licensee under whose management or supervision the message establishment will be operated;
2. Copies of a valid license or licenses issued by the Illinois Department of Professional Regulation pursuant to the Massage Licensing Act (225 ILCS 57/1 *et seq.*) (“Act”), for each massage therapist who will provide massage services at the message establishment;

3. The applicant and each masseuse shall supply a photo ID and social security number and will be fingerprinted by the Police Department. In connection with the applicant or any employee, written authorization for the Chief of Police to conduct a criminal background investigation;
4. A description of the proposed massage establishment, including the number of massage therapists, other activities or business conducted at the same location, the physical facilities to be used, and a scaled drawing showing all ingress and egress locations and windows, and a floor layout diagram of the premises;
5. In the event the property is leased, a copy of the lease shall be submitted with the application that contains the name of the property owner; and
6. Such other information as the Village may request.

E. Investigation Before License Issuance:

1. In addition to the investigation required in Section 31.09-D, the Chief of Police shall have the right and opportunity to conduct a criminal background check. Payment of all costs associated with any investigation or criminal background check pursuant to this Section shall be paid by the applicant.
2. Any information concerning criminal convictions or findings of guilt obtained by the Village shall be confidential and may not be transmitted outside the Village, except as required herein, and may not be transmitted to anyone within the Village except as needed for the purpose of evaluating the applicant, an employee, or other person investigated pursuant to this Section.

F. Issuance of License: If the Manager determines that the applicant and premises are in compliance with the applicable laws of the Village and the State, the Manager, or designee, shall issue the license.

G. Grounds for Denial or Denial of Renewal of License: When the investigation reveals any of the following circumstances, the Manager, or designee shall promptly notify the applicant or license holder that the application is disapproved and that no license shall issue or be renewed. Circumstances include, but are not limited to:

1. Location of the business does not comply with the Algonquin Zoning Ordinance or any other Village ordinance.
2. Building or premises does not comply with Chapter 23, Building Codes, of this Code.
3. Applicant/licensee or the premises do not comply with all local health, fire, and safety regulations.

4. Applicant/licensee has failed to comply with any applicable provision of this Code.
5. Applicant/licensee has failed to comply with any applicable State law or administrative regulation, or when the applicant/licensee has failed to obtain a necessary license from the State.
6. Applicant/licensee fails to provide or maintain current licensing records.
7. Applicant/licensee refuses to allow authorized Village personnel to enter the business premises at any reasonable hour for the purpose of making a pre-license investigation.
8. Applicant/licensee operated a business or activity in a previous year without the benefit of license and such business or activity was required to have a license. This requirement, however, will be waived if the applicant/licensee first pays all past due license fees.
9. Applicant/licensee has previously been convicted of a felony or any other crime of moral turpitude, or when the applicant/licensee has unsuccessfully defended a criminal civil proceeding wherein the applicant/licensee was charged with fraud, misrepresentation, or unscrupulous business practices. However, where the conviction or unsuccessful defense occurred more than four years prior to the date of application and the President determines that the issuance of such license will not endanger the safety or welfare of the general public, the Manager shall not disapprove the application solely on these grounds.
10. Applicant/licensee has been convicted (including a sentence of supervision or conditional discharge) of the following offenses:
 - (a) Any offense involving sexual misconduct with children or sex offenses as defined in 720 ILCS 5/11-6 *et seq.*, as amended; or
 - (b) A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past 10 years; or
 - (c) A felony unrelated to conduct or involvement in such business or activity or related to similar business or activity, but which felony involved the use of a deadly weapon, violations of the Cannabis Control Act (721 ILCS 550/1 *et seq.*) or the Controlled Substance Act (720 ILCS 570/100 *et seq.*) or violence against another person, including rape, within the past five years; or
 - (d) A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years; or

- (e) An offense in any other state, or a federal offense, the elements of which are similar and bear a substantial relationship to any offenses enumerated in this Section.
11. Applicant/licensee's license issued under this Section has been revoked for cause.
 12. Licensee, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
 13. Applicant under the age of 18 years of age.
 14. Grounds exist for revocation as provided in Section 31.09-O.
 15. In addition to the provisions stated hereinabove, no massage establishment license shall be issued or renewed under the following circumstances:
 - (a) To a partnership, if any general partner thereof, or any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder.
 - (b) To a corporation, if any officer or director, or any stockholder or stockholders owning in aggregate more than 20 percent of the stock of such corporation, would not be eligible to receive a license hereunder.
 - (c) To a corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 *et seq.*), as amended, to transact business in Illinois.
 - (d) To any applicant whose place of business is conducted by a manager unless the manager possesses the same qualifications required by the licensee.
 - (e) To any applicant who is not a beneficial owner of the business to be operated by the licensee.
 16. Applicant/licensee is not a United States citizen or has status as a permanent resident alien or a valid work permit.

H. Compliance Inspections: Upon issuance of a massage establishment license, the licensee shall provide any representative of the Village with a reasonable opportunity to inspect the premises for which the license is requested and to interview the licensee's agents and employees for the purpose of determining that the provisions of this Section and other applicable ordinances and State and federal laws are being complied with. It shall be unlawful for any person to fail to allow any representative of the Village access to the premises of the massage establishment or to hinder such access in any manner. Refusal by the licensee to

allow the Village representative access to the establishment shall be grounds for revoking the massage establishment license.

I. Employment of Licensed Massage Therapists: No massage therapist may be employed in a massage establishment who does not hold a current, valid license issued by the Illinois Department of Professional Regulation, as required by the Act, which license may not have been suspended, revoked, or temporarily suspended under that act. Each massage establishment shall maintain a current listing of all licensed massage therapists who perform massage services at the massage establishment, along with proof of their valid and current Illinois license, and must allow inspection of such records at any reasonable time upon the request of any representative of the Village.

J. Operating Requirements:

1. Every portion of the massage establishment, including any and all appliances, apparatus, or other mechanical and therapeutic devices, shall be kept clean and operated under sanitary conditions.
2. Price rates for all massage services shall be prominently posted in the reception area of the massage establishment in a location available to all prospective customers.
3. All employees and massage therapists shall wear clean, nontransparent outer garments fully covering the sexual and genital areas.
4. All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner. All towels and linens furnished for use of one patron shall not be furnished for use of another patron until laundered.
5. The sexual or genital areas of clients must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee or massage therapist.
6. All walls, ceilings, floors, pools, showers, baths, and steam rooms and any other physical facilities shall be kept 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 massage establishment is in operation. Bath-tubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
7. Oils, creams, lotions, and other preparations used in administering massages shall be kept in clean, closed containers or cabinets.
8. The facility shall be accessible for persons with disabilities and not contain a full kitchen or sleeping quarters. The serving of meals shall be prohibited.

9. Store front windows shall not be opaque and the waiting area shall be visible from the exterior.
10. At all times the establishment is open to the public an exterior door shall remain unlocked.
11. At all times the establishment is open to the public an Illinois licensed massage therapist shall be on the premises.
12. A copy of a valid massage therapist license issued by the Illinois Department of Professional Regulation pursuant to the Act for each massage therapist shall be displayed in a conspicuous place within the establishment at all times.
13. Each massage therapist shall wash their hands in hot running water using a proper soap or disinfectant before administering any massage to any customer or client.
14. It shall be unlawful for any employee or massage therapist in the massage establishment to place their hand upon, to touch with any part of a client's body, or fondle in any manner, or massage a sexual or genital area of any person or to cause a person to touch, massage, or fondle the sexual or genital or gluteal area of the employee or massage therapist of the establishment.
15. No massage therapist, employee, or licensee shall perform, offer, or agree to perform any act which shall require the touching of a client's sexual or genital area.
16. No massage therapist shall administer a massage to a client exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician duly licensed by the State shall certify in writing that such person may be safely massaged and shall describe the conditions under which such massage may be performed.
17. Table showers are prohibited, as well as in-shower massages.
18. No client shall be permitted to operate any device capable of recording or transmitting still or moving images in any area of the massage establishment, including, without limitation, still or video cameras, video recorders, camera phones, or any similar device except a law enforcement officer using such device pursuant to a valid court order authorizing such use.
19. It shall be unlawful for any person, corporation, firm, or association licensed under this Section to provide massage therapy services between the hours of 10 p.m. and 8 a.m. Only employees engaged in the actual conduct of cleaning or closing the business shall be allowed in the premises during closed hours. The licensee shall not dispatch massage therapists to work off premises on behalf of the massage establishment at any time except

when the licensee has received prior written approval from the Manager.

K. Cleanliness of Premises: Every massage establishment shall comply with the following minimum requirements:

1. All massage tables, lavatories, and floors shall have surfaces which may be readily disinfected.
2. Separate dressing, locker, toilet, and massage room facilities shall be provided for female and male clients, so that female and male clients may be served simultaneously in the event that clients of both sexes are permitted. Doors to the dressing rooms shall open inward and shall be self-closing.
3. Toilet facilities shall be provided within the massage establishment. When five or more employees, massage therapists, or patrons of different sexes are contemplated to be on the premises at the same time, separate toilet facilities shall be provided for each sex. A lavatory capable of providing both hot and cold running water shall be installed in each toilet room and shall be supplied with soap and a dispenser with sanitary towels.
4. Closed cabinets shall be provided for use in the storage of clean linens, towels, and other materials used in administering massage services. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the clean storage areas.
5. Sections 31.09-K-2, 3 and 4 shall not apply to a massage establishment where all massages are administered to patrons who are fully clothed and where there is no application of oils, creams, lotions, or other liquids to the body of any client.

L. Advertising Restrictions: No massage establishment shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Section, or which would suggest that employees or massage therapists are dressed in any manner other than that permitted by this Section.

M. Employment of Minors: It shall be unlawful for any massage establishment to employ any person who is not at least 18 years of age.

N. License Exemptions: The licensing requirements of this Section shall not be applicable to:

1. Hospitals, nursing homes, sanitariums, or any facility at which a health care worker duly licensed by the State provides, on an ongoing basis, professional health services to individuals, including the offices of an occupational therapist licensed under the Occupational Therapy Practice Act (225 ILCS 75/1, *et seq.*); a physical therapist licensed under the Physical

Therapy Act (225 ILCS 90/1, *et seq.*), a physician or chiropractic physician licensed under the Medical Practice Act (225 ILCS 60/1, *et seq.*), and a naprapath licensed under the Naprapathic Practice Act (225, ILCS 63/1 *et seq.*).

2. Any barber, cosmetologist, or nail technician lawfully carrying on their respective business to the extent authorized under a valid unrevoked license or certificate or registration issued by the State. Provided, this exemption is only intended to permit normal and customary barber, cosmetologist, or nail technician services which involve incidental physical contact, such as scalp rubs and facials, which otherwise qualify as massage activities. This exemption is not intended to include, and does not permit, general massage activities as part of any barber, cosmetologist, or nail technician business beyond that authorized by the State license or certification.
3. Any State registered athletic trainer who administers such athletic-related massage in the normal course of training duties.
4. Where massage services are actually performed at the patron's premises, including the patron's place of business or residence, a Village license shall not be required for such patron's premises. However, a State massage therapist's license shall be required for the massage therapist performing massage activities in such patron's premises.
5. Bona fide health/sport establishments which allow persons of all ages on the premises and meeting the following criteria:
 - (a) The primary purpose of the establishment is health and fitness; massage service is subsidiary;
 - (b) No more than 20 percent of the establishment revenue is derived from massage; and
 - (c) Massage facilities shall not occupy more than 10 percent of the establishment.

O. License Revocation or Suspension: Revocation or suspension of a license may be in addition to any fine or penalty which may be imposed. The Manager or designee shall have the power to revoke or suspend any license for cause. Cause shall exist in any of the following situations where:

1. The licensee has either intentionally or carelessly misrepresented any material fact on the license application upon which the Village relied on in issuing such license.
2. The licensee fails to continuously comply with all conditions required as precedent to the approval of the license.
3. After the granting of any license, the licensee shall have violated any applicable regulation or provision of any Village ordinance or this Code.

4. The licensee refuses to allow authorized Village personnel to enter the licensed premises at any reasonable hour.
5. After investigation and upon the recommendation of the appropriate Village official, the licensee is conducting such licensed activity in such a manner as to constitute a breach of peace, or a menace to health, safety, or welfare of the public, or a disturbance of the peace or comfort of residents of the Village.
6. The activity licensed is conducted in violation of any applicable State statute or administrative regulation, or where the licensee has failed to obtain or retain a necessary State license.
7. After the granting of any license, the licensee is convicted of a felony or has unsuccessfully defended in a criminal or civil proceeding wherein the licensee was charged with fraud, misrepresentation, or unscrupulous business conduct.
8. Any required bond or insurance has expired or been cancelled.
9. When the licensed business or activity is protected by the First Amendment of the Constitution of the United States, the revocation or suspension of a license shall be reviewed by the President pursuant to Section 31.09-P.

P. Appeal:

1. Any applicant or licensee who receives a notice of denial, revocation, or suspension may file an appeal with the President as provided herein. Such appeal shall be filed in writing no later than 11 business days following receipt of the notice, and shall include a response to the Manager's notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the Manager's notice and shall set forth the basis for why the license should not be denied, revoked, or suspended. If an appeal is filed of an order of the Manager suspending or revoking a license, such suspension or revocation shall be stayed pending final order of the President as provided in this Section.
2. The President shall schedule an informal hearing not later than 11 business days following receipt of such appeal. The purpose of the hearing will be to offer the applicant or licensee an opportunity to show cause why the application should not be denied, or why the license should not be suspended or revoked. A record shall be made of the informal hearing and documents may be submitted and/or testimony given, either in person or through sworn affidavit. This record may be made by electronic recording. The President shall have the power to administer oaths and to continue the hearing from time to time to permit the applicant or licensee to provide additional information.

The President may designate a hearing officer to schedule, convene and conduct the hearing. In such case, the hearing officer shall have the same powers as the President to administer oaths and continue the hearing from time to time to permit the applicant or licensee to provide additional information. Where such designation has been made, the hearing officer shall submit proposed findings of fact and recommendations to the President within 21 days of the close of the hearing.

3. Within 21 days after the close of the hearing set forth herein, the President shall make written findings of fact and issue an appropriate order. Within five business days a copy of such order shall be served upon the applicant or licensee. If the President determines that the license should be revoked or suspended, the suspension or revocation shall take effect immediately receipt unless otherwise specified.
4. The decision of the President provided herein shall be the final administrative action of the Village with respect to the license or application, and shall be subject to the immediate appeal by the licensee or applicant to the 22nd Judicial Circuit Court. Such appeal to the circuit court shall be filed not later than 35 days following receipt of the President's findings and order. Failure to file such appeal as provided herein shall render the President's decision final.

Q. Violation – Penalty: In addition to the provisions set forth in Section 31.09-O for the revocation and suspension of licenses, any person who violates any provision of this Section shall, upon conviction thereof, be punished by a fine pursuant to Appendix B. Each day that a violation is found to have existed shall be deemed a separate violation.

31.10 **ADULT BUSINESS LICENSES** 98-O-30; Amended, 98-O-56

A. Definitions: Terms used in this Section are defined in Appendix A.

B. License:

1. Except as provided in Section 31.10-B-4 herein, from and after the effective date of this Section (7/21/98), no Adult Business shall be operated or maintained in the Village without first obtaining a license to operate issued by the Village.
2. A license may be issued only for 1 Adult Business located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than 1 Adult Business must have a license for each.
3. No license or interest in a license may be transferred to any person, partnership or corporation.
4. All Adult Businesses existing at the time of the passage of this Section (7/21/98) must submit an application for a license within 90 days of the passage of this Section. If an application is not received within said 90 day period, then such existing Adult Business shall cease operations.

C. Application for License:

1. Any person, partnership or corporation desiring to secure a license shall make application to the Community Development Director. The application shall be filed in triplicate with and dated by the Community Development Director. A copy of the application shall be distributed promptly by the Community Development Director to the Police Department.
2. The application for a license shall be upon a form provided by the Community Development Director. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant and all stockholders holding more than five percent of the stock of a corporate applicant or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:
 - a. Name and address, including all aliases.
 - b. Written proof that the individual is at least 18 years of age.
 - c. All residential addresses of the applicant for the past 10 years.
 - d. The applicant's height, weight, color of eyes and hair.
 - e. The full-time and part-time business, occupation or employment of the applicant for 10 years immediately preceding the date of application.
 - f. Whether the applicant previously operated in this or any other county, Village or State under an Adult Business license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 - g. All criminal statutes, whether federal or state, or Village ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
 - h. Fingerprints and 2 portrait photographs at least 2 inches by 2 inches of the applicant.
 - i. The address of the Adult Business establishment to be operated by the applicant.
 - j. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent.

3. Whenever an application is denied, the Community Development Director shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the Village Board, as hereinafter provided.
4. Failure or refusal of the applicant to 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 said application or his or her refusal to submit to or cooperate with any investigation required by this Section, shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Community Development Director.

D. Standards for Issuance of License:

1. To receive a license to operate an Adult Business, an applicant must meet the following standards:
 - a. If the applicant is an individual:
 - i. The applicant shall be at least 18 years of age.
 - ii. The applicant shall not have been convicted of, pleaded no contest or stipulated to the facts involving a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application.
 - iii. The applicant shall not have been found to have previously violated this Section within 5 years immediately preceding the date of the application.
 - b. If the applicant is a corporation:
 - i. All officers, directors and stockholders required to be named under Section 31.10-C-2-j herein shall be at least 18 years of age.
 - ii. No officer, director or stockholder required to be named under Section 31.10-C-2-j herein shall have been convicted of, pleaded no contest or stipulated to the facts involving a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application.
 - iii. No officer, director or stockholder required to be named under Section 31.10-C-2-j herein shall have been found to

have previously violated this Section within 5 years immediately preceding the date of the application.

- c. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:
 - i. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.
 - ii. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of, pleaded no contest or stipulated to the facts involving a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application.
 - iii. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Section within 5 years immediately preceding the date of the application.

- 2. No license shall be issued unless the Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Community Development Director no later than 14 days after the date of the application.

E. Fees: A license fee of \$250 shall be submitted with the application for a license. If the application is denied, one-half of the fee shall be returned. License fees paid less than 12 months prior to renewal shall not be prorated.

F. Display of License: The license shall be displayed in a conspicuous public place in the Adult Business such that it may be readily seen by a person entering the premises.

G. Renewal of License:

- 1. Every license issued pursuant to this Section will terminate on April 30 of each year unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Community Development Director. The application for renewal must be filed no later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Community Development Director. A copy of the application for renewal shall be distributed promptly by the Community Development Director to the Police Department and to the operator. The application for renewal shall be upon a form provided by the Community Development Director and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

2. A license renewal fee of \$250 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the total fees collected shall be returned.
3. If the Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Community Development Director.

H. Revocation of License:

1. The Village Board shall revoke a license for any of the following reasons:
 - a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
 - b. The operator, or any employee of the operator, violates any provision of this Section or any rule or regulation adopted by the Village Board pursuant to this Section, provided, however, that, in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Village Board shall find that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.
 - c. The operator becomes ineligible to obtain a license.
 - d. Any cost or fee required to be paid by this Section is not paid.
 - e. Any alcoholic liquor is served or consumed on the premises of the Adult Business.
 - f. Violation of any Village ordinance, code or regulation and failure to pay the required fine or penalty or failure to cure the violations.
 - g. The transfer of a license or any interest in a license.
2. The Village Board, before revoking or suspending any license, shall give the operator at least 10 days' written notice of the charges against him, and the opportunity for a public hearing before the Village Board.
3. Any operator whose license is revoked shall not be eligible to receive a license for 1 year from the date of revocation. No location or premises for which a license has been issued shall be used as an Adult Business for 6 months from the date of revocation of the license.

I. Employees: It shall be unlawful for any Adult Business licensee or his manager or

employee to employ in any capacity within the Adult Business any person who is not at least 18 years of age.

J. Physical Layout of Adult Business:

1. Any Adult Business having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:
 - a. Access: Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the Adult Business, and shall be unobstructed by any door, lock or other control-type devices.
 - b. Construction: Every booth, room or cubicle shall meet the following construction requirements.
 - i. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.
 - ii. Have at least 1 side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
 - iii. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, non-absorbent, smooth textured and easily cleanable.
 - iv. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
 - v. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of 10 foot candles at all times, as measured from the floor.
 - c. Occupants: Only 1 individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.
2. Any Adult Business, as defined herein, which features dancers or other entertainers or forms of entertainment must comply with the following requirements:
 - a. All dancing or other entertainment shall occur on a platform intended for that purpose which is raised at least 2 feet from the level of the floor.

- b. No dancing or other entertainment shall occur closer than 10 feet to any patron.
- c. No dancer or other entertainer shall fondle or caress any patron, and no patron shall fondle or caress any dancer or other entertainer.
- d. No patron shall directly pay or give any gratuity or tip to any dancer or other entertainer and no dancer or other entertainer shall directly or indirectly solicit any pay or gratuity or tip from any patron.

K. Responsibilities of the Operator:

- 1. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security number, date of employment and termination and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of 3 years following termination.
- 2. The operator shall make the register of employees available immediately for inspection upon demand of a member of the Police Department at all reasonable times.
- 3. Every act or omission by an employee constituting a violation of the provisions of this Section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- 4. Any act or omission of any employee constituting a violation of the provisions of this Section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
- 5. No employee of an Adult Business shall allow any minor to loiter around or to frequent an Adult Business.
- 6. The operator shall maintain the premises in a clean and sanitary manner at all times.
- 7. The operator shall maintain at least 10-foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than 1-foot candle of illumination in said aisles, as measured from the floor.

8. The operator shall insure compliance of the establishment and its patrons with the provisions of this Section.

L. Exclusions: All private schools and public schools, as defined in the Illinois Compiled Statutes, located within the Village are exempt from obtaining a license hereunder when instructing pupils in sex education as part of their curriculum.

M. Enforcement: The Police Department shall have the authority to enter any Adult Business at all reasonable times to inspect the premises and enforce this Section.

N. Penalties and Prosecution:

1. Any person, partnership or corporation who is found to have violated this Section shall be fined not less than \$300 nor more than \$1,000 per offense plus costs of prosecution incurred by the Village including reasonable attorney fees and shall result in the revocation of any license.
2. Each violation of this Section shall be considered a separate offense, and any violation continuing more than 1 day shall be considered a separate offense.

31.11 **GARAGE/YARD SALES** 01-O-46; Amended, 2007-O-38

A. Definitions: In addition to the definitions found in Appendix A, the following definitions are applicable to this Section:

Garage/yard sale shall mean and include, but not be limited to, all sales entitled “garage sale,” “lawn sale,” “yard sale,” “attic sale,” “rummage sale,” “flea market sale,” “estate sale,” “moving sale” or any other similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale, and applicable regardless of whether such sale occurs from the garage, driveway, home interior, basement, yard, or other area of the premises by the owner or occupant thereof.

“Goods” shall mean and include any new or used goods, household furnishings, warehouse merchandise, or other property capable of being the object of the sale regulated in this Section. The goods being offered for sale at a garage sale are generally deemed herein to be used, unwanted household items and personal property originating from the specific residence where the sale occurs.

B. Regulation: No person shall conduct more than 3 garage/yard sales at any 1 address in a calendar year. A garage/yard sale as provided herein shall be no longer duration than 4 consecutive calendar days.

C. Signs: Signs advertising or indicating the existence, location and time of a garage/yard sale shall be limited to 3 in number and shall be displayed only during the dates the sale is in progress. A sign must have its own support or post to be affixed in the ground. Under no circumstances shall a sign be attached to a telephone pole, light pole, tree or a federal, state or local sign or signal. No sign shall project higher than five feet above the ground level. All signs

must be removed by the party holding the sale within 24 hours of the last day of the sale.

Any person violating this Section 31.11-C shall be fined not less than \$25 nor more than \$1,000 for each violation and be responsible for the Village's cost of prosecution. In addition, in the event any federal, state, county or local property is damaged, the cost of repairs shall be borne by the violator.

D. Persons and Sales Excepted: The provisions of this Section shall not apply to or affect the following persons or garage/yard sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.
3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed 5 in number.

E. Penalty: Except as provided herein, any person, association or corporation violating any of the terms and regulations of this Section shall, upon conviction, be fined in accordance with Appendix B.

31.12 **AMMUNITION and FIREARMS** 01-O-58, Amended, 2013-O-63

A. Definitions: In addition to the terms defined in Appendix A, terms used in this Section, whether capitalized or not, are defined as follows:

Ammunition: Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm except as provided in the definition *firearm ammunition* contained in 430 ILCS 65/1.1.

Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas except as provided in the definition contained in 430 ILCS 65/1.1.

Firearm Dealer: Any person or business engaged in the business of selling or renting firearms and/or ammunition who possesses a valid federal and/or state license.

B. Firearm Dealers: Firearm dealers in the Village may sell firearms and ammunition so long as the following conditions are met:

1. Firearms and ammunition shall be secured and not displayed in a manner so as to be accessible without the aid of an employee of the dealer.
2. Only customers who have a valid state-issued firearm owner's identification card or permitted by law to possess firearms shall be permitted to physically examine firearms and/or ammunition.

3. An employee shall be present at all times when a customer is physically examining firearms and/or ammunition.

C. Display and Sale of Specified Weapons: No pawnbroker, second-hand dealer, or other person engaged in business in the Village shall display or place on exhibition in any show window or other window facing any street, any pistol, revolver, or other firearm.

D. Penalties: Any person violating any provision of this Section shall be guilty of a misdemeanor and shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution including reasonable attorney fees. For purposes of this Section, every day a person engages in handgun dealing shall constitute a separate offense.

E. Severability: If any provision of this Section or any application thereof to any person or circumstances is held invalid, the remainder of this Section and the applicability of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

31.13 ACCEPTANCE OF CREDIT CARDS *10-O-12*

A. Credit Card Program Established: The Village hereby authorizes the Manager to enter into agreements with one or more financial institutions or other service providers to facilitate the acceptance and processing of credit card payments by the Village. Said agreements shall identify the specific services to be provided, an itemized list of the fees charged and the means by which each such fee shall be paid.

B. Authorized Credit Card Payments: Those items that may be paid by credit card shall be any authorized obligation, fine, fee, charge, tax or cost imposed by the Village including, but not limited to, licenses, municipal court payments, permits, recreation fees, red light violation payments and utility payments.

C. Rules Governing Acceptance of Credit Card Payments: The Manager may adopt reasonable rules governing the manner of acceptance of payments by credit cards including, but not limited to, establishing minimum and maximum payments by credit cards and the imposition of a fee for each transaction in order to wholly or partially offset the amount of any discount or processing fee incurred by the Village.