

Title 3 BUSINESS AND LICENSE REGULATIONS

Chapter 1 BUSINESS REGISTRATION REGULATIONS

3-1-1: SCOPE AND PURPOSE:

This chapter provides procedures, unless otherwise provided, under which existing or new businesses, whether for profit or not for profit, and any nonresidential use of land or structures shall be reviewed for compliance with all village regulations. The purpose of this chapter is to ensure effective enforcement of village codes and ordinances, to afford protection to business owners and users concerning whether a proposed use will be in compliance with village regulations, and to provide the village with a current list of business establishments. (Ord. 12-06, 3-12-2012)

3-1-2: BUSINESS REGISTRATION REQUIRED; EXEMPTIONS:

No business, except for those businesses that are exempt from village registration pursuant to law, may be legally established in the village without having first registered the business with the village clerk. Uses requiring registration shall include: any business in existence as of the effective date hereof (March 12, 2012); starting a new business; gainful pursuit or nonprofit activities in which goods or services are rendered for compensation; sales or transfers of ownership of any business; relocation of any business; and changes in the scope, type or character of an existing business. (Ord. 12-06, 3-12-2012)

3-1-3: APPLICATION FOR REGISTRATION; FEE:

- A. Application for business registration shall be made on a form prescribed by the village board and shall be accompanied by plans and additional information as necessary, in the opinion of the village clerk, to demonstrate conformity with village ordinances. The appropriate village officers including, but not limited to, the village code enforcement officer/building inspector shall, upon receipt of all necessary information, check the application and all data submitted therewith and, if necessary, perform any necessary inspections to see that there is compliance with all provisions of this code. If a proposed use or business does not comply with village ordinances, as determined by said officers, a business shall not be registered until a corrective plan is submitted to and approved by the village and the corrective plan subsequently implemented. Any aspects of a proposed business or use

which do not comply with village ordinances shall be identified in writing by the village to the applicant.

- B. A fee of twenty five dollars (\$25.00) will be charged for each application for registration but only for new businesses seeking to operate within the village (i.e., businesses seeking to operate after the effective date hereof). (Ord. 12-06, 3-12-2012)

3-1-4: APPROVAL OR DENIAL OF REGISTRATION:

- A. Clerk Approval Or Denial: Within fifteen (15) days of the receipt of an application and all required supporting information, the village clerk shall either approve a business registration or state the findings supporting the denial of such registration.
- B. Appeal To Village Board: Within ten (10) days following the date of a decision of the village clerk on a business registration or within thirty (30) days of the original filing of an application for a business registration, an appeal of the denial of a business registration may be filed with the village board by the applicant or his authorized agent. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the village clerk, or wherein the village clerk's finding of denial was unjustified, or that information required by the village clerk does not bear a reasonable relationship to the requirements of determining compliance with village ordinances.
- C. Determination By Village Board: The determination of the village board shall be rendered in writing within thirty (30) days of the receipt of an appeal unless the applicant consents to an extension of the time period and shall include findings supporting the conclusion. (Ord. 12-06, 3-12-2012)

3-1-5: COMPLIANCE WITH VILLAGE REGULATIONS:

All officials of the village vested with the authority or duty to participate in the process to register businesses shall comply with the provisions of all village ordinances and shall not allow for the registration of a business which conflicts with any provision of village ordinances. (Ord. 12-06, 3-12-2012)

3-1-6: ENFORCEMENT:

- A. Clerk Duties: The village clerk shall be the official responsible for the enforcement of this chapter. The village clerk, or his/her designee, may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or his/her authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation.

- B. Legal Proceedings: The village clerk may call upon the village attorney to institute necessary legal proceedings to enforce the provisions of this chapter, and the village attorney is hereby authorized to institute appropriate actions to that end.

- C. Police Chief Assist: The village clerk may call upon the chief of police and his/her authorized agents to assist in the enforcement of this chapter. (Ord. 12-06, 3-12-2012)

3-1-7: VIOLATION; PENALTIES:

- A. Misdemeanor Violation; Fine: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than fifty dollars (\$50.00). A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person and shall be punishable as provided in this section.

- B. Nuisance Declared: Any structure and any use of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance. The village attorney may immediately institute necessary legal proceedings for the abatement, removal and enjoinder of such nuisance in the manner provided by law; shall take such other steps as may be necessary to accomplish these ends; and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use and restrain or enjoin the person from using the site contrary to the provisions of this chapter.

- C. Additional Remedies: The village may also take other lawful action as is necessary to prevent or remedy any violation. (Ord. 12-06, 3-12-2012)

Chapter 2 ALCOHOLIC BEVERAGES

3-2-1: DEFINITIONS:

Unless the context otherwise requires, the following terms, as used in this chapter, shall be construed according to the definitions given below:

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

ALCOHOLIC LIQUOR: Any spirits, wine, beer, ale, or other liquid containing more than one-half percent ($1/2\%$) of alcohol by volume, which is fit for beverage purposes.

BEER: 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.

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 and consumption of alcoholic liquors, kept, used and maintained by its organization to provide a meeting place by either owning said building or leasing of the same suitable and adequate for the reasonable, comfortable use and accommodation of its members and guests and to be staffed with a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests.

MINOR: Any person under twenty one (21) years of age.

RESTAURANT: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, and 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.

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

WINE: 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 defined in this section. (1997 Code § 4-1; amd. 2013 Code)

3-2-2: LICENSE AND COMPLIANCE REQUIRED:

It shall be unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor dealer's license or in violation of the terms of such license. (1997 Code § 4-2)

3-2-3: INELIGIBILITY FOR LICENSE:

- A. A person who is not of good character and reputation in the community in which he resides.
- B. A person who is not a citizen of the United States.
- C. A person who has been convicted of a felony under any federal or state law, unless the commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- D. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- F. A person whose license issued under this chapter has been revoked for cause.
- G. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
- H. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residency within the village.
- I. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residency within the village.

- J. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the business corporation act of 1983 or the limited liability company act to transact business in Illinois. The commission shall permit and accept from an applicant for a license under this chapter proof prepared from the secretary of state's website that the corporation or limited liability company is in good standing and is qualified under the business corporation act of 1983 or the limited liability company act to transact business in Illinois.
- K. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to the effective date of the local liquor control act or has forfeited his bond to appear in court to answer charges for any such violation.
- M. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- N. Any law enforcing public official, including members of local liquor control commissions, any president of the village board of trustees, any member of the village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor; except, that a license may be granted to such official in relation to premises not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission and the village local liquor control commission.
- O. A person who is not a beneficial owner of the business to be operated by the licensee.
- P. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of 720 Illinois Compiled Statutes 5/28-1, or as proscribed by 720 Illinois Compiled Statutes 5/28-1.1 or 5/28-3, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- Q. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the raffles act or the Illinois pull tabs and jar games act.

- R. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 Illinois Compiled Statutes 5/6-21, subsection (a).
- S. Any person owning or operating any store or other place of business where the majority of the customers are minors or where the main business is the selling of schoolbooks, school supplies, food or drink to such minors. (1997 Code § 4-4; amd. 2013 Code)

3-2-4: APPLICATION FOR LICENSE:

- A. Applications for licenses required by this chapter shall be made to the village president in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affirmation, and shall contain the following statements and information:
1. The name, age and address of the applicant in case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors and, if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.
 2. The citizenship of the applicant, his/her place of birth and, if a naturalized citizen, the time and place of his/her naturalization.
 3. The character of business of the applicant and, in the case of a corporation, the objects for which it was formed.
 4. The length of time the applicant has been in business of that character, or in the case of a corporation, the date its charter was issued.
 5. The location and description of the premises or place of business which is to be operated under the license.
 6. A statement as to whether the applicant has made application for a similar license or other license on the premises other than that described in the application and the disposition of such application.
 7. A statement that the applicant has never been convicted of a felony or is not disqualified to receive a license by reason of any manner or thing contained in this chapter, laws of this state, or other ordinance of the village.
 8. Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked and the reasons therefor.
 9. A statement that the applicant will not violate any of the laws of the state of Illinois, of the United States, or any provision of this code or other ordinances of the village in the

conduct of his/her place of business.

- B. Any false, inaccurate or fraudulent statement or information given in the application shall constitute a violation of this chapter and shall permit the denial of any issuance of any license or revocation of any license already issued, in addition to any other penalties provided in this chapter. (1997 Code § 4-3)

3-2-5: CLASSIFICATION OF LICENSES; FEES:

Every person, firm, or corporation engaged in business of the retail sale of alcoholic liquor in the village shall pay a license fee. Licenses shall be classified in the following manner with the appropriate license fee listed herein: (1997 Code § 4-5)

- A. Class A License: A class A license shall authorize the retail sale of alcoholic liquor for the consumption on the premises as well as the retail sale of alcoholic liquor in packages or bottles not for consumption on the premises. Said license may also permit said sales in packages or bottles on the premises immediately adjacent to those licensed premises where alcoholic liquor is consumed. Alcoholic liquor may be consumed in an outside area that is adjacent to the premises but fifteen feet (15') from entrances, exits, windows that open and ventilation intakes. Said area must be fenced with a gate that can be used for entering and exiting the area. Said premises shall be operated under the same name, same ownership, and within the same common lot location each day of the week. The fee for such license shall be five hundred fifty dollars (\$550.00) per year. This liquor license shall only be applicable for Monday through Saturday sales. (Ord. 08-05 as amd.)
- B. Class B License: A class B license shall authorize the retail sale on the premises specified of beer and wine only, for consumption on the premises, as well as other retail sales of alcoholic liquor and packages or bottles not for consumption on the premises of beer and wine only. The fee for such license shall be five hundred dollars (\$500.00) per year. This liquor license shall only be applicable for Monday through Saturday sales.
- C. Class C License: A class C liquor license shall be issued for a class A, class B, class E, class F or class G license but shall authorize the sale of the specific alcoholic beverages indicated for each class for Sunday sales only. The fee for such license shall be two hundred fifty dollars (\$250.00).
- D. Class D License: There is hereby created a class of "daily" or "temporary" liquor license which shall authorize the retail sale of alcoholic liquor on a one day basis only. This license may be renewable for three (3) consecutive days by the same license holder upon application being made to the village board of trustees. The hours of sale of alcoholic

beverages for any class D license shall be set by the village board of trustees at the time of the issuance of said license. The fee for such license shall be two hundred dollars (\$200.00) per day.

- E. Class E License: A class E liquor license shall authorize the dispensing of alcoholic beverages for consumption on the premises only for parties, weddings, banquets or other social events. This license shall specifically be applicable to clubs as defined in section [3-2-1](#) of this chapter. This liquor license shall be applicable for a time period not to exceed six (6) days and only for those days falling on a Monday through Saturday, inclusive. The fee for such license shall be five hundred fifty dollars (\$550.00) for each six (6) day license issued. Should the license be issued for less than six (6) days, the fee shall still be five hundred fifty dollars (\$550.00).
- F. Class F License: A class F license shall authorize the retail sale on the premises specified of beer and wine only in packages or bottles not for consumption on the premises. The fee for such a license shall be two hundred fifty dollars (\$250.00) per year. This license shall be applicable and allow the holder of said license to sell said beverages Monday through Saturday.
- G. Class G License: A class G license shall authorize the retail sale on the premises specified of beer, wine or alcoholic liquor in packages or bottles not for consumption on the premises. The fee for such a license shall be three hundred fifty dollars (\$350.00) per year. This license shall be applicable and allow the holder of the license to sell said beverages Monday through Saturday. (1997 Code § 4-5)

3-2-6: PAYMENT AND DISPOSITION OF FEES:

- A. Payment: Payment of all license fees covered by this chapter shall be on or before April 30 of each year. (1997 Code § 4-7)
- B. Disposition: All fees shall be paid to the village clerk and forthwith turned over to the village treasurer at the time an application for license required by this chapter is submitted to the board of trustees. In the event that the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate account or in such other fund as shall be designated by the president and board of trustees. (1997 Code § 4-9)

3-2-7: ISSUANCE OF LICENSE:

Upon the approval by the village president and board of trustees of the application for a license required by this chapter, the village president shall issue to the person or entity applying therefor a license, signed by the village president, to sell alcoholic beverages under the provisions of this chapter, indicating the classification under which the license is issued, the term for which said license is granted and an indication that the fee has been paid in full. (1997 Code § 4-8)

3-2-8: TERM OF LICENSE; FEES PRORATED; NO REFUNDS:

Each license issued pursuant to this chapter shall be issued on May 1 and shall terminate on April 30 following the date of issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. There shall be no refund to owners of licenses that are canceled prior to expiration by virtue of the sale of the business or for any other reason. (1997 Code § 4-10; amd. Ord. 11-23, 10-10-2011)

3-2-9: RENEWAL OF LICENSE:

Any person or entity licensed under the provisions of this chapter may renew his/her license at the expiration thereof if he/she is then qualified to receive a license and the premises for which such renewal license is sought is suitable for such purpose. The renewal provided in this section shall not be construed as a vested right which shall in any case prevent the village from decreasing the number of licenses to be issued within its jurisdiction or to deny renewal of said license. Renewals require approval by the village board. (1997 Code § 4-14; amd. 2013 Code)

3-2-10: NONTRANSFERABILITY OF LICENSE:

- A. A license issued pursuant to this chapter shall be purely a personal privilege, good for not to exceed one year after issuance thereof, unless sooner revoked, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Said license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate; provided, that the executors or the administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the appropriate court and may exercise the privileges of the deceased or insolvent licensee after the death of such decedent or during the pendency of the bankruptcy until the expiration of the license, but not longer than six (6) months after the death or the filing of insolvency of said licensee. For the purpose of bankruptcy, the insolvency referred to herein refers to a filing under [chapter 7](#) of the United States bankruptcy code.
- B. It shall be unlawful for any owner of a firm or partnership, or for more than five percent (5%) of the stock of a corporation to whom a liquor license has been issued, to sell, transfer, assign, gift or otherwise dispose of any interest whatsoever in said firm or partnership, or of said five percent (5%) of the stock of a corporation, without first applying for a new license. A violation of this subsection shall result in the automatic revocation of the license issued hereunder. (1997 Code § 4-13)

3-2-11: LOCATION REGULATIONS:

- A. All liquor licenses of any kind issued by the village shall state the geographical location where the person or entity who is issued said license is authorized to sell or distribute the alcoholic beverages. Said person or entity granted authority by the village to sell alcoholic beverages is prohibited from selling alcoholic beverages in any location other than that designated on the liquor license.
- B. The location may be changed only upon the written permission of the village president, with the approval of the village board of trustees. No change of location shall be permitted unless the proposed new location is proper for the retail sale of alcoholic liquor under the laws of the state of Illinois and other ordinances of the village. (1997 Code § 4-12)

3-2-12: DAYS AND HOURS OF SALES:

- A. All holders of classes A, B, E, F and G liquor licenses may be open for business and serve

alcoholic beverages Monday through Saturday from six o'clock (6:00) A.M. until two o'clock (2:00) A.M. the following day. (Ord. 14-02, 2-10-2014)

- B. All holders of class C liquor licenses may be open for business and serve alcoholic beverages each Sunday from six o'clock (6:00) A.M. until ten o'clock (10:00) P.M.

- C. All holders of classes A, B, E, F and G liquor licenses may be open for business and serve alcoholic beverages until two o'clock (2:00) A.M., Monday through Saturday, on New Year's Eve. The holder of a class C liquor license may be open for business and serve alcoholic beverages upon any Sunday, provided it falls on New Year's Eve, until two o'clock (2:00) A.M. the following day. (1997 Code § 4-6)

3-2-13: EMPLOYEES:

- A. It shall be unlawful to employ any person under the age of twenty one (21) years in any place in the village to mix, handle or dispense alcoholic beverages. Employees must be twenty one (21) years of age or older to act as a clerk to be authorized to sell alcoholic beverages at checkout counters for the sale of packaged goods or for goods to be consumed on the premises.

- B. Employees other than defined in subsection A of this section may be eighteen (18) years of age in any place in the village which serves alcoholic beverages. (Bartenders and retail checkout clerks must be 21 years old or older to handle alcoholic beverages.) Waitresses or other persons serving alcoholic beverages must be eighteen (18) years old or older. Busboys or other staff employed by the licensee other than bartenders, retail checkout clerks, or waitresses may be less than eighteen (18) years old. (1997 Code § 4-51)

3-2-14: RECORD OF LICENSES:

The village clerk shall keep a complete record of all licenses issued by him/her pursuant to this chapter. (1997 Code § 4-11)

3-2-15: ENFORCEMENT AND PENALTIES:

A. Enforcement Officials; Notice Of Violation:

1. The village president and board of trustees shall enforce the provisions of this chapter and shall send a notice by certified mail to any licensee specifying the nature of any violations by the licensee under this chapter. Such notice shall specify the date, time and location of a hearing to be held on any such violation. The hearing shall be held within fourteen (14) days from the mailing of such notice.
2. The village president or any person designated by him/her shall serve as the hearing officer. The hearing officer shall determine whether or not a violation of state law or of this chapter has occurred and if so, shall determine what penalty shall be invoked. The hearing officer shall notify the licensee, in writing by certified copy, of any penalty invoked within seven (7) days after the hearing has been completed.

B. Penalties:

1. **Revocation Or Suspension Of License:** The hearing officer may revoke or suspend any license issued under this chapter for any violation of any provision of this chapter or for any violation of state law.
2. **Costs For Administrative Offenses:** In the event that a violation of any of the provisions of this chapter or of state law are found to have occurred, then, and in that event, the hearing officer may assess any costs for administrative expenses or fees incurred by the village conducting hearings.
3. **Fine:** In lieu of suspension or revocation, a hearing officer may levy a fine on the licensee for violations of any provisions of this chapter or state law in addition to the costs set forth in subsection B2 of this section of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each violation. Each day in which the violation continues shall constitute a separate violation for the purpose of the determination of the fine and costs. Not more than ten thousand dollars (\$10,000.00) in fines under this subsection B3 may be imposed by the hearing officer against any licensee during the period of the license. (1997 Code § 4-15)

Chapter 3 AMUSEMENTS

3-3-1: APPLICABILITY OF PROVISIONS:

The provisions of this chapter shall apply to all public shows, theatricals, circuses, and other amusements in the village, whether or not specifically licensed in another article of this chapter. (1997 Code § 5-1)

3-3-2: LICENSE REQUIRED; APPLICATION:

It shall be unlawful to conduct or operate any amusement which is open to the public and for which a fee is charged for admission without having first secured a license therefor. All applications for licenses required by this chapter shall be made to the village clerk. (1997 Code §§ 5-2, 5-3)

3-3-3: LICENSE FEES:

The license fees for amusements shall be in accordance with the article which governs the particular amusement. Where no license fee is specifically provided in this chapter, the fee shall be as follows:

A.	Circuses and menageries, per day	\$25.00
B.	Carnivals, per day	25.00
C.	Exhibitions of inanimate objects, per day	10.00
D.	Other public amusements not specifically licensed, per day	10.00

(1997 Code § 5-4)

3-3-4: ISSUANCE OF LICENSE FOR USE OF PUBLIC WAYS AND PROPERTY:

No license shall be granted for any carnival, exhibition, show or other amusement to be given on any public street or sidewalk or in any place where the main accommodation for the audience will be a public place, except on order of the president and board of trustees. (1997 Code § 5-5)

3-3-5: INSPECTIONS:

It shall be the duty of the village president to see that every exhibition, amusement, show, theatrical or other public performance is inspected by a member of the county sheriff's department to ensure conformity with the provisions of this code and other ordinances of the village concerning such amusements. (1997 Code § 5-6)

ARTICLE A. COIN OPERATED AMUSEMENT DEVICES

3-3A-1: DEFINITION:

The term "operator", as used in this article, shall mean any person who sets up for operation by another any coin operated amusement device, whether such setting up for operation, leasing, renting or distributing be for a fixed charge or rental or on the basis of a division of the income derived from such machine or device, or otherwise. (1997 Code § 5-24)

3-3A-2: LICENSE REQUIRED:

It shall be unlawful to offer or maintain for public use any coin operated device, machine or mechanism for amusement purposes without first having obtained a license from the village. (1997 Code § 5-25)

3-3A-3: APPLICATION FOR LICENSE; EXAMINATION OF APPLICANT:

- A. Application for a license required by this article shall be made to the village clerk and shall state the full name and address of the applicant, the name of the owner of the device, machine or game and the location where the machine or device is to be used or maintained. (1997 Code § 5-26)
- B. Examination of each applicant for a license required by this article shall be made by the board of trustees or a committee designated by the board of trustees. (1997 Code § 5-27)

3-3A-4: LICENSE FEE:

- A. Established: For each machine licensed pursuant to this article, the applicant shall pay a license fee in the amount of twenty dollars (\$20.00) per annum, payable on May 1 of each year. This license fee shall not apply to any other governmental entity or not for profit corporation organized under the laws of the state of Illinois. (1997 Code § 5-28; amd. Ord. 11-23, 10-10-2011)

B. No Refunds: There shall be no rebate or refund of any license fee paid pursuant to this section. (1997 Code § 5-32)

3-3A-5: DISPLAY OF LICENSE:

The license required by this article shall be conspicuously displayed at the premises where the machine is located. (1997 Code § 5-30)

3-3A-6: TRANSFERABILITY OF LICENSE:

Licenses issued pursuant to this article shall not be assignable or transferable except for replacement of like machine. (1997 Code § 5-31)

3-3A-7: LOCAL ADDRESS REQUIRED:

Each operator of a coin operated amusement device shall maintain a business or residence address in the village. (1997 Code § 5-29)

3-3A-8: AUTOMATIC PAYOFF DEVICES PROHIBITED:

The license provided in this article shall not authorize the operation of any automatic payoff machine or device. (1997 Code § 5-33)

ARTICLE B. AMUSEMENT ARCADES

3-3B-1: DEFINITIONS:

When used in this article, the following words and terms shall have the meanings ascribed to them in this section:

AMUSEMENT ARCADE: The operation by any person, firm, partnership or corporation of:

- A. Five (5) or more coin operated amusement devices;
- B. For public use; and
- C. Upon a premises located within one enclosure which is an establishment dedicated primarily to the housing of coin operated amusements.

COIN OPERATED AMUSEMENT DEVICE: Any amusement machine or device which is operated or put into operation, in whole or in part, by the insertion of a coin, token or similar object. The term does not include coin operated musical devices, bona fide vending machines in which gaming or amusement features are not incorporated, any gambling device or slot machine. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law. (1997 Code §§ 5-36, 5-37)

3-3B-2: LICENSE REQUIRED:

- A. No person, firm, partnership or corporation shall keep within the village any amusement arcade unless such person, firm, partnership or corporation shall have first procured an amusement arcade license as hereinafter provided. (1997 Code § 5-34)
- B. No person, firm, partnership or corporation shall own, operate or permit operation of an amusement arcade on premises owned, leased or operated by him, or engage in the business of operating an amusement arcade in the village, unless an annual amusement arcade license has been obtained. Such amusement arcade license shall not be in lieu of any other license. (1997 Code § 5-38; amd. 2013 Code)

3-3B-3: APPLICATION FOR LICENSE:

- A. The application must be signed and sworn to by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign and verify the application. In case the applicant is a corporation, all officers must sign and verify the application and indicate their official positions.
- B. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required license fee and shall contain the following information:

1. The applicant's full name.
2. The applicant's residence address.
3. The applicant's business address.
4. The address of the proposed amusement arcade.
5. The name and address of every person who has any interest in the amusement arcade, and the nature of that interest.
6. Whether or not the applicant or applicant's principal has been convicted of any felony, or of pandering, gambling, operation of a gambling device, operation of a gaming house or being a keeper of a house of ill fame, or any other misdemeanor. (1997 Code § 5-38)
7. Whether or not the applicant or his or her spouse, or any member of the applicant's household, is a member or employee of the county sheriff's department and whether or not the applicant has received or borrowed money or anything else of value or accepted credit from any member or employee of said department or the spouse of any member of the household of any such member or employee. (1997 Code § 5-38; amd. 2013 Code)
8. A statement that the applicant, if requested by the president of the board of trustees, will permit a record of his fingerprints to be made by the county sheriff's department for the purpose of additional investigation to determine whether or not the application should be granted. (1997 Code § 5-38)

3-3B-4: LICENSE FEE:

For each amusement arcade, the applicant shall pay a license fee of twenty five dollars (\$25.00) per year/per machine, payable on May 1 each year. (1997 Code § 5-35; amd. Ord. 11-23, 10-10-2011; 2013 Code)

3-3B-5: TERM OF LICENSE; INITIAL FEE PRORATED:

Amusement arcade licenses shall cover an annual period from May 1 through April 30 of the following year; provided, however, that the initial amusement license fee for each applicant shall be prorated as of the date of the application therefor. (1997 Code § 5-38; amd. Ord. 11-23, 10-10-2011)

3-3B-6: LOCATION:

No license shall be valid except for the location shown in the application or on the application

for change of location. (1997 Code § 5-39)

3-3B-7: PROHIBITIONS AND RESPONSIBILITIES:

- A. Nuisance Conditions: No amusement arcade nor any coin operated amusement device or coin operated musical device therein shall be operated so as to constitute a public nuisance.
- B. Order: It shall be the responsibility of the licensee to maintain order on the licensed premises at all times.
- C. Overcrowding: It shall be the responsibility of the licensee to see that the licensed premises does not become overcrowded so as to constitute a hazard to the health or safety of persons therein.
- D. Attendant Required: The licensee shall provide a full time attendant who is twenty one (21) years old or older upon the licensed premises during all business hours. Said person shall not have previously been convicted of a felony, infamous crime or other crime of moral turpitude.
- E. Alcoholic Beverages: It shall be unlawful for any person, firm, partnership, or corporation engaged in the business of operating an amusement arcade to sell, offer for sale, or knowingly permit to be sold or offered for sale, or to be dispensed or consumed or brought onto the licensed premises any alcoholic beverages unless the owner of said premises shall possess a valid liquor license issued by the village.
- F. Gambling: No wagering, gambling or any other form of betting shall be allowed upon the premises.
- G. License Posted: Every amusement arcade licensed under this article shall have affixed on its premises, in plain view, a certificate evidencing the issuance of its license.
- H. Nontransferability Of License: The license required and described in this article shall be purely a personal privilege and shall not constitute property. It is not transferable in any manner.
- I. Minors:
 - 1. The licensee shall not allow the operation of coin operated amusement devices by any person under eighteen (18) years of age on school days as determined by Boone County

school district 200 from one-half ($\frac{1}{2}$) hour before, one-half ($\frac{1}{2}$) hour after or during school hours.

2. No person under the age of twelve (12) shall be allowed upon the premises at any time unless accompanied by his or her natural parent or legal guardian and under the direct supervision of said natural parent or legal guardian. (1997 Code § 5-40)

3-3B-8: PENALTIES:

- A. Fine: Any person, firm, partnership or corporation operating an amusement arcade shall be subject to a fine as provided in section [1-4-1](#) of this code for each violation of this article, as determined by a court of competent jurisdiction. Each day, after notice of the violation to the owner, shall constitute a separate violation. (1997 Code § 5-41; amd. 2013 Code)
- B. Revocation Or Suspension Of License: The village president, with the consent of the board of trustees, may revoke or suspend any license issued under this article for any violation of any provision of this article or for any violation of state law. (1997 Code § 5-41)

Chapter 4 RAFFLES

3-4-1: DEFINITIONS:

BUSINESS: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

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

EDUCATIONAL: 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.

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

LABOR: An organization composed of workers organized with the objective of betterment of

the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

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

NONPROFIT: An organization or institution organized and conducted on a not for profit basis with no personal profit inuring to anyone as a result of the operation.

RAFFLE: A form of lottery, as defined in section 28-2(b) of the criminal code of 1961, conducted by an organization licensed under this chapter in which:

- A. 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 medium, one or more of which chances is to be designated the winning chance.
- B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery; except, that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS: Any church, congregation, society or organization founded for the purposes of religious worship.

VETERANS: An organization or association comprised of members of which substantially all are individuals who are veterans of military service, or spouses, widows or widowers of said 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. (Ord. 08-02, 1-14-2008; amd. 2013 Code)

3-4-2: LICENSE REQUIRED; FEE:

No person, firm, corporation or other entity shall conduct raffles or chances without having first obtained a license therefor pursuant to this chapter and the raffles act. The fee for such a license to conduct a raffle shall be twenty five dollars (\$25.00). (Ord. 08-02, 1-14-2008)

3-4-3: QUALIFICATIONS FOR LICENSEE; INELIGIBILITY FOR LICENSE:

- A. Licenses shall be issued only to a bona fide "nonprofit", "religious", "charitable", "labor", "business", "fraternal", "educational" or "veterans" organization, as defined in section [3-4-1](#) of this chapter, which operates without profit to its members and which has been in

existence continuously for a period of five (5) years immediately before making application for a license and which has had, during that entire five (5) year period, a bona fide membership engaged in carrying out its objectives, or to a nonprofit fundraising organization that the village determined is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. (Ord. 08-02, 1-14-2008; amd. 2013 Code)

B. The following are ineligible for any license under this chapter:

1. Any person who has been convicted of a felony.
2. Any person who is or has been a professional gambler or gambling promoter.
3. Any person who is not of good moral character.
4. Any firm or corporation in which a person defined in subsection B1, B2 or B3 of this section 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 subsection B1, B2 or B3 of this section is an officer, director or employee, whether compensated or not. (Ord. 08-02, 1-14-2008)
6. Any organization in which a person defined in subsection B1, B2 or B3 of this section is to participate in the management or operation of a "raffle" as defined in section [3-4-1](#) of this chapter. (Ord. 08-02, 1-14-2008; amd. 2013 Code)

3-4-4: APPLICATION FOR LICENSE; APPROVAL OR DISAPPROVAL:

A. Applications shall be made in writing through the village hall at least thirty (30) days prior to the first day intended for sale of the raffle chances. The application shall be on a form furnished by the village clerk. Applications for licenses under this chapter must contain the following information: (Ord. 08-02, 1-14-2008; amd. 2013 Code)

1. Name of applicant.
2. Address.
3. Purpose of raffle.
4. Area within the village where the raffle is to be conducted.
5. Time period during which chances will be sold or issued.
6. Sworn statement attesting to not for profit character of the prospective licensee organization, signed by the presiding officer and secretary of the organization.

7. Date, time and location at which winning chances will be determined.
 8. The aggregate retail value of all prizes or merchandise to be awarded by a single raffle.
 9. The maximum retail value of each prize or each specific type of prize to be awarded by a licensee in a single raffle.
 10. The maximum to be charged for each raffle chance and the number of chances to be issued for each raffle.
 11. The name(s) and address(es) of the operator of the raffle if not an officer or member of the applicant organization.
- B. The village shall, within thirty (30) days, evaluate and either approve or disapprove said application. The village approval of an application for a license shall constitute the license for the conduct of the raffle applied for by the applicant. (Ord. 08-02, 1-14-2008)

3-4-5: DURATION OF LICENSE:

Each license shall be valid for one raffle during a specified period not to exceed one year, and may be suspended or revoked by the corporate authorities in the event of violation of the terms of this chapter or of any applicable state law. (Ord. 08-02, 1-14-2008; amd. 2013 Code)

3-4-6: CONDUCT OF RAFFLES:

The conducting of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct the raffle. (Ord. 08-02, 1-14-2008; amd. 2013 Code)
- B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. A licensee may rent a premises on which to determine the winning chance or chances in a

raffle only from an organization which is also licensed under this chapter.

- E. Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license.
- F. The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, government or similar institution. (Ord. 08-02, 1-14-2008)
- G. A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian. (Ord. 08-02, 1-14-2008; amd. 2013 Code)

3-4-7: PRIZES; CHANCES; TIME CONSTRAINTS:

A. Prizes:

1. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this chapter and in accordance with applicable state law is limited to two hundred fifty thousand dollars (\$250,000.00).
2. The maximum retail value of each prize awarded by a licensee in a single raffle is limited to two hundred thousand dollars (\$200,000.00).

B. Chances: The maximum price which may be charged for each raffle chance issued or sold is limited to one hundred dollars (\$100.00).

C. Time Constraints: The maximum number of days during which chances may be issued or sold is limited to one hundred twenty (120) days. (Ord. 08-02, 1-14-2008)

3-4-8: RECORDS AND REPORTS:

A. Records Kept:

1. Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment. (Ord. 08-02, 1-14-2008; amd. 2013 Code)
2. Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the department of revenue of the state of Illinois, and shall be placed in a separate account. Each organization shall have separated 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.

B. Reports Required: Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership and to the village its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.

C. Preservation Of Records; Open Records: Records required by this section shall be preserved three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (Ord. 08-02, 1-14-2008)

3-4-9: RAFFLE MANAGER:

All operation of and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall give a fidelity bond in the sum of the total value of the prizes to be awarded in the raffle conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the village not less than thirty (30) days prior to its cancellation. The village may waive this bond requirement by including a waiver provision in the license issued to an organization under this chapter; provided, that a license containing such waiver provision shall be granted only by unanimous vote of the members of the village board. (Ord. 08-02, 1-14-2008)

3-4-10: SUSPENSION OR REVOCATION OF LICENSE:

Any license granted under this chapter may be suspended or revoked by the village at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this chapter may be suspended or revoked, in whole or in part, at any time that the raffle is conducted contrary to the license or any other provision of this chapter or to any state or village law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle for which the license has been suspended or revoked. (Ord. 08-02, 1-14-2008)

3-4-11: PENALTY:

Any violation of this chapter shall be subject to a fine up to seven hundred fifty dollars (\$750.00). Each day that a violation exists shall be considered a separate offense. (Ord. 08-02, 1-14-2008)

Chapter 5 DOOR TO DOOR SALES; VENDORS, PEDDLERS AND SOLICITORS

3-5-1: DEFINITION:

When used in this chapter, the term "door to door salesmen, vendors, peddlers and solicitors" shall mean any person going from person to person, family to family, door to door, home to home, business to business, store to store, or building to building displaying, selling, taking orders for, delivering, distributing, or soliciting his or her wares, products, produce, articles, or services, or representing any club, company, corporation, organization, or business (public or private) within the village of Capron, Illinois. (1997 Code § 11-1; amd. 2013 Code)

3-5-2: LICENSE REQUIRED:

It shall be unlawful for any person, club, company, corporation, organization or business (public or private) to engage in the business or occupation of door to door selling, vending, peddling, or soliciting within the village without first having obtained a license therefor in accordance with the terms and provisions of this chapter. No person, club, company, corporation, organization, or business (public or private) shall be deemed fully licensed until a license has been actually issued and delivered to the applicant therefor. (1997 Code § 11-2; amd. 2013 Code)

3-5-3: INELIGIBILITY FOR LICENSE:

A. No license shall be issued to:

1. A person who is not of good character and reputation in the village and/or the community in which he or she resides.
2. A person who is not a citizen of the United States.
3. A person whose license issued under this chapter has been revoked for cause.
4. A person who has been convicted of a violation of any federal law, state law, county law, city law, or village law concerning door to door selling, vending, peddling, and/or soliciting, subsequent to the effective date hereof, or shall have forfeited his or her bond to appear in court to answer charges for any such violation. (1997 Code § 11-5)

B. No person under the age of eighteen (18) years shall make application or receive a license as specified in this chapter. (1997 Code § 11-12)

3-5-4: APPLICATION FOR LICENSE:

Application for such license shall be made to the village clerk in writing, signed by the applicant, verified by oath or affidavit, to be read and approved by the village president and board of trustees, and shall contain the following information and statements:

A. Name, address, and phone number of the applicant.

B. Citizenship of the applicant, his or her place of birth, and if a naturalized citizen, the time and place of naturalization.

C. The character of business of the applicant.

D. A statement whether the applicant has made a similar application for a similar license in premises other than described in the application, and the disposition of such application.

E. Whether a previous license by the federal government, state, county, city, village, or

subdivision thereof, has been revoked, and the reasons therefor.

- F. A statement that the applicant will not violate any of the laws of the United States, state of Illinois, county of Boone, or the village of Capron, Illinois, in the conduct of his or her business.
- G. If the applicant is a coapplicant, a statement that the coapplicant will not violate any of the laws of the United States, state of Illinois, county of Boone, or the village of Capron, Illinois, in the conduct of his or her business. (1997 Code § 11-3)

3-5-5: LICENSE FEES; EXEMPTIONS:

A. Fees Established:

1. The annual fee for a license issued under this chapter shall be twenty five dollars (\$25.00). In the event that application for a license is made after November 1, the applicant is entitled to receive a license for the six (6) months intervening between November 1 and April 30 at the rate of fifteen dollars (\$15.00) for six (6) months. Any license issued prior to November 1 shall be counted as a whole year. Any license issued after November 1 shall be counted as six (6) months. All licenses shall be dated from and payable from May 1 and November 1 and shall expire as provided in this chapter. (Ord. 07-12.5, 4-9-2007; amd. Ord. 11-23, 10-10-2011; 2013 Code)
2. The fee for a license issued for one day only shall be ten dollars (\$10.00) and the license to be dated for the day it is issued and to be used. This one day license cannot be renewed. (Ord. 07-12.5, 4-9-2007)

B. Payment Of Fees; Refunds: Applicants for a license hereunder shall, at the time of application for such license, pay to the village clerk the rate specified for the license for which he or she makes application. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be turned over to the village clerk and shall be deposited by him/her in the general corporate fund or in such other fund as the board of trustees may designate. (1997 Code § 11-8)

C. Exemptions From Fees: A license will be issued to any religious organization or not for profit organization, without charge, upon the receipt of the prescribed application. (1997 Code § 11-2)

3-5-6: ISSUANCE OF LICENSE; RENEWALS:

Licenses for door to door selling, vending, peddling, and/or soliciting hereunder shall be issued by the village clerk following the approval and authorization for the issuance of the license by the president and board of trustees, and such license may be renewed at its expiration, provided the same has not lapsed or been revoked or canceled; and provided further, that each applicant for a license or for the renewal thereof fully complies with all the conditions and provisions of this chapter. (1997 Code § 11-4)

3-5-7: TERM OF LICENSE:

All licenses provided by this chapter shall be issued on May 1 and shall terminate and expire on April 30 next after the issuance thereof. (1997 Code § 11-10; amd. Ord. 11-23, 10-10-2011)

3-5-8: NONTRANSFERABILITY OF LICENSE:

A license issued under the provisions of this chapter shall be purely a personal privilege good for not to exceed the expiration date unless sooner revoked as in this chapter provided and shall not be subject to attachment, garnishment, or execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee. (1997 Code § 11-11)

3-5-9: RECORD OF LICENSES:

The village clerk shall keep or cause to be kept a complete record of all such licenses issued by him/her. (1997 Code § 11-6)

3-5-10: FORFEITURE AND REVOCATION OF LICENSE:

All licenses issued pursuant to this chapter shall contain the recital and express condition that the person accepting same does so subject to all the provisions of this chapter and of any ordinances of the village, and any person or persons licensed under the provisions of this chapter who shall be convicted of a violation hereof shall thereby forfeit such license; and such license shall be, after such conviction, absolutely null and void, and such license shall not be deemed continued or kept in force by reason of any appeal from the judgment rendered upon trial; and the person holding or to whom was issued any license which shall have been forfeited shall also forfeit to the village all sums of money paid for such license. The village

president, with the advice and consent of village board, may revoke any license for any violation of any provision of this chapter or for any violation of any federal, state, county, city, or village law pertaining to door to door salesmen, vendors, peddlers and/or solicitors. (1997 Code § 11-9)

3-5-11: PENALTY:

Any person, firm or corporation violating any provisions of this chapter shall be subject to a fine as provided in section [1-4-1](#) of this code for each offense, and a separate offense shall be deemed committed on each day on which or during which a violation occurs or continues. (1997 Code § 11-13; amd. 2013 Code)

Chapter 6 ADVERTISING AND SIGNS

3-6-1: DEFINITIONS:

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

AREA OF A SIGN: Shall be computed by the customary applicable mathematical formula for the shape of the sign face; or in the case of a sign made up of separate letters or characterizations connected in meaning, by computing the area lying within a straight line connecting the extreme projections, corners or edges of the letters, characters or other figures composing the sign, by computing the total area of all faces; provided, that if the distance between sign faces of a multifaced sign does not exceed twelve inches (12"), such distance shall not be considered in computing the area of a sign.

AREA OF EXPOSURE: The area of a building wall facing in one principal direction, including doors and windows contained in such wall; where such wall is irregular in plane, the area of the exposure shall be calculated as the area of the projection of such wall upon a plane parallel with the nearest adjacent street.

COURTYARD: An extent of open ground (not including a parking lot or loading area) walled by buildings on three (3) sides which is open to the public and abuts a public street.

GARAGE SALE: A general sale, open to the public, conducted from or on a residential premises in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property owned and maintained by an individual or members of his or her immediate family residing on the property and acquired in the normal course of living in or maintaining a residence.

GROUND SIGN: Any sign supported by or attached to a ground sign standard, such standard being a freestanding frame, mast or other support not attached to any building.

ILLUMINATED SIGN (EXTERNAL): A sign characterized as having its source of artificial light located within the perimeter of such sign.

PUBLIC STREET: The area lying within the described limits of a dedicated right of way or thoroughfare for vehicular traffic (excluding an alley), such right of way or thoroughfare being open to the use of the public as a matter of right.

SIGN: Any symbol, lettering, pictorial representation, or combination thereof, readily visible from a courtyard or public property and used for informational, identification, or directional purposes or to sell or advertise products, services, activities, or events.

STREET EXPOSURE: The exterior wall (including doors and windows) of a building having its frontage on a public street or a courtyard. The street exposure of an occupant is the street exposure of that portion of the building wall included in the space in the building occupied by such occupant. (1997 Code § 3-1; amd. 2013 Code)

3-6-2: ADVERTISING UNLAWFUL BUSINESSES OR ITEMS PROHIBITED:

It shall be unlawful to advertise any unlawful business or article in the village. (1997 Code § 3-2)

3-6-3: DISTRIBUTING SAMPLES PROHIBITED:

It shall be unlawful for any person to distribute, throw or place upon or along any street, alley or other public place in the village, or upon the porches or yards of private residences therein or within any dwelling or building in the village, any samples of merchandise or medicinal preparations for the purpose or with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine or any other article whatsoever. (1997 Code § 3-3)

3-6-4: POSTING BILLS:

It shall be unlawful to post any bill or advertisement on any public property without authority from the village president and board of trustees. It shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof. (1997 Code § 3-4)

ARTICLE A. SIGNS

3-6A-1: INTENT:

In order that the public locate goods, services and facilities in the village without difficulty or confusion, and to maintain a high quality of development throughout the village, it is the intent of this article to encourage excellence in the design of signs and to promote sign activity to which they pertain and expressive of the identity of the proprietors of the premises on which such signs are located. This article is further intended to reduce visual confusion and restrict signs which overload the probability of accidents by distracting attention, obstructing vision or which otherwise adversely affect the public health, safety or welfare. (1997 Code § 3-7)

3-6A-2: VILLAGE POLICY:

To assure that the intent of this article is realized, it shall be the policy of the code enforcement officer/building inspector by way of his review to:

- A. Operate, within his jurisdiction and in the interest of the people of the village in a consistent, fair, objective and understanding manner.
- B. Encourage and inspire both public and private participation in matters regarding signage, and work with governmental, civic, and other private bodies to enhance communication, understanding, and appreciation between them and the village board.
- C. Encourage excellence in the design of signs throughout his acceptance of appropriate innovation and imaginative concepts.
- D. Encourage competition toward attractiveness in signs and discourage the type of competition which produces signs of ever increasing size, brightness and garishness.
- E. Give appropriate recognition to projects which exhibit outstanding design merit. (1997 Code § 3-7)

3-6A-3: DEFINITIONS:

As used in this article, the following words and terms shall have the meanings ascribed to them in this section:

SIGN: A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

SIGN, ADVERTISING: Any sign which directs attention to a business, commodity, service, or entertainment, which is not exclusively related to the premises where such sign is located or to which it is affixed.

SIGN, ATTACHED: Any sign affixed to a building or structure which in no case may extend more than eighteen inches (18") from the face of the building or structure to which it is attached.

SIGN, BUSINESS: Any sign which directs attention to a business or profession conducted or to a commodity, service, entertainment or other activity sold or offered upon the premises on which such sign is located, or to which it is affixed.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not kept stationary or constant in intensity at all times in which the sign is in use. Illuminated signs which indicate the time, temperature, date, or similar public service information shall not be considered flashing signs.

SIGN, FREESTANDING: Any sign which is supported by one or more uprights or braces in or upon the ground.

SIGN, GROSS AREA: The entire area of all advertising surfaces shall be used in computing total gross area. The term does not include any structural or framing elements lying outside the limits of such sign surface and not forming an integral part of the display.

SIGN, OFF PREMISES IDENTIFICATION: Any sign giving only the name, trademark, or other readily recognized symbol or address, or combination thereof, of a building, business, development, or establishment, which sign is located off the lot on which such building, business, development, or establishment is located.

SIGN, PERMANENT DIRECTORY: Any sign which is either projecting or freestanding that shall be utilized solely for the purpose of identifying the official name of the retail center, business, or industrial park, and which provides a directory of the occupants of that retail center, business, or industrial park, which is comprised of more than one establishment and which is located on one or more lots or parcels.

SIGN, PORTABLE: Any sign built upon a chassis, wheels, flatbed, or similar device designed to be transported or towed from one location to another. Any sign not permanently affixed to a wall, permanently installed in the ground by anchoring below the frost line or installation in concrete.

SIGN, PROJECTING: Any attached sign which extends more than eighteen inches (18") from the face of the building or structure to which it is affixed.

SIGN, TEMPORARY: Any sign calling attention to an annual or semiannual special, unique, or limited activity or service; any sign announcing a campaign, drive, or event of a civic,

philanthropic, educational, nonprofit, or religious organization. Temporary events may include, but are not limited to, the following: indoor and outdoor art, craft, and plant shows; Christmas tree sales; carnivals, circuses, fairs, rodeos, and parades; and grand openings/new ownership. All of these events must take place within the village. (1997 Code § 22-2-2; amd. 2013 Code)

3-6A-4: COMPLIANCE REQUIRED; EXEMPTIONS:

- A. Any person who displays a sign shall comply with the provisions of this article. (1997 Code § 3-17)
- B. All signs existing on the effective date hereof shall be exempt from compliance of the terms of this article with the exception of subsection [3-6A-13A](#) of this article. (1997 Code § 3-15)

3-6A-5: REVIEW AND APPROVAL OF SIGNS GENERALLY:

- A. The applications governed by this article shall be initially reviewed by the code enforcement officer/building inspector for the village who shall act in an advisory capacity.
- B. The code enforcement officer/building inspector, after review of the applications, shall forward his recommendations to the village board of trustees who shall make the final and only binding decision as to each application. (1997 Code § 3-7)

3-6A-6: STANDARDS AND CRITERIA FOR REVIEW:

The following factors and characteristics, which relate to the safety and appearance of signage, shall govern the board's evaluation of design submittal:

- A. Projects which include a number of signs and graphics shall have an overall plan.
- B. Signs and graphics shall have a harmonious relationship with nearby signs, buildings and the neighborhood, and shall be designed so as not to adversely affect adjacent structures. In this respect, the sign shall be related to its building, structure and neighborhood in terms

of size, shape, material, location, lighting, and landscaping if applicable.

- C. In its deliberations, the board shall consider, among other things, the sign area allowances provided herein as the maximum allowance, and if, in its determination, the size of the proposed sign(s) is out of proportion or scale to the building or to other buildings or signs in the surrounding area, then the board may reduce the allowable sign area at its discretion.
- D. External lighting shall be arranged so that the light source is screened from view.
- E. The additional provisions of this article, as specified herein, shall be part of the criteria of the design review process. (1997 Code § 3-8)

3-6A-7: PERMIT AND CERTIFICATE OF APPROPRIATENESS REQUIREMENTS:

- A. Permit Required; Application: A permit shall be necessary to erect, construct or display a sign. Application for a sign permit shall be submitted to the village clerk on forms provided by the village by any person, firm or corporation erecting or constructing any such sign. Such application shall also be considered an application for certificate of appropriateness and shall be accompanied by a permit fee to be set from time to time by ordinance of the village board of trustees.
- B. Application For Certificate Of Appropriateness: Application for a certificate of appropriateness shall be considered by the board only after such application has been filed with the village clerk.
- C. Conditions For Issuance Of Permit: Except as provided in subsection A of this section, no sign permit shall be issued by the village board of trustees prior to the granting of the certificate of appropriateness by the village board of trustees.
- D. Application For Sign Permit: Application for a sign permit shall, at a minimum, contain or have attached thereto the following information and material:
 - 1. Name, address and telephone number of the owner of the property.
 - 2. Name, address and telephone number of the applicant (owner of the sign).

3. Name, address and telephone number of the sign contractor, if any.
4. Location of the building, structure or lot to which or upon which the sign is to be attached or erected.
5. Two (2) copies of a drawing and other material showing:
 - a. The position of a proposed sign in relation to adjacent signs, buildings and structures.
 - b. The design and size, structural details, material, and placement on the premises of a proposed sign or sign structure.
 - c. Current color photographs showing existing signs on the premises and adjacent property, and the date on which said photographs were taken.
 - d. Statement denoting the aggregate size of all signs existing on the premises at the time of making such application.
 - e. The information submitted by the applicant shall be in sufficient detail to illustrate clearly the design for which approval is being sought and its relationship to the structure it serves. One set of such items shall be retained by the board, and the other set shall be returned to the applicant.

E. Fees And Costs:

1. The fee for a permit to construct a sign is as provided in the fee schedule adopted in section [9-1-1](#) of this code. This fee is for the construction of new signs and not for the replacement of existing signs. (1997 Code § 3-9; amd. 2013 Code)
2. The applicant for a sign permit shall reimburse the village for all engineering and legal costs incurred by the village in processing the application. These expenses must be paid to the village prior to the village issuing a sign permit. If three (3) days has expired from the date of notice of expenses referred to herein, and payment in full has not been made to the village, the applicant for the sign permit shall be deemed rejected by the village irrespective of how the board of trustees has previously ruled. (1997 Code § 3-21)

3-6A-8: PROHIBITED SIGNS:

No person shall display any sign of the following prohibited types or in the following prohibited locations:

- A. Flashing signs (whether stationary, revolving or rotating) including message boards, which contain any flashing lights, running lights, or lights creating an illusion of movement.

- B. Signs upon, above or attached to the roof of any building, excluding those in existence at the effective date hereof.

- C. Signs painted directly on the wall of a building or on a fence.

- D. Signs, or spotlights or floodlights used to illuminate signage, projecting more than three inches (3") over or into the right of way of any public street, sidewalk, alley or public place (except, that over 8 feet above the adjoining sidewalk, they may project a maximum of 13 inches).

- E. Signs consisting of a string, cluster or series of lights.

- F. Signs which, as determined by the code enforcement officer/building inspector, may constitute a hazard to traffic or the public by reason of obstruction of view, distraction or danger to the safety of persons using public property. (1997 Code § 3-10)

3-6A-9: PERMITTED SIGNS:

The following signs shall be permitted, subject to the permit requirements of this article, in addition to signs otherwise permitted by this article:

A. Real Estate Signs:

1. Real estate signs (nonilluminated) advertising the sale or lease of the lot or premises on which they are maintained shall be less than ten (10) square feet in area for residential zoned lots and less than sixty four (64) square feet in area for commercial, office, and industrial zoned lots. No one property shall be allowed to have more than one sign on the lot or premises; except, on corner lots, one such sign may face each street. Said signs shall be removed within seven (7) days after the sale or lease of the premises. In addition, signs advertising the sale of residential lots or premises are exempt from paying the established sign application fee.
2. Real estate signs (nonilluminated) advertising the sale or lease of a residential zoned lot or premises may be posted off the premises to be sold or leased on Sunday (including "open house" signs) only.
3. Real estate signs (nonilluminated) advertising the sale or lease of a commercial, office, or industrial lot or premises may be attached to the side of the building facing the street. The area of the sign shall not exceed fifteen percent (15%) of the total area of the side of the building to which it is attached up to a maximum of sixty four (64) square feet.

B. Construction Site Signs: Construction site signs (nonilluminated) identifying the parties engaged in the design and construction on the lot or premises on which they are displayed, and being less than ten (10) square feet in area.

C. Decorations: Decorations displayed in connection with civic, patriotic or religious holidays; except, that they shall be removed within fourteen (14) days after the appropriate holiday.

D. Flags, Emblems And Temporary Signs: Flags, emblems, and signs of political, civic, philanthropic, or educational organizations temporarily displayed with respect to an election or event for noncommercial purposes, to be removed seven (7) days after such election or event.

E. Garage Sale Signs: Garage sale signs (nonilluminated) placed on the lot or premises on which such sale is conducted or off premises less than ten (10) square feet in area and not in excess of one sign on the lot or premises; except, that on corner lots, one such sign may face each street, and such signs shall be removed within seventy two (72) hours after posting. (1997 Code § 3-11)

3-6A-10: SIGNS ON RESIDENTIAL PROPERTIES:

No sign shall be displayed on a building or premises or that portion thereof used for residential purposes regardless of the zoning district in which located, or on any vehicles parked or stored on such residential property where such vehicle is readily visible to the general public, except for the following permitted signs:

- A. One nameplate sign not exceeding eighty (80) square inches in area, which may be combined with a street or house number sign;

- B. Noncommercial signs behind or affixed to windows or doors;

- C. In the case of apartment houses for three (3) or more families, there shall be permitted, in addition to the foregoing and in addition to any other signs hereinafter permitted by reason of any commercial use of the first floor, one identification sign not exceeding five (5) square feet in area indicating the name of the building and of the ownership or management thereof. (1997 Code § 3-12)

3-6A-11: SIGNS OF RELIGIOUS, CHARITABLE AND EDUCATIONAL ORGANIZATIONS:

- A. No sign shall be displayed on the building or premises of a religious, philanthropic, civic, charitable or private educational institution or organization or any private club except:
 - 1. Identification signs identifying the name or nature of the institution or organization.
 - 2. Bulletin board signs being structures of a permanent nature, but having changeable words or figures.

- B. The total area of all signs on the premises of each such institution or organization shall not exceed fifty (50) square feet, and no one sign shall exceed thirty (30) square feet in area. (1997 Code § 3-13)

3-6A-12: COMMERCIAL SIGNS:

- A. Designated: All signs not heretofore specified shall be deemed to be commercial signs for the purposes of this article, regardless of the zoning district (as established by the zoning ordinance) in which the premises is located.
- B. Regulations Generally: Commercial signs of any type not otherwise prohibited may be displayed, subject to the following specific sign regulations:
1. No awning sign or sign displayed on or attached to a building by an occupant (excluding window signs) shall contain information other than that which identifies the name of the occupant, the nature of the occupant's business and the logo or trademark of such occupant.
 2. No sign regulated by subsections B7, B8 and B9 of this section shall exceed one hundred (100) square feet in area per face of said sign.
 3. No sign shall be attached to any wall of any building unless it is placed substantially parallel to the surface of such wall and is safely and securely fastened thereto. (1997 Code § 3-17)
 4. For each side of a building, the total area of commercial signs, other than exempt signs, ground signs and window signs, shall not exceed fifteen percent (15%) of the total area of said side of the building, exclusive of any such exposure that is occupied for residential purposes. (1997 Code § 3-17; amd. 2013 Code)
 5. In cases where a building is occupied by more than one occupant, the total area of the commercial signs of each occupant shall be limited to fifteen percent (15%) of the area of the street exposure of such occupant.
 6. The owner of a building shall be permitted to display on or attach to the building one identification sign not exceeding five (5) square feet in area indicating the name of the building or management thereof. The area of such sign shall not be included in the fifteen percent (15%) overall limitation contained in subsections B4 and B5 of this section.
 7. A ground sign, permitted under subsections B8 and B9 of this section, shall, together with its stand, not exceed more than fifteen feet (15') in height above the ground level (as measured from the normal level of the sidewalk), except as permitted by subsection B8 of this section. A ground sign stand or base must be enclosed; bare pole supports are prohibited unless they do not exceed two (2) in number and are covered with a nonoxidizing coating when initially installed, and if poles are used to support said sign, then a sufficient amount of landscaping in the nature of trees, shrubs, and bushes shall surround said poles. The material for the sign base must be comparable to the materials used for the business building. The area of the sign base shall be no less than eighty percent (80%) of the width of the sign and no less than fifty percent (50%) of the depth of the sign. In the event that a ground sign is supported by poles, said poles must be constructed of metal as wood poles are specifically prohibited.
 8. If no commercial signs, other than the exempt signs and signs permitted under subsection B6 of this section, are displayed on or attached to a building occupied by fewer than three (3) commercial occupants, one ground sign may be displayed on the premises on which the building is located; provided, that such ground sign, together with its stand, shall not exceed fifteen feet (15') in height (as measured from the sidewalk). A ground sign stand or base must be enclosed. Bare pole supports are prohibited unless

- they do not exceed two (2) in number and are covered with a nonoxidizing coating when initially installed, and if poles are used to support said sign, a sufficient amount of landscaping in the nature of trees, shrubs, and bushes shall surround said poles. The material for the sign base must be comparable to the material used for that business building (i.e., a brown brick building must have a sign base of brown brick or similar material). The area of the sign base shall be no less than eighty percent (80%) of the width of the sign and no less than fifty percent (50%) of the depth of the sign.
9. In addition to other signs displayed on or attached to a building, a building occupied by three (3) or more commercial occupants may display a directory type sign (subject to the 15 percent limitations contained in subsections B4 and B5 of this section). A directory type sign may be a ground sign on the premises on which the building is located. If a ground directory type sign is used, a ground sign stand or base must be enclosed; bare pole supports are prohibited unless they do not exceed two (2) in number and are covered with a nonoxidizing coating when initially installed, and if poles are used to support said sign, a sufficient amount of landscaping in the nature of trees, shrubs, and bushes shall surround said poles. The material used for the business building (i.e., a brown brick building) must have a sign base of brown brick or similar material. The area of the sign base shall be no less than eighty percent (80%) of the width of the sign and no less than fifty percent (50%) of the depth of the sign.
 10. No sign shall be externally illuminated unless the source of such light shall be so located, shielded and directed as not to be directly visible from any surrounding public street or private residence; and no sign shall be internally illuminated except one having an opaque background and illuminating only letters, trademarks and logos.
 11. Neon signs and similar gaseous tube illuminated signs with exposed lighting components shall be limited to three (3) such signs per street exposure for each separate building and shall be indoor signs located on the ground floor level. (1997 Code § 3-17)
 12. The surface brightness of any illuminated sign, whether externally illuminated or internally illuminated, shall not exceed two hundred fifty (250) foot-candles. Such sign, if displayed on or attached to a building (including a window sign) shall not be displayed on or above the second floor windowsill level of such building. (1997 Code § 3-17; amd. 2013 Code)
 13. No illuminated sign shall be located within one hundred feet (100') of the boundary of any R-1 or R-2 residential district established by the zoning ordinance, if any illuminated face of such sign is parallel with or substantially parallel (an angle less than 45 degrees) with the residential zoning district boundary or otherwise has an adverse visual impact on adjacent residential properties.
 14. The total area of all signs on an awning shall not exceed ten percent (10%) of the total exterior surface area of the awning. The area of such sign shall be included in the fifteen percent (15%) overall limitation contained in subsections B4 and B5 of this section.
 15. "Poster board signs" or "billboard signs", being defined as those signs whose single face area exceeds or equals three hundred (300) square feet, shall not exceed thirty five feet (35') in height. All billboards shall be limited to one thousand (1,000) square feet of sign area per face, plus one hundred (100) square feet area for extensions or cutouts. As used herein, a "sign face" is defined as a specific sign area containing one or more messages which can be viewed from one direction only. The support for signs covered by this subsection B15 must be enclosed in a base, and bare pole supports are prohibited unless they do not exceed two (2) in number and are covered with a nonoxidizing coating

when initially installed, and if poles are used to support said sign, a sufficient amount of landscaping in the nature of trees, shrubs, and bushes shall surround said poles unless said poles are located in a parking lot. All freestanding signs and structures erected after the effective date hereof shall not be permitted to be erected within one thousand five hundred feet (1,500') of any other such sign on the same side of any roadway located within the village jurisdiction.

16. No advertising sign shall be permitted to be erected within three hundred feet (300') of any public park of more than five (5) acres in area if facing such park and visible therefrom.
17. Freestanding business or advertising signs erected after the effective date hereof shall have a minimum setback for any part of the sign equal to at least one-fourth ($\frac{1}{4}$) of the required building setback of the zoning district. Existing freestanding signs which do not meet this requirement may not be altered or changed in any perpetuating manner unless proof is supplied to the village board of trustees that such sign was not legally in existence prior to the effective date hereof.

C. Directional And Instructional Signs: Directional or instructional signs accessory to parking and driveway areas are permitted, subject to the following regulations:

1. One sign may be erected to designate each entrance to or exit from a parking or driveway area; each such sign may not exceed three (3) square feet in area; such signs may be double faced.
2. One sign designating the conditions of use shall be permitted for each parking or driveway area; such signs shall not exceed a maximum of ten (10) square feet in area.
3. In standard traffic marking colors, lane markers, directional arrows and other directional or instructional devices painted on the pavement of parking and driveway areas shall be permitted without limitation.
4. The area of signs permitted under this subsection shall not be included in the fifteen percent (15%) overall limitation contained in subsections B4 and B5 of this section.

D. Service Station And Car Wash Signs: Signs on or accessory to automobile service stations and car washes and the premises thereof shall conform to all regulations contained in this article and, in addition, shall be limited to two (2) double faced signs per establishment. In computing the number of signs displayed, however, the following shall not be deemed to constitute signs on such premises:

1. Matter appearing on gasoline pumps as purchased or installed.
2. Matter appearing on nonilluminated vending machines as purchased or installed (not to exceed 3 such machines visible to the general public) that dispense or offer for sale any products or services; provided, that such machines are grouped together.
3. Signs required by state law displayed in connection with the operation of automobile service stations or pump islands; provided, that:

- a. Minimum state standards shall constitute the maximum permissible standards within the village for the display of such required signs;
- b. No items of information other than those specifically required by state law shall be displayed on such required signs; and
- c. The size of each such required sign shall be related to the state mandated letter size (the size of the sign, in each case, to be approved by the board of trustees). (1997 Code § 3-17)

3-6A-13: SAFETY AND MAINTENANCE:

- A. 1. Every sign including, but not limited to, those for which permits or for which no permits are required, shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and all other acts required for the maintenance of said signs.
 2. All signs in existence as of the effective date hereof shall also be required to be maintained, repaired, and kept in good structural condition, and in the event that any sign face support structure is not maintained so as to prohibit the formation of rust on the base, the village, after thirty (30) days' notice of the violation of this subsection, shall cause the removal of said sign. (1997 Code § 3-22)
 3. Any owner of said sign being in violation of this subsection shall be served with a notice of said violation, and in the event such violation is not remedied within thirty (30) days from the date of notice of the violation, the owner of the sign shall be deemed in violation of this subsection. For each day after the thirty (30) day notice to remedy that the sign remains unremedied, the owner of said sign shall be liable to the village for a fine, per day, as provided in section [1-4-1](#) of this code. In addition to said fine, if the sign which is in violation of this section is not made to comply with the adequate safety standards, the village shall require its removal in accordance with this subsection. (1997 Code § 3-22; amd. 2013 Code)
- B. All signs shall be designed and constructed adequately and safely to support their weight and to withstand wind and other stresses to which they may be subjected.
 - C. All signs in which electrical wiring and connections are to be used shall have affixed thereon a plate showing the voltage of the electrical apparatus used in connection therewith.
 - D. No sign shall be erected, relocated, maintained or otherwise permitted to obstruct or prevent free ingress or egress from any window, door, fire escape or stairway of any building or structure. No sign shall be attached to a fire escape.

- E. No sign shall be erected, constructed or maintained where, by reason of its position, shape, color or wording, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; nor shall it otherwise cause a safety hazard.

- F. All signs, canopies and awnings, in addition to complying with applicable provisions of this code, shall be kept and maintained in a safe, neat and orderly condition and appearance and shall be repainted or otherwise maintained periodically to prevent corrosion or deterioration caused by weather, age or other conditions. The owner of a sign shall be responsible for providing such maintenance to his sign. For freestanding signs, such maintenance shall also require that the ground area, for a distance of not less than ten feet (10') in all directions, be kept free and clean of weeds, trash and other debris. In the event that a sign is not maintained in a safe, neat and orderly condition by the owner of the sign, the owner of the premises upon which such sign is displayed shall be liable for such maintenance.

- G. Whenever any business, service or other use moves from or vacates premises previously occupied thereby, or for any reason renders a sign not applicable to the premises (an abandoned sign), all signs relating to such business, service or use shall be removed from such premises within ten (10) days from the date of such event. In the event that such signs are not removed, the owner of the premises upon which such signs are displayed shall be liable for such removal within ten (10) days. (1997 Code § 3-14)

3-6A-14: VILLAGE REMOVAL OF SIGNS:

- A. Authority: The village president shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued other than those signs that are exempt.

- B. Notice Requirements:
 - 1. The village clerk shall prepare a notice which shall describe the sign and specifically the violation involved and which states that if the sign is not removed or the violation is not corrected within thirty (30) days, the sign shall be removed in accordance with the provisions of this section.
 - 2. All notices mailed by the village clerk or the village president shall be sent by certified mail. Any time periods provided in this section shall be deemed to be commenced on the date of the receipt of the certified mail. (1997 Code § 3-23)
 - 3. The notice shall be mailed to the owner of the property on which the sign is located as

shown on the last tax assessment roll. If known, the notice shall be made to or delivered to the owner of the sign and the occupant of the property. (1997 Code § 3-23; amd. 2013 Code)

- C. Summary Removal: In case of emergencies, the village may cause the immediate removal of the dangerous or defective sign without notice.
- D. Disposition Of Removed Signs: Any sign removed by the village president shall become the property of the village and may be disposed of in any manner deemed appropriate by the village board of trustees.
- E. Cost Of Removal: The cost of removal of the sign by the village shall be considered a debt owed to the village by the owner of the sign and the owner of the property and may be recovered by any appropriate court action by the village or by assessment against the property. The cost of removal shall include any and all incidental expenses incurred by the village in connection with sign removal. (1997 Code § 3-23)

3-6A-15: VARIATIONS:

- A. Right To Request Variance: Any person may apply to the village for a variation from the terms of this article and a permit to construct or alter or maintain any sign which does not conform to the requirements of this article.
- B. Procedure: Requests for variations shall be filed with the village clerk who shall promptly refer them to the village committee of the whole for advisory purposes who will forward them to the village board of trustees for final action. (1997 Code § 3-19; amd. 2013 Code)
- C. Standards For Variances: Variations shall be permitted only if:
 - 1. They are in harmony with the general purpose and intent of this article; and
 - 2. The plight of the petitioner is due to unusual circumstances; and
 - 3. There are practical difficulties or particular hardship in the way of carrying out the strict requirements of this article; and
 - 4. The variation will not alter the essential character of the locality.

- D. Findings Of Fact: Every variation granted by the village board of trustees shall be accompanied by findings of fact specifying the reasons for granting the variation. (1997 Code § 3-19)

3-6A-16: INSPECTIONS:

- A. Before any use may be made of a sign authorized under the provisions of this article, a final inspection of the premises must be obtained from the village code enforcement officer/building inspector to assure compliance with the evidence upon which the sign permit was issued.
- B. The village code enforcement officer/building inspector may make inspections and tests necessary to obtain compliance with the provisions of this article and shall have right of entry upon any premises for inspection whenever the premises is open to the general public. If entry is refused, the county sheriff's department, showing reasonable cause to believe the existence of a violation, may apply to the appropriate court for a warrant authorizing entry. (1997 Code § 3-17)

3-6A-17: LIABILITY FOR DAMAGES:

Neither the provisions of this article nor the issuance of any sign permit or certificate of appropriateness shall be construed as relieving any person erecting, owning or maintaining any sign from liability arising by reason of personal injury or property damage resulting therefrom or work relating thereto, or as limiting the liability of any such person by reason of personal injury or property damage so resulting. The provisions of this article shall not be construed as imposing upon the village or its officials or employees any liability by reason of the approval of any sign under any of the provisions of this article. (1997 Code § 3-20)

3-6A-18: ENFORCEMENT AND PENALTIES:

- A. **Enforcement Official:** The village code enforcement officer/building inspector is hereby authorized and empowered to enforce this article. (1997 Code § 3-17)
- B. **Violation; Nuisance Declared:** It shall be unlawful to display any sign in violation of the provisions of this article. Any sign displayed in violation of this article shall be deemed a public nuisance. (1997 Code § 3-16)
- C. **Notice Of Violation:** The village clerk shall give a registered and certified written notice of violation to any person displaying a sign in violation of this article. Such notice shall demand compliance with the requirements of this article within forty eight (48) hours from the time of the receipt of such notice (weekends and holidays excluded) for temporary and window signs, and within ten (10) days from other signs. (1997 Code § 3-18)
- D. **Fine:** Any person displaying a sign in violation of this article after such forty eight (48) hours or the ten (10) day period, as the case may be, shall be subject to a fine as provided in section [1-4-1](#) of this code for each offense. Each day of such violation shall constitute a separate offense with respect to the computation of fines. (1997 Code § 3-18; amd. 2013 Code)
- E. **Removal Of Signs:**
1. If a sign shall be found to be unsafe or insecure, or constructed, erected or maintained in violation of this article, and if the owner of such sign fails to remove or alter the sign (following proper notice), such sign may be removed or altered by the village at the expense of the owner of the sign.
 2. In the event that any sign presents an immediate peril to persons or property, such sign may be removed by the village summarily and without notice. Such removal without notice shall not preclude the village from recouping the costs of such removal.
- F. **Additional Remedies:**
1. In addition to other remedies as specified in this article, the village may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this article, including such actions as may be necessary for the village to recoup costs incurred in pursuance of the removal or alteration of signs as may be required in this article.
 2. All rights and privileges acquired under the provisions of this article are mere licenses, revocable at any time by order of the village board of trustees. (1997 Code § 3-18)

Chapter 7

MASSAGE THERAPY ESTABLISHMENTS

3-7-1: DEFINITIONS:

The language of this chapter shall be interpreted in accordance with the following terms. Words herein not defined shall be interpreted in accordance with their definitions contained in the most recent edition of Webster's Dictionary.

MASSAGE THERAPIST: Any person holding a current, valid license in good standing from the state of Illinois department of financial and professional regulation under the Illinois massage licensing act¹, who, for any consideration whatsoever, engages in the practice of "therapeutic massage", as defined in this section, and who is an active member in a "professional massage therapy organization", as defined in this section.

MASSAGE THERAPY FACILITY: Any place of business having a source of income or compensation derived from therapeutic massage, where a licensed massage therapist administers therapeutic massages or from where a massage therapist is dispatched to administer therapeutic massage. A massage therapy facility also includes schools, institutions and home occupations, as defined in this code, for the purposes of this chapter.

OFF PREMISES MASSAGE: The activity of providing massage services by a licensed massage therapist for any consideration whatsoever at a location other than at a massage therapy facility.

PROFESSIONAL MASSAGE THERAPY ORGANIZATION: An organization that promotes minimum standards for the profession, assists legislatures in developing laws regarding the profession, requires members to adhere to a code of ethics and provides legal assistance, education, insurance, support and information to its members.

THERAPEUTIC MASSAGE: May include, but is not limited to, joint mobilization techniques, stretches, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and any reasonable method of pressure on the external soft parts of the body with the hands, elbows or forearms, or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oils, liniments, hot and cold packs, antiseptics, powders, creams, lotions, salt glows, ointments, or other similar preparations commonly used in the practice. (Ord. 12-04, 3-12-2012; amd. 2013 Code)

3-7-2: LICENSING REQUIREMENTS:

A. State And Village Licenses Required; Fee: Any person who participates in massage activity, as defined by the massage licensing act ("act"), or "therapeutic massage", as defined in section [3-7-1](#) of this chapter, must hold a current, valid license as a massage therapist issued by the Illinois department of financial and professional regulation and must also

obtain a village license to participate in the same. The cost of the village license shall be twenty five dollars (\$25.00) per year. (Ord. 12-04, 3-12-2012; amd. 2013 Code)

- B. Required Information To Village: Before providing any massage service, as defined by the act or in this chapter, in the village, each licensed massage therapist shall present his or her massage license, a current, valid photo identification and a current head and shoulders photograph two inches by three inches (2" x 3") in size, with the subject facing the camera, to the designated village official, and said official shall emboss the photograph with an appropriate seal.
- C. Display Of License And Photo:
1. On Premises Therapists: Every massage therapist shall conspicuously display the license required by the state of Illinois, together with the photograph embossed by the village, in an eight inch by ten inch (8" x 10") frame in his or her work area.
 2. Off Premises Therapists: Any massage therapist participating in an "off premises massage", as defined in section [3-7-1](#) of this chapter, within the jurisdiction of the village, shall have with him or her at the site of the massage the license required by the state of Illinois and the photograph embossed by the village.
- D. Validation Of Required Information By Facility: It shall be the responsibility of each massage therapy facility to ensure that each person employed as a massage therapist shall have a valid massage therapist license and village embossed photograph as set forth in this chapter. It shall be unlawful for such a facility to allow a licensed massage therapist to practice other than as defined in this section.
- E. Records Kept; Inspections: Each massage therapy facility shall maintain a current list of all licensed massage therapists who perform massage services at the massage establishment, along with proof of current Illinois licensure, and shall allow the inspection of such records at any reasonable time upon the request of any representative of the village. (Ord. 12-04, 3-12-2012)

3-7-3: COMPLIANCE WITH VILLAGE ZONING REGULATIONS; PROHIBITED LOCATIONS:

- A. Any massage therapy facility must comply with all village zoning requirements. In addition, a "massage therapy facility", as defined in section [3-7-1](#) of this chapter, may not be operated within the following distances of the following previously established uses:
1. Within one thousand feet (1,000') of a church, synagogue or regular place of worship.

2. Within one thousand feet (1,000') of a public or private elementary or secondary school.
 3. Within one thousand feet (1,000') of a daycare facility.
 4. Within one thousand feet (1,000') of another massage therapy facility.
 5. Within one thousand feet (1,000') of a public park.
- B. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a business as defined in this chapter is conducted, to the nearest property line of a church, synagogue, regular place of worship, school, park, daycare facility, or other business providing massage services described in this chapter.
- C. Nothing in this section shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state or federal law, rule or regulation. (Ord. 12-04, 3-12-2012)

3-7-4: FACILITY REQUIREMENTS:

- A. A massage therapy facility under this chapter shall not include an office, building, or clinic of a profession defined in subsection [3-7-7A](#) or B of this chapter where a licensed massage therapist practices or is employed.
- B. No massage therapy facility shall be allowed to operate unless the facility complies with each of the following minimum requirements:
1. Adequate private dressing and toilet facilities shall be provided for clients.
 2. All walls, ceilings, floors, steam rooms, and other physical facilities in the massage therapy facility shall be kept in good repair and maintained in a clean and sanitary condition.
 3. Clean and sanitary towels and linens shall be provided for each client receiving massage services. No common use of towels or linens shall be permitted.
 4. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with applicable building codes accepted by the village.
 5. All massage tables, tubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.
 6. The premises of the massage therapy facility shall have adequate equipment for

disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each client.

7. Adequate and sanitary storage shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage area.
8. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap in a dispenser and with sanitary or disposable towels.
9. Massage therapy facilities shall be required to comply with any general business registration required by the village, as from time to time amended. (Ord. 12-04, 3-12-2012)

3-7-5: OPERATING REQUIREMENTS:

- A. Every portion of the massage therapy facility, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B. Price rates for all services shall be prominently posted in the entrance/reception area in a location available to all prospective clients, and no other services shall be permitted.
- C. Massage therapists shall wear clean, nontransparent outer garments. Adequate private dressing and toilet facilities must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.
- D. All massage therapy facilities shall have clean, laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- E. The sexual or genital areas of clients must be covered by towels, sheets, cloths or undergarments at all times during the massage. For the purposes of this chapter, "sexual or genital area" shall mean the genitals, pubic area, anus or perineum of any person, including the breasts or vulva of a female.
- F. It shall be unlawful for any person in a massage therapy facility to knowingly place his or her

hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage the genital area of any other person.

- G. No massage therapist, employee, or operator shall perform, offer, or agree to perform any act which would require the touching of a client's genital area.
- H. No massage therapist, employee or operator of either sex, in the presence or view of any client, shall expose his or her genitalia, buttocks, or, in the case of a female, any portion of either breast below a straight line drawn above both nipples and the surrounding differently pigmented areas (areola papillaris).
- I. All walls, ceilings, floors, pools, showers, tubs, steam rooms, and all 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 rooms, steam and vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Tubs and showers shall be thoroughly cleaned after each use. When carpeting is used on floors, it shall be kept dry.
- J. Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers.
- K. Eating in the massage work areas shall not be permitted.
- L. Animals, except for service animals, shall not be permitted in the massage work areas.
- M. No massage therapist shall administer a massage to a client exhibiting any skin fungus, skin lesion, skin infection or skin disease unless a physician licensed by the state of Illinois certifies in writing that such client may be safely massaged.
- N. Massage therapists shall wash their hands in hot running water, using proper soap or disinfectant, before administering a massage to each person. (Ord. 12-04, 3-12-2012)

3-7-6: INSPECTIONS:

The village shall have the right to enter onto the premises of any massage therapy facility and qualifying home occupation within its jurisdiction at any time to conduct an inspection for the purpose of determining compliance with the provisions of this chapter. It shall be a violation of this chapter for any representative of a massage therapy facility to fail to allow any representative of the village access to its premises or to hinder such access in any manner. (Ord. 12-04, 3-12-2012)

3-7-7: EXEMPTIONS FROM PROVISIONS:

The provisions of this chapter shall not apply to:

- A. Illinois licensed medical doctors, doctors of osteopathic medicine, chiropractors, physical therapists, occupational therapists, naturopaths, or registered nurses, where such massage is part of their state practice act.
- B. Illinois licensed practical nurses, hospitals, or nursing homes while administering such massages in the normal course of their medical duties.
- C. Any state registered athletic trainer who administers such athletic related massage in the normal course of training duties, where such massage is part of the Illinois athletic trainers practice act². (Ord. 12-04, 3-12-2012)

3-7-8: PENALTY:

Any violation of this chapter by the operator of a massage therapy facility or an individual licensed massage therapist shall be punishable by fine of up to seven hundred fifty dollars (\$750.00) per offense, and a separate offense shall be declared committed for every day that any violation hereof persists or continues. In addition, the village shall report any violation of the massage licensing act to the Illinois department of financial and professional regulation for possible action. (Ord. 12-04, 3-12-2012; amd. 2013 Code)

Chapter 8 TATTOOING AND BODY PIERCING, BRANDING AND CARVING ESTABLISHMENTS

3-8-1: DEFINITIONS:

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

BRAND, BRANDED OR BRANDING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of heated instruments comprised of metal or other materials.

CARVE, CARVED OR CARVING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with the use of, but not limited to, knives, wires, scalpels or other materials used in surgical and anatomical operations and dissections.

PIERCE, PIERCED OR PIERCING: Any method of perforating the skin for the purpose of attaching ornaments such as, but not limited to, earrings, metal rings or bars.

TATTOO, TATTOOED AND TATTOOING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture skin. (Ord. 12-05, 3-12-2012)

3-8-2: PERMITS REQUIRED; FEES:

- A. Establishment Permit: No person shall engage in or carry on the business of operating a tattooing, body piercing, body branding or body carving establishment unless he/she possesses a valid permit issued by the village, pursuant to the provisions of this chapter, for each and every separate office or place of business conducted by such person within the village. The cost of such permit shall be twenty five dollars (\$25.00) per year.
- B. Operator's Permit: No person shall engage in or perform any tattooing, body piercing, body branding or body carving within the village unless he/she possesses a valid operator's permit issued by the village, pursuant to the provisions of this chapter. The cost of such permit shall be twenty five dollars (\$25.00) per year.
- C. Payment And Refund Of Fee: All fees are payable to the village clerk's office upon application and are refundable upon denial of the permit by the village board. (Ord. 12-05, 3-12-2012)

3-8-3: APPLICATIONS FOR PERMITS:

- A. Establishment Permit: Any person desiring a permit to operate a tattooing, body piercing, body branding or body carving establishment shall file a written application with the village clerk's office on a form to be furnished by the said office. The applicant shall accompany the application with a tender of the correct permit fee as provided in section [3-8-2](#) of this chapter and shall, in addition, furnish the following personal information concerning the manager or other person principally in charge of the operation of the business:
1. Name, complete residence address and residence telephone number, including area code.
 2. The two (2) previous addresses immediately prior to the present address of the applicant.
 3. Written proof of age consisting of a birth certificate.
 4. Height, weight and color of hair and eyes.
 5. Authorization for the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application regarding qualifications of the applicant for the requested permit.
 6. The names and addresses of three (3) adult residents within the county who will serve as character references. These references must be persons other than relatives and business associates.
 7. Written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, with such declaration being duly dated and signed in the village.
- B. Operator's Permit: A person desiring a permit to do tattooing, body piercing, body branding or body carving shall file a written application with the village clerk's office on a form to be furnished by said office. The applicant shall tender with the application the correct permit fee as provided in section [3-8-2](#) of this chapter and shall, in addition, furnish the following:
1. The business address and telephone number where the tattooing, body piercing, body branding or body carving establishment is to be operated.
 2. The following personal information concerning the applicant:
 - a. Name, complete residence address and residence telephone number, including area code.
 - b. The two (2) previous addresses immediately prior to the present address of the applicant.
 - c. Written proof of age consisting of a birth certificate.
 - d. Height, weight and color of hair and eyes.
 - e. Authorization for the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application regarding qualifications of the applicant for the requested permit.

- f. Written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, with such declaration being duly dated and signed in the village.
- g. Proof of any valid license required by any other federal, state or local law in order to perform tattooing, body piercing, body branding or body carving. (Ord. 12-05, 3-12-2012)

3-8-4: APPROVAL OF APPLICATIONS:

Upon receiving the application for a tattooing, body piercing, body branding or body carving establishment, or for a permit to perform tattooing, body piercing, body branding or body carving, the village president shall review the application. The village board must give final approval prior to any issuance of permits. (Ord. 12-05, 3-12-2012)

3-8-5: ISSUANCE OR DENIAL OF PERMITS:

The village clerk shall issue a tattooing, body piercing, body branding or body carving establishment permit or operator's permit within sixty (60) days of receipt of the application, unless he/she finds the following:

- A. The correct permit fee has not been tendered to the village and, in the case of a check or bank draft, honored with payment upon presentation.
- B. The operation, as proposed by the applicant, if permitted, would not be in compliance with all applicable laws including, but not limited, to the village zoning, building and health regulations.
- C. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the application for the permit or in any document required by the village in connection therewith.
- D. The applicant has operated a tattooing, body piercing, body branding or body carving establishment and has had a license denied, revoked or suspended for any of the causes set forth in subsections A, B and C of this section by the village or any other state or local agency within two (2) years prior to the date of the application.

- E. The applicant principally in charge of the operation of the business is not over the age of twenty one (21) years.
- F. The village board has denied the permits. (Ord. 12-05, 3-12-2012)

3-8-6: DISPLAY OF PERMITS:

The tattooing, body piercing, body branding or body carving establishment permittee shall display his/her permit and that of each and every person employed in the establishment in an open and conspicuous place on the premises of the establishment. (Ord. 12-05, 3-12-2012)

3-8-7: NONTRANSFERABILITY OF ESTABLISHMENT PERMIT:

No tattooing, body piercing, body branding or body carving establishment permit shall be transferable, separable or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein. (Ord. 12-05, 3-12-2012)

3-8-8: LOCATION RESTRICTIONS:

- A. Any tattooing, body piercing, body branding or body carving business shall be a permitted use; provided, that a tattoo, body piercing, body branding or body carving business may not be operated within one thousand feet (1,000') of the following established uses:
1. A church, synagogue or regular place of worship;
 2. A public or private elementary or secondary school;
 3. A public park;
 4. A daycare facility; or
 5. Another tattoo, body piercing, body branding or body carving business.
- B. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where the business of tattooing, body piercing, body branding or body carving is being conducted, to the nearest property line of a church,

synagogue, regular place of worship, school, park, daycare facility, or other tattoo, body piercing, body branding or body carving business.

- C. Nothing in this section shall be interpreted to authorize or permit any activity or conduct prohibited by any state or federal law. (Ord. 12-05, 3-12-2012)

3-8-9: HEALTH AND SANITATION:

There shall be compliance with the following requirements:

- A. The entire premises of the tattooing, body piercing, body branding or body carving facility and all equipment shall be maintained in a clean, sanitary condition and be in good repair.
- B. Any individual or establishment desiring to perform a tattooing, body piercing, body branding or body carving procedure shall first inquire as to whether or not the potential recipient of the procedure has a history of any communicable disease. Any individual providing a history of a communicable disease shall not receive a tattooing, body piercing, body branding or body carving procedure.
- C. Any individual or establishment desiring to perform a tattooing, body piercing, body branding or body carving procedure shall, in written form or through a conspicuously posted sign, explain the following to each potential recipient before performing a tattooing, body piercing, body branding or body carving procedure:
1. The nature of the procedure to be conducted.
 2. Possible tissue reactions following the procedure.
 3. Importance of after procedure care.
 4. The permanent nature of the application.
- D. 1. Any individual or establishment who performs a tattooing, body piercing, body branding or body carving procedure shall maintain proper records on each client. The records shall include the following:
- a. The date on which the procedure was performed.
 - b. The name, address, phone number and age of the client.
 - c. The name, address, phone number and age of the individual performing the

procedure.

d. A description of the procedure.

e. The signature of the client.

2. The information required in subsection D1 of this section shall be permanently recorded and made available for examination by any village agent or employee for examination, and shall be kept by the individual or establishment for a minimum of two (2) years. (Ord. 12-05, 3-12-2012)

3-8-10: RESTRICTIONS REGARDING MINORS:

It shall be unlawful for any person, other than a person licensed/permitted, to tattoo, body pierce, body brand, or body carve any person under the age of eighteen (18) years. (Ord. 12-05, 3-12-2012)

3-8-11: SUSPENSION OR REVOCATION OF PERMITS:

Any permit issued pursuant to this chapter shall be subject to suspension or revocation by the village board for violation of any provision of this chapter or for any grounds that would warrant the denial or issuance of such permit in the first place. The village board, upon such revocation or suspension, shall state its reasons in writing, specifying the particular grounds for such revocation or suspension. (Ord. 12-05, 3-12-2012)

3-8-12: PENALTY:

Any person and/or establishment convicted of a violation of section [3-8-2](#) or [3-8-10](#) of this chapter shall be subject to a fine of not less than seven hundred fifty dollars (\$750.00). (Ord. 12-05, 3-12-2012)

Chapter 9 MISCELLANEOUS LICENSE AND PERMIT PROVISIONS

3-9-1: TERM OF LICENSES AND PERMITS:

All yearly licenses and permits issued by the village shall be issued and expire on a fiscal year basis (i.e., beginning May 1 of each year and ending April 30 of the following year). (Ord. 11-23, 10-10-2011)

3-9-2: EXEMPTIONS FROM LICENSE AND PERMIT FEES:

- A. Exemptions Enumerated: The fees for the following village permits and/or licenses shall not apply to not for profit corporations duly incorporated pursuant to the Illinois general not for profit corporation act of 1986¹, which are in good standing with the Illinois secretary of state and which qualify as being exempt from taxation pursuant to section 501(c)(3) of the internal revenue code (26 USCA section 501(c)(3)):
1. Any license required under [chapter 3](#) of this title for amusements including, but not limited to, circuses, carnivals, coin operated amusement devices, and amusement arcades; and
 2. Any license required in order to conduct a raffle; and
 3. Any license required in order to operate vending machines; and
 4. Any license required for door to door sales, vending, peddling or soliciting.
- B. Request For Waiver: Any not for profit corporation seeking such waiver of fees shall, at the time of application of the license/permit, request the waiver and present evidence, sufficient to the village's sole satisfaction, that the corporation is duly formed pursuant to the Illinois general not for profit corporation act of 1986, is in good standing with the Illinois secretary of state and is tax exempt pursuant to section 501(c)(3) of the internal revenue code. (Ord. 12-03, 2-13-2012)

Chapter 10 VIDEO GAMING TERMINALS

3-10-1: DEFINITIONS:

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DISTRIBUTOR: Shall have the same definition as set forth in the Illinois video gaming act and shall mean an individual, partnership, corporation, or limited liability company licensed under this act to buy, sell, lease, or distribute video gaming terminals or major components or parts of

video gaming terminals to or from terminal operators.

LICENSED ESTABLISHMENT: Shall have the same definition as set forth in the Illinois video gaming act and shall mean any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises and includes any such establishment that has a contractual relationship with an intertrack wagering location licensee licensed under the Illinois horse racing act of 1975 provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this act to any licensee licensed under the Illinois horse racing act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an intertrack wagering location licensee may not, itself, be a) an intertrack wagering location licensee, b) the corporate parent or subsidiary of any licensee licensed under the Illinois horse racing act of 1975, or c) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois horse racing act of 1975. "Licensed establishment" does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois horse racing act of 1975 or a riverboat licensed under the riverboat gambling act, except as provided in this definition.

LICENSED FRATERNAL ESTABLISHMENT: Shall have the same definition as set forth in the Illinois video gaming act and shall mean the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

LICENSED TECHNICIAN: Shall have the same definition as set forth in the Illinois video gaming act and shall mean an individual who is licensed under this act to repair, service, and maintain video gaming terminals.

LICENSED TRUCK STOP ESTABLISHMENT: Shall have the same definition as set forth in the Illinois video gaming act and shall mean a facility: a) that is at least a three (3) acre facility with a convenience store, b) with separate diesel islands for fueling commercial motor vehicles, c) that sells at retail more than ten thousand (10,000) gallons of diesel or biodiesel fuel per month, and d) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in section 18b-101 of the Illinois vehicle code. The requirement of item c of this definition may be met by showing that estimated future sales or past sales average at least ten thousand (10,000) gallons per month.

LICENSED VETERANS' ESTABLISHMENT: Shall have the same definition as set forth in the Illinois video gaming act and shall mean the location where a qualified veterans' organization that derives its charter from a national veterans' organization regularly meets.

MANUFACTURER: Shall have the same definition as set forth in the Illinois video gaming act and shall mean an individual, partnership, corporation, or limited liability company that is licensed under this act and that manufactures or assembles video gaming terminals.

TERMINAL OPERATOR: Shall have the same definition as set forth in the Illinois video gaming act and shall mean an individual, partnership, corporation, or limited liability company that is licensed under this act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans' establishments.

VIDEO GAMING TERMINAL: Shall have the same definition as set forth in the Illinois video gaming act and shall mean any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including, but not limited to, video poker,

line up, and blackjack, as authorized by the Illinois gaming 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. (Ord. 12-23, 10-16-2012)

3-10-2: LICENSE REQUIRED:

No person, partnership, company, corporation, limited liability company or business shall distribute, serve as a terminal operator, keep, hold, display, operate or cause to be operated in any place of public resort within the village a video gaming terminal without first having obtained a license from the village. It shall be a prerequisite to any license being issued by the village that the person, partnership, company, corporation, limited liability company or business applying for such village license, meets all the following conditions and standards:

- A. Comply with all applicable provisions of the Illinois video gaming act and the rules and regulations implemented thereto; and
- B. Hold the necessary and valid license(s) from the state of Illinois. The revocation, loss or suspension of any such license by the state of Illinois shall automatically result in the revocation, loss or suspension of any village license issued hereunder, without refund of any license fee paid to the village; and
- C. Each licensed distributor, terminal operator and person with a substantial interest in a licensed distributor or terminal operator shall be an Illinois resident or duly authorized to conduct business within the state of Illinois. However, if an out of state distributor or terminal operator has performed its respective business within Illinois for at least forty eight (48) months prior to the effective date of the Illinois video gaming act, the out of state person may be eligible for licensing from the village; and
- D. In all cases of application for a licensed location to operate a video gaming terminal, each licensed establishment, licensed fraternal establishment, or licensed veterans' establishment shall possess a valid liquor license issued by the Illinois liquor control commission and a valid liquor license issued by the village of Capron, in effect at the time of application and at all times thereafter during which a video gaming terminal is made available to the public for play at that location. Video gaming terminals in a licensed location shall be operated only during the same hours of operation generally permitted to holders of a license under the liquor control act of 1934 within the village. A licensed truck stop establishment that does not hold a liquor license may operate video gaming terminals on a continuous basis. A licensed fraternal establishment or licensed veterans' establishment that does not hold a liquor license may operate video gaming terminals if: 1) the establishment is located in a county with a population between six thousand five hundred (6,500) and seven thousand (7,000), based on the 2000 U.S. census, 2) the county

prohibits by ordinance the sale of alcohol, and 3) the establishment is in a portion of the county where the sale of alcohol is prohibited. A licensed fraternal establishment or licensed veterans' establishment that does not hold a liquor license may operate video gaming terminals if: 1) the establishment is located in a municipality within a county with a population between eight thousand five hundred (8,500) and nine thousand (9,000) based on the 2000 U.S. census and 2) the municipality or county prohibits or limits the sale of alcohol by ordinance in a way that prohibits the establishment from selling alcohol; and

- E. Every video gaming terminal offered for play shall first be tested and approved pursuant to the rules of the Illinois gaming board ("board"), and each video gaming terminal offered in this state and village for play shall conform to an approved model. The board may utilize the services of an independent outside testing laboratory for the examination of video gaming machines and associated equipment as required by this section. Every video gaming terminal offered in this state and village for play must meet minimum standards set by an independent outside testing laboratory approved by the board. Each approved model shall, at a minimum, meet the following criteria:
1. It must conform to all requirements of federal law and regulations, including FCC class A emissions standards.
 2. It must theoretically pay out a mathematically demonstrable percentage during the expected lifetime of the machine of all amounts played, which must not be less than eighty percent (80%). The board shall establish a maximum payout percentage for approved models by rule. Video gaming terminals that may be affected by skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
 3. It must use a random selection process to determine the outcome of each play of a game. The random selection process must meet ninety nine percent (99%) confidence limits using a standard chi-squared test for (randomness) goodness of fit.
 4. It must display an accurate representation of the game outcome.
 5. It must not automatically alter pay tables or any function of the video gaming terminal based on internal computation of hold percentage or have any means of manipulation that affects the random selection process or probabilities of winning a game.
 6. It must not be adversely affected by static discharge or other electromagnetic interference.
 7. It must be capable of detecting and displaying the following conditions during idle states or on demand: power reset; door open; and door just closed.
 8. It must have the capacity to display complete play history (outcome, intermediate play steps, credits available, bets placed, credits paid, and credits cashed out) for the most recent game played and ten (10) games prior thereto.
 9. The theoretical payback percentage of a video gaming terminal must not be capable of being changed without making a hardware or software change in the video gaming terminal, either on site or via the central communications system.
 10. Video gaming terminals must be designed so that replacement of parts or modules

required for normal maintenance does not necessitate replacement of the electromechanical meters.

11. It must have nonresettable meters housed in a locked area of the terminal that keep a permanent record of all cash inserted into the machine, all winnings made by the terminal printer, credits played in for video gaming terminals, and credits won by video gaming players. The video gaming terminal must provide the means for on demand display of stored information as determined by the board.
12. Electronically stored meter information required by this section must be preserved for a minimum of one hundred eighty (180) days after a power loss to the service.
13. It must have one or more mechanisms that accept cash in the form of bills. The mechanisms shall be designed to prevent obtaining credits without paying by stringing, slamming, drilling, or other means. If such attempts at physical tampering are made, the video gaming terminal shall suspend itself from operating until reset.
14. It shall have accounting software that keeps an electronic record which includes, but is not limited to, the following: total cash inserted into the video gaming terminal; the value of winning tickets claimed by players; the total credits played; the total credits awarded by a video gaming terminal; and payback percentage credited to players of each video game.
15. It shall be linked by a central communications system to provide auditing program information as approved by the board. The central communications system shall use a standard industry protocol, as defined by the Gaming Standards Association, and shall have the functionality to enable the board or its designee to activate or deactivate individual gaming devices from the central communications system. In no event may the communications system approved by the board limit participation to only one manufacturer of video gaming terminals by either the cost in implementing the necessary program modifications to communicate or the inability to communicate with the central communications system.
16. The board, in its discretion, may require video gaming terminals to display Amber Alert messages if the board makes a finding that it would be economically and technically feasible and pose no risk to the integrity and security of the central communications system and video gaming terminals. (Ord. 12-23, 10-16-2012)

3-10-3: ISSUANCE:

An application for a video gaming terminal license may be obtained from the village clerk. Upon submittal of a fully completed application and payment of the annual license fee (as set forth below), the village clerk shall forward such application to the village board for consideration. No license shall be issued except upon approval by the village board. To the extent a license application is not approved, any license fee paid by the applicant shall be refunded to the applicant within thirty (30) days of the denial of the license. (Ord. 12-23, 10-16-2012)

3-10-4: LICENSE FEE:

There shall be an annual license fee of twenty five dollars (\$25.00) per terminal payable to the village. Licenses shall expire on June 30 of each year. License holders must renew their licenses prior to the June 30 expiration date or they shall not be permitted to operate or cause to be operated any video gaming terminal until such time as their license is renewed. (Ord. 12-23, 10-16-2012)

3-10-5: DISPLAY:

Upon approval of an application/renewal, the village shall issue a stamp bearing the notation, "Village of Capron VGT License No. ____ for year ____". One stamp shall be issued for each video gaming terminal and it shall be placed in a conspicuous place on the terminal and affixed in such a manner that it cannot be transferred from one terminal to another. (Ord. 12-23, 10-16-2012)

3-10-6: REPLACEMENT STAMPS:

Whenever a licensed video game terminal is replaced during the license year, a replacement stamp must be purchased from the village. The replacement stamp shall cost two dollars (\$2.00). (Ord. 12-23, 10-16-2012)

3-10-7: PLACEMENT OF VIDEO GAMING TERMINALS:

All such video gaming terminals shall, at all times, be kept and placed in plain view of any person or persons who may frequent the establishment at which the video gaming terminal is located. (Ord. 12-23, 10-16-2012)

3-10-8: VIOLATIONS, PENALTIES AND SUSPENSION/REVOCAION:

The village board may suspend or revoke any license issued hereunder for any violation by the license holder of any provision of this chapter, any provision of the Illinois video gaming act and the rules and regulations implemented thereto, or any other violation of federal, state, or local laws applicable to the business where the video gaming terminals are located. The village shall be entitled to impose fines pursuant to section [1-4-1](#) of this code for any violation of this chapter. (Ord. 12-23, 10-16-2012)