

TITLE XI
BUSINESS REGULATIONS

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Electronic Sweepstakes Machines Prohibited
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Brew Pubs & Wine Production

TITLE XI: BUSINESS REGULATIONS

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**CHAPTER 110: ALCOHOLIC BEVERAGES, VIDEO GAMING &
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GENERAL PROVISIONS

ALCOHOLIC BEVERAGES

§ 110.01 DEFINITIONS

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

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

ALCOHOLIC LIQUOR. Includes alcohol spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing $\frac{1}{2}$ of 1% or less of alcohol by volume.

BOWLING ALLEY. Any establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.

CATERER-RETAILER. A business that provides food and service as needed for private social gatherings not open to the general public at a site or sites other than the primary place of business of the caterer, and is further defined by 235 ILCS 5/1-3.34.

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors which conforms to the definition of a club, as provided by ILCS Ch. 235, Act 5, § 1-3.25, commonly known as the "Liquor Control Act" as amended.

COUNTRY CLUB. A recreational area with buildings or structures that includes banquet facilities, restaurants, and snack bars operated in conjunction with the country club and cannot be free standing therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, for example, golf, tennis and the like.

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

HOTEL, MOTEL, MOTOR LODGE, MOTOR INN, MOTOR HOTEL. Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which ten or more rooms are used for sleeping accommodations and dining rooms being conducted in the same building and such building structure being provided with adequate and sanitary kitchen and dining room equipment and capacity.

ORIGINAL PACKAGE. Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

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

RETAIL SALE. The sale for use or consumption and not for resale.

SALE. Any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates and means all sales made by any person, whether principal, proprietor, agent, servant, or employee.

TO SELL. Includes to keep or expose for sale and to keep with intent to sell.

VILLAGE. The Village of Huntley, an Illinois municipal corporation.
(Am. Ord. (O)2010-10.54, passed 10.28.10; Ord. passed 4-21-92)

§ 110.02 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PURCHASED OFF PREMISES

No person shall possess or consume any alcoholic liquor at any facility or establishment licensed to sell or offer for sale at retail any alcoholic liquor under the provisions of this chapter unless the alcoholic liquor is purchased at the facility or establishment licensed hereunder.
(Ord. 94-5-26-3, passed 5-26-94) Penalty, see § 110.99.

§ 110.03 PEDDLING ALCOHOLIC BEVERAGES

It shall be unlawful to peddle beer and alcoholic liquor in the Village.
(Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.04 SANITARY CONDITIONS

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinance regulating the condition of premises used for the storage or sale of food for human consumption.

§ 110.05 EMPLOYEES

It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any minor or any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.
(Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.06 RESTRICTED AREAS

(A) It is hereby determined that all of the Village is predominately residential in character except the following described portion:

- (1) All premises bordering on and facing Route 47;
- (2) All premises bordering on Main Street commencing at the intersection of Main Street and Route 47 and running in an easterly direction to the southeast corner of Main Street and Church Street;
- (3) All premises bordering on Coral Street between Route 47 and Church Street; and
- (4) All premises bordering on Woodstock Street between Coral Street and Main Street.

(B) It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within such portions of the Village, described as predominately residential in character, unless the owner or owners of at least two-thirds of the frontage feet along the street and streets adjacent to such place of business for which a license is sought for a distance of 200 feet in each direction from such proposed place of business shall file with the local Liquor Commission, or Licensing Officer, his or their written consent to the use of such place for the sale of alcoholic liquors. (Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.07 SALES PROHIBITED TO INTOXICATED PERSONS, HABITUAL DRUNKARDS, AND OTHERS

No licensee under the provisions of this chapter shall sell alcoholic liquor to any minor, intoxicated person, habitual drunkard, spendthrift, insane, feeble-minded or distracted person, or harbor or permit any intoxicated persons to loiter on the premises described in the license or permit any conduct which shall tend to disturb the peace or quiet of the neighborhood or the premises. Any such sale may be cause for suspension of the license. Penalty, see § 110.99

§ 110.08 PERSONS SOLICITING DRINKS

No person, whether an employee of the licensee or an entertainer at the licensee's establishment, or otherwise, shall solicit, induce or request any patron to purchase any alcoholic or non-alcoholic beverage for himself/herself or any other person not a patron. No proprietor or operator of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this section.

§ 110.09 CLOSING TIME

(A) It shall be unlawful to sell or offer for sale, at retail or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 1:00 am and 6:00 am of any Monday, Tuesday, Wednesday, Thursday, or Friday, and between the hours of 2:00 am and 6:00 am of any Saturday; and between the hours of 2:00 a.m. and 9:00 a.m. of any Sunday. Provided,

however, that in the event that any Monday, Tuesday, Wednesday, Thursday or Friday shall be a legal holiday, with the exception of "Good Friday," then the same hours shall apply as if such day were a Saturday. In the event that a New Year's Eve shall fall on a Sunday closing time shall be 2:00 a.m. on Monday.

(B) Class "D" licensed premises shall not be allowed to operate between the hours of 2:00 a.m. and 7:00 a.m. of any Sunday.

(C) It shall be unlawful to keep open for business or to admit the public at any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited. Provided that in the case of restaurants, clubs, drug stores, and hotels, such establishments may be kept open, but no alcoholic liquor may be sold to or consumed by the public during the hours prohibited.

§ 110.10 VIEW FROM STREET

(A) In the premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club), no screen, blind, curtain, partition, article, or thing shall be permitted in the window or upon the doors of the licensed premises nor inside the premises, which shall prevent a clear view into the interior of the licensed premises from the street, road, or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of the premises from the street, road, or sidewalk.

(B) All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then the license shall be subject to revocation in the manner herein provided.

(C) In order to enforce the provisions of this section, the Liquor Control Commission shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the views as above required.

(Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.11 ATTIRE, ENTERTAINERS, VISUAL DISPLAYS, AND CONDUCT ON PREMISES

(A) The following acts or conduct on licensed premises are deemed contrary to public welfare and morals and therefore no sale of any alcoholic beverages shall be held at any premises where such conduct or acts are permitted:

(1) *Attire and conduct.*

(a) To employ or use the services of any person in the sale, gift or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or clothed in such attire, costume or clothing as to expose to view any portion of the female breasts below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(b) To employ or use the services of any person to mingle with the patrons or occupants of the licensed premises while such person is unclothed or in such attire, costume, or clothing as described in division (a) above.

(c) To encourage, permit, or allow any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person.

(d) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates breasts, genitals, anus, pubic hair, or any portion thereof.

(e) To encourage, permit, or allow any person to be on the licensed premises while such person is unclothed or is in such attire, costume, or clothing as described in division (A)(1)(a) above or while such person is engaged in conduct described in divisions (A)(1)(b), (c), and (d) above.

(2) *Entertainers and conduct.*

(a) Live entertainment is permitted on any licensed premises, except that no licensee shall permit any person to perform on the licensed premises acts of or acts which simulate:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

2. The touching, caressing, or fondling of the breast, buttocks, anus, or genitals; or

3. The displaying of pubic hair, anus, vulva, genitals, or female breasts.

(b) No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in division (A)(2)(a).

(c) No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, anus, buttocks, vulva, or her breasts.

(d) No licensee shall permit any wet t-shirt contests, male or female strip shows, or any fashion shows whereby pubic hair, anus, vulva, genitals, or female breasts can be seen through the attire or clothing or while any person is clothed in lingerie or undergarments.

(3) *Visual displays.* The showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.

(c) Scenes wherein a person displays the vulva, the anus, the genitals, or female breasts.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(B) Notwithstanding any of the provisions of the above, no licensee shall employ, use the services or, or permit upon his licensed premises, any entertainment or person so attired as to be in violation of a state law or of any ordinance of McHenry County of Kane County. (Ord. 92-8-3, passed 8-13-92; Am. Ord. 97-09-11-03, passed 9-11-97)

§ 110.12 SALES TO MINORS

(A) It shall be unlawful for any person under the age of 21 years to purchase or obtain alcoholic liquor in any tavern or any place in the Village where alcoholic liquor is sold.

(1) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(2) The possession of alcoholic liquor by any person under the age of 21 years is forbidden.

(B) It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

(C) In addition to all other fines or penalties, the Liquor Control Commission may suspend or revoke the retail liquor dealer's license for any violation of division (A).

(D) It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this section, provided, however, that it shall not be unlawful to use alcoholic beer, liquor, or wine in connection with any religious service.

(Ord. passed 4-21-92; Am. Ord. 98-04-23-03, passed 4-23-98; Am. Ord. (O)2005-08.70, passed 8-25-05) Penalty, see § 110.99

§ 110.13 ACCESS TO ALCOHOL BY MINORS

(A) No holder of an alcoholic beverage license or his or her agent or employee shall suffer or permit any person under 21 years of age to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which the licensed premises is located, provided that this section shall not apply to:

(1) Any person under 21 years of age who is accompanied by a parent or guardian or to any licensed premises for the sale of service or commodities other than alcoholic beverages.

(2) Establishment employees at least 16 years old whose duties do not include the handling or serving of alcoholic beverages.

(3) Establishment employees at least 18 years of age whose duties are limited to serving of alcoholic beverages and/or food.

(B) It shall also be unlawful for any owner or occupant of any premises which are not under an alcoholic beverage license and which are located within the Village to knowingly allow any person under the age of 21 years to remain on the premises while possessing or consuming alcoholic beverages in violation of any provision of this section.

(C) It shall be unlawful for any parent or guardian to permit his or her residence to be used by a child or ward who is under 21 years of age or by an invitee of any child or ward, if the invitee is under 21 years of age, in a manner which constitutes a violation of division (B) of this section.

(D) A parent or guardian shall be deemed to have permitted his or her residence to be used in violation of division (C) of this section if the parent or guardian authorizes the use or enables the use to occur by failing to control access to either the residence or alcoholic beverages maintained therein.

(E) Every parent or guardian whose residence is used by a child or ward who is under 21 years of age or an invitee of a child or ward, if the invitee is under 21 years of age, for the consumption of any alcoholic beverage in a manner which constitutes a violation of division (A) of this section shall be presumed to have permitted the conduct which constitutes the violation, unless the contrary is established by a preponderance of the evidence.

(F) *Hotel or motel rooms.* It shall be unlawful for any person to rent a hotel or motel room from the proprietor or agent thereof for the purpose of, or with the knowledge that, such room shall be used for the consumption of alcoholic liquor by any person under the age of 21 years. (Ord. 96-01-11-004, passed 1-11-96; Am. Ord. 98-08-13-05, passed 8-13-98) Penalty, see § 110.99

§ 110.14 DRINKING IN PUBLIC PLACES

No person shall openly drink or furnish to others any alcoholic liquor to drink upon any street, sidewalk, or public place within the Village unless otherwise permitted under this code.

§ 110.20 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor unless the person selling or offering for sale has a valid current liquor license in accordance with the provisions of this chapter, or in the event the person has a valid current license in effect in violation of the terms of such license. (Ord. passed 4-21-92) Penalty, see § 110.99

§ 110.21 APPLICATIONS

(A) Applications for liquor licenses shall be made to the Local Liquor Control Commission in writing, signed by the applicant, or corporation, and verified by oath or affidavit.

(B) The application shall contain the following information and statements:

(1) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized,

the names and addresses of the officers and directors, if owned by one person or his nominees, the name and address of such person;

(2) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;

(3) The character of business of the applicant; and in case of a corporation, the objects for which it was formed;

(4) The length of time that the applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;

(5) The location and description of the premises or place of business which is to be operated under such license;

(6) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application;

(7) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of this state or the ordinances 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 therefore;

(9) A statement that the applicant will not allow gambling devices or gambling on the premises except video gaming terminals or devices pursuant to the Illinois Video Gaming Act; and

(10) A statement that the applicant will not violate any of the laws of the state or of the United States or any ordinance of the Village in the conduct of his place of business. (Ord. passed 4-21-92; updated 6.14.12)

§ 110.22 RESTRICTIONS OF LICENSES

No liquor license shall be issued to:

(1) A person who is not a resident of the Village unless the license holder is a corporation or partnership;

(2) A person who is not of good character and reputation in the Village;

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any federal or state law;

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame;

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

- (7) A person whose license issued under this chapter has been revoked for cause;
- (8) 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;
- (9) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license hereunder except for the requirement of residence within the political subdivision. Except that at least one partner of a co-partnership shall be a resident of the Village;
- (10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate, more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than residence within the Village;
- (11) A person, corporation or partnership in which the applicant and/or the applicable registered agent has not successfully completed the background process.
- (12) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee;
- (13) 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 passage of this chapter, or shall have forfeited his bond to appear in court to answer charges for any such violation;
- (14) A person who does not 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;
- (15) Any law enforcing public official, any Village Manager, any Mayor, Alderman, or member of the Village Board or Commission, or any President or member of a County Board and no such official shall be interested in any way, either directly or indirectly in the manufacture for sale, sale or distribution of alcoholic liquor;
- (16) Any person, association, or corporation not eligible for a state retail liquor dealer's license;
- (17) A person who is not a beneficiary or owner of the business to be operated by the licensee;
- (18) A person who has been convicted of a gambling offense as prescribed by any part of ILCS Ch. 720, Act 5, §§ 28-1 (a)(3) through (a)(10) and 28-3 or as prescribed by a statute replaced by any of the aforesaid statutory provisions;
- (19) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;
- (20) A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

(21) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20% of this stock of the corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period;

(22) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period; or

(23) A person who does not have an established place of business in which to use the license.

(Ord. passed 4-21-92; updated January 26, 2012)

§ 110.23 CLASSIFICATION AND FEES

(A) There shall be nine classes of licenses:

(1) *Class "A."* Class "A," which shall permit the retail, sale on the premises specified, of alcoholic liquor, for consumption on the premises, as well as other retail sale of alcoholic liquor in the original package. The annual fee for such license shall be \$1,500.

(a) At the time of annual renewal of any Class "A" liquor license, any licensee who intends to conduct any annual off premises (outside) activities in the upcoming year shall submit a list with complete description to the Liquor Commission identifying the date and the hours for these special events. The Liquor Commission shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the licensed year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude any special event on any date not included on the attached list.

(b) Outside restaurants, as an accessory use, may be located on Village right-of-way subject to the following conditions:

1. The applicant shall include a site plan identifying the location of the seating area, the type and size of furniture to be used, and that a clear continuous pedestrian path of at least four feet in width will be maintained exclusive of any obstructions
2. The applicant shall be required to enter into a license agreement with the Village for the use of the public right-of-way and as part of that agreement shall indemnify and hold harmless the Village and provide proof of insurance in the amount of \$1,000,000 with the Village named as an additional insured
3. The applicant shall be responsible for maintaining the area free and clear of litter and debris
4. Furniture shall be placed outside no earlier than April 1 and removed no later than October 31 so as not to interfere with snow removal operations
5. Approval shall be subject to review annually as part of the liquor license renewal process
6. A supplemental annual fee of \$50.00 shall be paid at the time of liquor license application or renewal

(2) *Class "B."* Class "B," which shall permit only the retail sale of alcoholic liquor in restaurants and banquet rooms, only at tables and booths in conjunction with meals, but prohibited at counters; provided however, that no sale of alcoholic liquor shall take place earlier than the hour of 11:00 a.m. and not later than the hour of midnight. The annual fee for such license shall be \$1,500.

(3) *Class "C."* Class "C," which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold and retail sale and take-out of alcoholic liquor in the original package, to be issued to a regularly organized club, as hereinbefore defined, which has been established for at least three years prior to making applications for the license, and the license shall authorize the licensee to sell liquor in the club quarters only. No class "C" license shall be issued until the local Liquor Control Commission has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor. The annual license fee for a club license as hereinabove set forth shall be \$1,500.

- (a) At the time of annual renewal of any Class "C" liquor license, any licensee who intends to conduct any annual off premises (outside) activities in the upcoming year shall submit a list with complete description to the Liquor Commission identifying the date and the hours for these special events.

The Liquor Commission shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the licensed year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude any special event on any date not included on the attached list.

(4) *Class "D."* Class "D," which shall only permit the retail sale of alcoholic liquor in sealed packages but not for consumption on the premises where sold. The annual fee for such license shall be \$1,500. No Class "D" license shall be issued to any business which is engaged in the sale of gasoline or gasoline related products, or doing business which is operated or maintained on any premises in which any other business is engaged in the sale of gasoline or gasoline related products, provided however that the holder of a Class "D" liquor license shall be permitted to conduct sampling/tasting events on the licensed premises subject to the following regulations:

- (a) The quantity of any tasting/sampling that is provided on any licensed premises shall not exceed for distilled spirits one-half ounce, for wine 2 ounces, and for beer 6 ounces.
- (b) No samples shall be provided to any person who is under the age of 21.
- (c) No sample provided at the licensed premises shall be removed from the licensed premises.
- (d) At the time of annual renewal of any Class "D" liquor license, any licensee who intends to conduct sampling/tasting events shall submit a list to the Liquor Commission identifying the date of any proposed sampling and the hours for any proposed sampling. The Liquor Commission shall have the absolute discretion to approve or deny any date set forth on the list submitted as part of the annual renewal application. No amendments shall be approved during the course of the licensed year, and the failure to include a particular date on the list submitted as part of the annual renewal shall preclude sampling or tasting on any date not included on the attached list.

(5) *Class "E."*

(a) Class "E," which shall authorize the retail sale of beer and wine, or other alcoholic liquor specifically approved at the time of license application for consumption upon the premises where sold or offered as specified in the license. The license may be issued to not-for-profit corporations qualified to do business in this state or any other business conducting an event that is open to the general public at which the sale or offer of beer and wine, or other alcoholic liquor specifically approved at the time of license application is contemplated. No Class "E" shall be required for any private, invitation only events conducted by any entity or individual. The license shall be for a period not to exceed three days and shall be issued only for special events sponsored by the requesting entity. The license fee for each class "E" license permit shall be \$75. The President and Village Board may approve such other fees or deposits as they deem appropriate to insure compliance with the terms and provisions of the permit. All persons requesting a Class "E" license shall be required to pay the full amount of the license fee at the time of application. In the event an application is not accepted, the license fee shall be refunded. No Class "E" license shall be issued until the local Liquor Control Commission and the President and Village Board have:

1. Established the location upon the premises where beer and wine, or other alcoholic liquor specifically approved at the time of license application is to be sold;
2. The hours of operation, which shall not be extended beyond those provided in §110.09;
3. The manner in which the licensee will manage crowd control and refuse pickup;
4. Proof of insurance as required by this chapter or state laws;
5. A list of members of the corporation who will be selling beer and wine, or other approved alcoholic liquor specifically approved at the time of license application at the location pursuant to the license; and
6. Proof of permission from the owner of the premises authorizing the sale of beer and wine, or other approved alcoholic liquor specifically approved at the time of license application during the time requested in the permit and such other requirements as the President and Village Board or Liquor Control Commission deem appropriate in the case of each particular permit.

(6) *Class "F."* Class "F", which shall authorize the retail sale of alcoholic liquor for consumption on the premises specified in the license. The license shall be issued to Country Clubs as defined in Section 110.01. The hours of operation shall be 6:00 am to 1:00 a.m., Monday through Saturday and 7:00 am to 2:00 a.m. on Sunday. The annual fee for such license shall be \$1,500.00.

(7) *Class "I."* Class "I," shall be issued only to a business that is a caterer-retailer and who presently holds a Class "A", "B", "C", or "F" liquor license issued by the Village and which authorizes the sale and delivery of alcoholic beverages by the drink for consumption either on site at the licensed premises, or off site. The licensed premises shall be considered the primary place of business of the catering business and all sales of alcoholic beverages made pursuant to the Class "I" license shall be deemed to have been made at the premises licensed by the primary license issued by the Village. The annual fee for such license shall be \$250. A \$50 per event fee shall be paid with each individual event application; said individual event application shall be filed with the Village Clerk's office a minimum of three (3) business days prior to the event.

(a) All persons making application for a license shall first deposit ½ of the total license fee amount with the application. The balance of the license fee shall be due and payable on or

before July 1st of the year in which the license is issued. All persons desiring licenses shall be required to pay the full amount of the license fee whether the license is to be issued for a full year or a part of the year.

(b) There shall be no rebate of any portion of the license fee due to the fact the application is made after the beginning of the fiscal year. Failure to pay the license fee or any portion thereof shall result in the immediate revocation of the license.

(8) Class "J." Class "J" shall permit only:

- (a) The operation of a brew pub and/or taproom, which may include outdoor seating areas as specified in the license, in connection with a microbrewery and in compliance with all applicable state and federal regulations and licenses authorizing the production, storage, distribution, and sale of beer.
- (b) Retail sale of beer produced by the licensee for consumption on the premises specified in the license.
- (c) Retail sale of beer produced by the licensee in sealed packages for off-premises consumption.
- (d) On-premises tastings of beer produced by the licensee provided with or without charge, provided that no more than six fluid ounces of beer may be provided without charge to any prospective purchaser.
- (e) Retail sales, including tastings, on the licensed premises shall be limited to the hours of 12:00 p.m. through 11:00 p.m.
- (f) The annual fee for a Class "J" license shall be \$1,500

(9) Class "K." Class "K," which shall only permit:

- (a) The retail sale of wine produced by the licensee on the licensed premises in sealed packages for off-premises consumption, all in connection with the licensee's operation of a winemaking facility in compliance with all applicable state and federal regulations and licenses authorizing the manufacture, storage, distribution, and sale of wine.
- (b) Retail sales on the licensed premises shall be limited to the hours of 12:00 p.m. through 11:00 p.m.
- (c) The annual fee for a Class "K" license shall be \$1,500

§ 110.24 LIMITATION ON LICENSES

(A) There shall be no more than sixteen (16) class "A" licenses in the corporate limits of the Village at any one time.

(B) There shall be no more than one “B” license in the corporate limits of the Village at this time.

(C) There shall be no more than one class “C” licenses in the corporate limits of the Village at any one time.

(D) There shall be no more than eight (8) class “D” licenses in the corporate limits of the Village at any one time.

(E) There shall be no more than two Class “F” licenses in the corporate limits of the Village at any one time.

(F) There shall be no more Class “I” licenses than the number of eligible license holders (Class A, B, C, or F) issued in the corporate limits of the Village.

(G) There shall be no more than one (1) Class “J” license in the corporate limits of the Village at any one time.

(H) There shall be zero (0) Class “K” licenses in the corporate limits of the Village at any one time.

(I) In the event that any person, firm or corporation holding a local license in the Counties of McHenry or Kane shall be annexed to the Village, the Village shall issue a license upon annexation of the property to the Village in compliance with this chapter regardless of the numerical limitation on licenses. The license issued shall be of the same type and nature that was issued by the Counties of McHenry or Kane. Any license issued as a result of annexation of property to the Village shall be considered in computing the number of licenses and limitations thereon.

(Am. Ord 2011.03.11, passed 3-24-11; Am. Ord. (O)2010-10.54, passed 10-28-10; Ord. passed 4-21-92)

§ 110.25 BOND

(A) In no case shall any retail license be issued for the sale of alcoholic liquor, unless the applicant therefore shall first give to the Village, a bond payable to the Village, which bond shall be in the penal sum of \$1,000 for all classes of liquor licenses. The bond shall be signed by two good sureties or responsible surety companies, licensed to do business in the state.

(B) The bond shall be conditioned that any such applicant for the license and any and all persons in his employ or such as are under his employ or such as are under his control comply with every and all resolutions, laws, regulations and ordinances of the Village, in force at the time of the approval of such bond, or that may be adopted by the Village Board during the continuance of such license, which relate in any manner to the sale of alcoholic beverages, or for the general good government or the Village. The bond shall be further conditioned that such applicant shall pay or cause to be paid, all fines, penalties, and costs which may be legally imposed upon him or imposed upon his employee or employees, servant or servants, agent or agents, or any other person or persons under his control, for any violation or breach of such resolution, rule, regulation, or ordinance aforesaid. In addition to the foregoing bond, every such applicant for an alcoholic liquor license shall also file with the Village Clerk, any bonds which

may be required by any act passed by the state legislature, or by the Congress of the United States.

(Ord. passed 4-21-92)

§ 110.26 INSURANCE REQUIRED

No license shall be issued hereunder unless the applicant shall file with the application, a certificate by an insurance company authorized to do business in the state, certifying that the applicant has in force and affect the insurance required by state statutes.

(Ord. passed 4-21-92)

§ 110.27 DISPOSITION OF FEES

(A) All fees paid to the Liquor Control Commission at time application is made shall be forthwith turned over to the Village Clerk.

(B) In the event the license applied for has been denied, the fee shall be returned to the applicant.

(C) If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board, by proper action.

(Ord. passed 4-21-92)

§ 110.28 RECORDS

The Liquor Control Commission shall keep or cause to be kept a complete record of all such licenses issued and shall furnish the Village Clerk, Village Manager and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license.

§ 110.29 DURATION AND TRANSFER OF LICENSE

(A) A license shall be purely a personal privilege, good for, not to exceed one year after the issuance. This provision shall not apply to a Class "E" license.

(B) The one-year period shall be from the 1st day of January of each year to the 31st of December of each year unless sooner revoked or suspended as provided in this section. Licenses issued after the 1st day of January of any year shall pay the full license fee as provided.

(C) A license shall not constitute property, nor shall it be subject to attachment, garnishment to execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated.

(D) The license shall not descend by the laws of testate or in testate devolution, but it shall cease upon death of the licensee, provided that the executor or 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 or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death or such decedent, or any insolvency or

bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensees. In no event shall there be any refund of any portion of any license fee paid.

(E) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which the renewal license is sought are suitable for such purpose and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within their jurisdiction.
(Am. Ord. 2011.03.09 passed 03-24-11; Ord. passed 4-21-92)

§ 110.30 CHANGE OF LOCATION

A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. The location may be changed only upon the written permit to make such change issued by the President and Village Board. No change of location shall be permitted unless the proposed new location is a proper one, for the retail sale of alcoholic liquor, under the laws of this state, and the ordinances of the Village.
(Ord. passed 4-21-92)

§ 110.31 LOCATION RESTRICTIONS

No license shall be issued for the sale at retail of any alcoholic liquor within 200 feet of any church, school, hospital, homes for aged, indigent persons, veterans, their wives or children, or any military or naval station provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business. Such places of business so exempted shall have been established for such purposes prior to the taking effect of this chapter and further provided that this section shall not apply to not-for-profit corporations requesting Class "E" licenses.
(Ord. passed 4-21-92)

§ 110.32 ADDITIONAL LICENSING REQUIREMENT (B.A.S.S.E.T.)

(A) No liquor license shall be issued to any establishment and no existing liquor license shall be renewed without the applicant or license holder providing certification that the applicant or license holder and all individuals employed by the applicant or license holder to sell, serve or otherwise dispense any alcoholic liquor have successfully completed the B.A.S.S.E.T. program or some other comparable program approved by the Liquor Commission of the Village. The failure of a license holder to certify all individuals employed by it to sell, serve or dispense alcoholic liquor shall be considered a violation hereof and shall subject the license holder to any penalty set forth in Chapter 110 including, but not limited to, the suspension of said license.

(B) All individuals required to complete the B.A.S.S.E.T. program shall have 90 days from the date of employment within which to complete the program and to provide the required certification of completion.
(Ord. 98-03-12-04, passed 3-12-98)

§ 110.33 TRANSFER OF OWNERSHIP

Any liquor license issued hereunder to a corporation shall not be transferable. A transfer, assignment or sale, whether or not for monetary or other consideration, of all of the interest held by an individual or other entity in a corporation licensed under this title and chapter, shall create an incident of new ownership, regardless of whether or not the existing corporation continues to do business. The “new ownership” shall be required to apply for a liquor license under this Title XI, Chapter 110 and otherwise comply with all of the provisions contained therein.
(Ord. 00-12-07-03, passed 12-7-00)

§ 110.50 LIQUOR CONTROL COMMISSION

The Mayor and Village Board shall act as the Liquor Control Commission of the Village.

§ 110.51 SUSPENSION OF LICENSE

(A) The Liquor Control Commission of the Village may suspend up to 30 days or revoke any license issued by it, if it is determined that the licensee has violated any provision of this chapter, or for any violation of state law pertaining to the sale of alcoholic liquor. However, no such license shall be so suspended or revoked except after a public hearing by the Liquor Control Commission with a three day written notice to the licensee affording the licensee the opportunity to appear and defend.

(B) If the Liquor Control Chairman, or in his absence, an Assistant Liquor Control Chairman has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

(C) The Liquor Control Commission shall within five days after such hearing if he determines after such hearing that the license should be suspended or revoked, state the reason or reasons for the determination in a written order of suspension or revocation and shall serve a copy of the order within the five days upon the licensee.
(Ord. passed 4-21-92)

§ 110.52 GAMBLING, DISORDERLY CONDUCT, SALE TO MINORS

(A) The Liquor Control Commission may suspend or revoke any license at any time it is found that any licensee shall keep, possess, maintain or allow on the premises any gambling devices, book making, betting or any machine or game used for gambling purposes except video gaming terminals or devices pursuant to the Illinois Video Gaming Act.
(Ord. passed 4-21-92 updated 6.14.12)

(B) The President and the Board of Trustees may suspend or revoke any liquor license in the Village when it is found that the licensee is maintaining premises in which fights or disorderly conduct have occurred. Such suspension shall be for a period not to exceed 30 days. If three such offenses occur on the same premises during the period of the license, the President and Board of Trustees may revoke any such license held by the licensee.

(C) The sale of alcoholic liquor to minors or to other persons to whom the sale is prohibited by this chapter may be cause for suspension or for revocation hereunder as may be determined by the President and Board of Trustees of the Village. *Automatic 5 day suspension was removed*

§ 110.53 USE OF PREMISES AFTER REVOCATION

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.
(Ord. passed 4-21-92)

§ 110.54 COMPLAINT OF VIOLATION

Any five residents of the Village shall have the right to file a complaint with the Liquor Control Commission stating that any licensee, subject to the jurisdiction of the Commission has been or is violating the provisions of this chapter. The complaint shall be in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision believed to have been violated and the facts in detail upon which belief is based. If the Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, he shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.
(Ord. passed 4-21-92)

§ 110.55 ACTS OF AGENT OR EMPLOYEE; LIABILITY OF LICENSEE

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.
(Ord. passed 4-21-92)

§ 110.60 VIDEO GAMING

Any establishment/licensee found to have committed a violation of this section shall be subject to any of the penalties set forth in § 110.61 of this chapter.

Definitions. For the purposes of this section, the following definitions shall apply:

Licensed Establishment. Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. A Licensed Establishment does not include a facility

operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

Licensed Fraternal Establishment. The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

Licensed Truck Stop Establishment. A “truck stop” is defined as a facility (i) that is least six (6) acres in size with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 20,000 gallons of diesel or biodiesel fuel per month, and has separate designated parking spaces for commercial motor vehicles.

Licensed Veterans Establishment. The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

Licensed Video Gaming Location. A Licensed Establishment, Licensed Fraternal Establishment, Licensed Veterans Establishment, or Licensed Truck Stop Establishment, all as defined in this Section, that has received a Video Gaming License from the Village of Huntley. Up to five (5) video gaming terminals may be operated within a Licensed Video Gaming Location.

Terminal Operator. An individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming 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 Café. A "video gaming café" shall be defined as an establishment whose primary or major focus is to operate video gaming terminals as defined under the Illinois Video Gaming Act and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if an establishment is a video gaming café:

- The layout and design of the establishment
- The preparation and variety of food and beverages offered
- The creation and operation of a commercial kitchen on the premises
- The number of video gaming terminals relative to the customer seating capacity of the establishment is less than 10 customer seats for each terminal, excluding terminal seats
- The source of proposed or actual revenue derived from the establishment generated by food and drink sales
- The number of employees at the establishment and their proposed function; and
- Any other factors as determined relevant by the Village Board

Video Gaming Terminal. Any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the 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.

License Requirements and Fees

(A) *License Required.* No person shall have or keep a video gaming terminal or device in any public place unless such establishment is approved as a Licensed Video Gaming Location by the Village as well as the State, through the Illinois Gaming Board, and pursuant to the Illinois Video Gaming Act and the rules and regulations implemented thereto and as may be amended from time to time. A video gaming license issued by the State of Illinois is not effective within the Village of Huntley unless all requirements of this section have been met. Video gaming cafes are prohibited. A video gaming cafe shall not be qualified to obtain any existing classification of Village of Huntley liquor licenses. No such license allowing video gaming cafes shall be created, maintained, or authorized by this chapter.

Exceptions: any Video Gaming location licensed by the Village as of March 23, 2017, and which continuously maintains a Video Gaming license for the same location licensed prior to March 23, 2017.

(B) *Annual Terminal Fee.* The annual fee payable to the Village shall be \$500.00 for each video gaming terminal or device. The annual fee shall be due and payable at the time of original license issuance by the Village and shall be renewable on January 1st of each year thereafter. This fee is separate from any fee or payment payable to the State or the Illinois Gaming Board. The licensee shall provide the Village Clerk with a copy of the licensee's written use agreement with the terminal operator for placement of the video gaming terminals and a copy of the license issued by the Illinois Gaming Board.

(C) *Annual Terminal Operator Permit Fee.* No Video Gaming Terminal Operator may place a video gaming terminal for operation in the Village unless the terminal is placed at a Licensed Video Gaming Location and the Video Gaming Terminal Operator has paid an annual location permit fee of \$1,000 payable to the Village per location at the time of original location permit issuance, and which location permit fee shall thereafter be renewed on or before January 1 of each year.

(D) *Replacement of License.* Whenever a licensed video gaming terminal is replaced, a replacement license must be purchased; the licensee shall pay a \$2.00 transfer fee.

(E) *Issuance.* No Video Gaming Location license shall be issued except upon approval by the President and Board of Trustees. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Chapter and the Illinois Video Gaming Act. Upon approval of the application and payment of the license fees, the Village shall issue a license certificate for each video gaming terminal licensed. The license shall be posted in a conspicuous place and affixed such that it cannot be transferred from one terminal to another.

(F) *Placement of Video Gaming Terminals.* No licensee shall cause or permit any person under the age of 21 years to use, operate, or play a video gaming terminal. All such video gaming devices or terminals shall at all times be located in an area restricted to persons over 21 years of age and shall be kept separate from areas accessible to minors. Applications for a video gaming license shall be accompanied by a site plan depicting the area in which video gaming will take place. A physical barrier shall be required to restrict visibility of the gaming area and shall consist of a full or partial wall or other such physical barrier as may be determined by the Village Board to be sufficient. The barrier shall not visually obscure the entrance to the restricted area, which area shall at all times be within the view of at least one employee who is

over 21 years of age. Video gaming terminals shall be located in areas with restricted visibility from areas outside the business. Any Video Gaming license approved prior to March 23, 2017, shall be required to comply with this section no later than January 1, 2018.

(G) *Hours of Operation.* No video gaming terminal may be used, operated, or played at a Licensed Establishment where alcoholic liquor is sold except during the legal hours of operation allowed for the sale or consumption of alcoholic liquor pursuant to the provisions of Chapter 110 of the Huntley Municipal Code. No video gaming terminal may be used, operated, or played at a Licensed Establishment where alcoholic liquor is sold when the liquor license for that establishment has been suspended or revoked. Licensee's gaming license shall be suspended for the same period of time as the suspension or revocation of the liquor license.

(H) *Inspection.* The Chief of Police or his designee shall inspect or cause the inspection of any place or building in which any such video gaming device or terminal is operated or set up for operation and shall inspect, investigate and test such video gaming devices or terminals as needed.

(I) *Revocation.* If a licensee violates any provision of the video gaming act or any provision related to video gaming terminals contained in this section, such violation shall be deemed a violation of the licensee's liquor license. In addition, the commissioner may revoke the Village's video gaming terminal license for any violation of section 110.60 or of any ordinance pertaining to the conduct of such business and may report any violations to the Illinois state gaming board or other appropriate regulatory agency.

(J) *Assignment.* No license issued under this Code shall be assignable or transferable by the licensee or by operation of law or otherwise. No licensee shall sublet or contract out any part of the work to be performed by the terminal operator.

§ 110.61 VIDEO GAMING PENALTY

Unless otherwise expressly provided, any person, firm, or corporation convicted of violating any provisions of Section 110.60 or 110.70 of this chapter shall be fined not less than \$50 and not more than \$1,000. Every day the violation exists will be deemed to be a separate offense.

§110.70 ELECTRONIC SWEEPSTAKES MACHINES PROHIBITED

(A) *Definition.* An "Electronic Sweepstakes Machine" is any electronic device, other than a duly-licensed Video Gaming Terminal authorized by this Chapter, that allows a user to: (i) wager money or other items of value (including, but not limited to, credits or coupons that may be redeemed for cash, goods, services, prizes, or other things of value) by playing games of chance or luck; or (ii) to purchase an entry or chance in a sweepstakes, drawing, or similar game in which one or more winners are selected to receive cash, goods, services, prizes, or other things of value based upon randomized matching or other elements of chance or luck.

(B) *Prohibition.* It shall be prohibited to own, lease, operate, or place into operation any Electronic Sweepstakes Machine within the corporate limits of the Village.

§ 110.98 ENFORCEMENT

The President and the Village Board hereby authorize any law enforcing officer of the Village to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or whether any of the rules and regulations adopted by the President and the Village Board of Trustees the or the State have been or are being violated and at such time to examine the premises of the licensee in connection therewith. Further, the President and the Village Board authorize any law enforcing officer of the Village to receive complaints from any citizen within the jurisdiction of the Village and any of the provisions of this chapter or any rules or regulations adopted pursuant to, have been or are being violated, and to act upon complaints in the manner provided.

§ 110.99 PENALTY

(A) Any person, firm or corporation violating the provisions of this chapter shall be fined not less than \$25 nor more than \$5,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

(B) In addition to the foregoing penalty any person, firm, or corporation violating the provisions of this chapter may suffer the penalty of having his license suspended or revoked for any such violation. The suspension or revocation shall be signed by the Chairman of the Liquor Control Commission.

CHAPTER 111: CANVASSERS, PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

Section

- 111.01 Definitions
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- 111.03 Application; Fee
- 111.04 Records to be kept
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§ 111.01 DEFINITIONS

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

CANVASSER: A person engaged in obtaining information on the background, occupation, economic status, social status, religious status, political status, attitude, viewpoints, occupants of a residence, telephone number, address, furnishings, or the like of another person for the purpose of compiling such information as raw data or refined data into a document, record book, or directory to be sold or to be used wholly or in part for a commercial purpose.

ITINERANT MERCHANT: A person engaged in business who conducts a temporary or transient business in the Village of selling commodities, articles or services with the intention of continuing such business in the Village for not more than one hundred twenty (120) days and who, in such business, uses, leases or occupies any part of the Village for the display of such commodities or articles or in connection with the offering of such services.

PEDDLER: A person engaged in business who sells or offers for sale any commodity or article on any street, sidewalk, park or public place, or who travels from place to place in the Village, or who sells or offers for sale and delivery from any vehicle or pushcart going from place to place in the Village any commodity or article, and who carries such commodity or article with him/her for delivery at the time of sale.

SOLICITOR: A person engaged in business, going from place to place in the Village seeking orders or subscriptions for services or for commodities not carried with him at the time he is seeking orders or at the time of sale.

PLACE TO PLACE: Shall include residential, industrial and business establishments, but shall not apply to the wholesale selling of commodities or articles for the further resale or use in industrial and business establishments.

§ 111.02 PERMIT REQUIRED

(A) It shall be unlawful for any canvasser, peddler, solicitor or itinerant merchant to engage in such activity without first securing a permit issued by the Chief of Police or designee. Each applicant receiving said permit shall, upon demand, present the permit for inspection when requested by any Village employee or any resident.

(B) No permit shall be required for public entities, religious organizations or non-profit organizations.

§ 111.03 APPLICATION; FEE

(A) The applicant shall truthfully state in full the information requested on the application, as follows:

- (1) Name and address of present place of residence and length of residence at such address, business address if other than present residence address, and drivers license number or other comparable identification information;
- (2) Address of place of residence during the past three years if other than present address;
- (3) Physical description of the applicant, including age;
- (4) Name and address of the person, firm, corporation, association, or organization whom the applicant is employed by or represents, and the length of time of such employment or representation;
- (5) Description sufficient for identification of the subject matter of the soliciting, peddling or conducting a temporary or transient business, in which the applicant will engage in;
- (6) Period of time for which the permit is applied, which shall not exceed ten applicable days;
- (7) The approximate date of the latest previous application for a permit under this chapter, if any;
- (8) A statement that the applicant will comply with all applicable statutes of the state and ordinances of the Village relating to public health, morals, safety, and fire protection;
- (9) Whether a permit issued to the applicant under this section has ever been revoked;
- (10) Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or of any ordinance or any of the provisions of this chapter, or of any ordinance of any other municipality regulating soliciting, peddling or conducting a temporary or transient business;
- (11) Whether the applicant has ever been convicted of the commission of a felony under the laws of the state, or any other state or federal law;
- (12) If the applicant is employed by or represents a charitable organization, the applicant shall furnish, in addition to the aforementioned information:
 - (a) Proof that the organization has complied with the provisions of “An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes” 225 ILCS 460/1, as amended.
 - (b) Proof that the organization is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of the United States, as amended.

(B) Fee: At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider shall be delivered to the Huntley Police Department payable to the Village at the time the permit application is

submitted to cover the cost of investigation. Further, at the same time of filing the application a twenty-five dollar (\$25) application fee shall be paid to the Village by the applicant.

§ 111.04 RECORDS TO BE KEPT

The Chief of Police or designee shall cause an accurate record to be kept of every application received and acted upon, together with all other information and data pertaining thereto and all permits issued under the provisions of this section, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

§ 111.05 DENIAL / TRANSFER OF PERMIT

- (A) No such permit shall be issued to:
- (1) Any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law, within five years of the date of application.
 - (2) Any person who has been convicted of a violation of any provision of this chapter, or of an ordinance of any other municipality regulating soliciting, peddling or conducting a temporary or transient business.
 - (3) Any person whose permit issued hereunder has previously been revoked as herein provided.
 - (4) Any applicant employed by or representing a charitable organization which failed to furnish the proof required under § 111.03(A)(12)(a).
 - (5) Any person employed by or representing a religious organization which is not a part of a valid or recognized religion.
 - (6) Any person who, at the time of application for renewal of any permit issued hereunder would not be eligible for such permit upon original application.
 - (7) Any person employed by or representing a firm, corporation, or other organization, if any partner, officer, or managing agent of such firm, corporation, or organization would not be eligible for a permit hereunder upon an individual application.
- (B) Contents of Permit; Transferability:
- (1) The permit herein required shall express the time it is to operate and continue, the name of the person and the article, thing or merchandise permitted, identification of a vehicle, if any, and whether said permittee will pass from place to place or remain at a fixed point or place in the Village.

- (2) Permits shall not be assignable or transferable and shall be identified as a "solicitor's permit" with identifying number and date of purchase.
- (3) Each registrant shall affix his signature to the "solicitor's permit" required by this section.

§ 111.06 RESTRICTIONS ON PERMIT

(A) Trespassing: No canvasser, peddler, itinerant merchant or solicitor shall engage in any permitted activity upon any private residence in the Village without having been requested or invited to do so by the owner or occupant of said residence for the purpose of pursuing his business of peddling or soliciting if there is posted at a place that can be readily seen by one approaching said residence a sign bearing the legend "No Peddlers", "No Solicitors" or words of similar import.

(B) Hours: No canvasser, peddler, solicitor or itinerant merchant shall go upon any private residence in the Village for the purpose of pursuing his business of peddling or soliciting, without having been requested or invited to do so by the owner or occupant of said private residence, before the time of nine o'clock (9:00) a.m. or after 9:00 p.m. or any day Monday through Saturday. No canvasser, peddler, solicitor or itinerant merchant shall conduct any such business on a National Holiday regardless of the day of the week on which said holiday falls.

(C) Advertisement By Loud Noises: No peddler, solicitor or itinerant merchant shall carry on his trade by means of loud outcries or other noises that unreasonably alarm residents of the Village.

(D) Ice Cream Trucks: No ice cream truck shall operate within the Village before ten o'clock (10:00) a.m. or after dusk. Street side vending by an ice cream truck is prohibited on all streets.

(E) Portable Food Vending:

- (1) Shall be located within B-2, B-3 and C-2 zoning districts.
- (2) Shall be a holder of a valid Village of Huntley peddler's permit.
- (3) Shall be located on private property, with written permission of the property owner.
- (4) Shall have access to a toilet with hand sanitization, within three hundred feet (300') of the portable vending operation, at all hours that the facility is open for business.
- (5) Shall provide a stable waste receptacle that is emptied and maintained on a regular basis.
- (6) Shall be located so as not to limit a driver's visibility, in an area with adequate paved vehicle parking.
- (7) Shall be located near an approved ingress/egress to a public street.

- (8) Food may only be dispensed from a properly sanitized conveyance licensed by the Kane or McHenry County public health department.
- (9) If any power is required, it shall be protected with ground fault circuit interrupters and be provided through a properly sized, UL approved card that is safely installed.

§ 111.07 EXPIRATION OF PERMIT; RENEWAL

(A) Term; Expiration: Permits shall be granted for the period requested; provided, no permit shall be granted for a period in excess of ten (10) applicable days from the date of issuance.

§ 111.08 REVOCATION OF PERMIT

(A) Cause For Revocation: The permits issued pursuant to this chapter may be revoked by the Village President, after notice, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for permit.
- (2) Conviction of any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, services or merchandise.
- (3) Any violation of this chapter.
- (4) Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.

(B) Notice of Revocation: Notice of revocation of a permit shall be given, in writing, setting forth specifically the grounds of the complaint.

§ 111.09 CONSTITUTIONAL GUARANTEE

No provision of this chapter shall be construed so as to deprive any person of his right of freedom of religion or freedom of speech as guaranteed by the constitution of the state or the constitution of the United States or as any infringement upon businesses engaged in interstate commerce.

§ 111.10 SOLICITATION OF CONTRIBUTIONS ON HIGHWAYS

(A) No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle in violation of 625 Illinois Compiled Statutes 5/11-1006, unless issued a Village permit. The soliciting organization shall:

- (1) Be registered with the Attorney General as a charitable organization as provided by "an act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended.

- (2) Be engaged in a Statewide fund raising activity.
- (3) Be liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.
- (4) Execute a hold harmless agreement in favor of the Village of Huntley and its employees or agents.
- (5) Any person engaged in the act of solicitation shall be eighteen (18) years of age or more and shall be wearing a high visibility vest. Solicitors shall stand on or near to the curbside of the street as to avoid creating a traffic hazard. In no event shall solicitors stand at or near the center of any street.
- (6) Said solicitation shall only be undertaken by chapters, clubs, charities, or societies that have a Huntley mailing address. Exception: When a chapter, club, charity or society may directly serve Huntley citizens but does not have a Huntley mailing address, a solicitation permit may be issued at the discretion of the Chief of Police or designee.

(B) This section is intended to grant permission for such solicitation as required by 625 Illinois Compiled Statutes 5/11-1006, and pursuant to a permit application of the village in section 111.02 of this chapter.

(C) Solicitation of contributions on highways by any one charitable organization shall be limited to no more than four (4) days of solicitations per calendar year. Applications for solicitation dates will not be accepted if the date requested is more than one (1) year in advance.

(D) Only one (1) charitable organization shall be allowed to solicit contributions on designated highway intersections or locations. The village shall authorize on a first come, first served basis the days and location for solicitation on highways.

§ 111.11 PROHIBITED LOCATIONS

(A) The following locations shall be prohibited sites or locations for solicitation of contributions:

- Algonquin Road, all intersections in the Village of Huntley
- Illinois Route 47, all intersections in the Village of Huntley

(B) No permits shall be issued for use from November 1 to March 31 because of snow, icy weather, and street conditions, which pose significant safety concerns to the general public.

(C) Solicitation for contributions on the highway shall be permitted during daylight hours only.

(D) No permits shall be issued for use when events, street conditions or other factors pose significant safety concerns to the general public.

§ 111.12 ISSUANCE OF PERMITS AND ALTERNATIVE LOCATIONS

All permits approved by the Chief of Police or designee shall not be issued until seven (7) days prior to the date requested for the permit. In the event the Chief of Police or designee determines there is some type of hazard, construction or other safety issue prior to issuance of the permit, the Chief of Police or designee has the authority to issue the permit for another location or for another time.

§ 111.99 PENALTY

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$50 and not more than \$500 for each offense.

CHAPTER 112: RAFFLES

Section

- 112.01 Definitions
- 112.02 License required
- 112.03 Application
- 112.04 Restrictions of licenses
- 112.05 Conduct of raffles
- 112.06 Limitations on licenses
- 112.07 Content of license application
- 112.08 Approval of application
- 112.09 Revocation of license
- 112.10 Raffle manager; bond
- 112.11 Records; reporting of gross receipts and other information
- 112.12 Fees
- 112.13 Application form for raffle license

Huntley – Business Regulations

§ 112.01 DEFINITIONS

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

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 services 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. 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, local 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 incurring to anyone as a result of the operation.

RAFFLE. A form of lottery, as defined in ILCS Ch. 720, Act 5, § 28-2(b) or the Criminal Code of 2012 conducted by an organization licensed under this chapter in which:

- (1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

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

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

§ 112.02 LICENSE REQUIRED

It shall be unlawful for any person, firm, or corporation to conduct raffles or chances within the Village unless the person, firm, or corporation has a valid license issued in accordance with the provisions of this chapter. Licenses shall be issued only to *bona fide* religious, charitable, labor, fraternal, educational, or veteran organizations that operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license and which have been during that entire five-year period a *bona fide* membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster

Penalty, see § 10.99

§ 112.03 APPLICATION

Applications for such licenses shall be made to the Village President or his designated representative, signed by the applicant or its duly-authorized representatives and verified by oath or affidavit, and shall contain the following information and statements:

(A) Names, ages, and addresses of the applicant in the case of an individual or in such other case by the duly-authorized representatives of the applicant, the date of incorporation of any corporation, the date of formation of any club, the objects for which a club or corporation was formed, the names and addresses of the officers and directors of any club, the name and address of the local representative of any church.

(B) The character of business of the applicant and in the case of a corporation the objects for which it was formed.

(C) The location and description of the premises or place of business upon which the raffle will be held.

(D) The area or areas within the Village in which raffles chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the method by which the winning chance will be determined.

(D) The maximum number of days during which chances may be issued or sold.

(E) A statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and secretary of that organization.

(F) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any other matter or thing contained in this chapter,

this code of ordinances, or any other applicable ordinance of the Village, laws of the state, or of the United States of America.

(G) Whether a previous license by any state or subdivision thereof or by the Federal Government has been revoked and the reasons therefore.

(H) A statement that the applicant will not violate any of the laws of the state or of the United States or any provision of this code or any other ordinance of the Village in the conduct of the raffle.

(I) A statement that the applicant will not allow gambling devices or gambling on the premises where the drawing will be held except video gaming terminals or devices pursuant to the Illinois Video Gaming Act and which is lawfully operated within a licensed establishment in accordance with section 110.60 of this Code.

(J) Any raffle in which the aggregate value of the prizes is equal to or less than five hundred dollars (\$500.00) shall be considered automatically licensed without necessity of an application.

Penalty, see § 10.99

§ 112.04 RESTRICTIONS OF LICENSES

No such licenses shall be issued to:

- (A) A person who is not of good character and reputation in the Village;
- (B) A person who has been convicted of a felony under any federal or state law;
- (C) Any person who is or has been a professional gambler or gambling promoter;
- (D) Any firm or corporation in which a person defined in (a), (b) or (c) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- (E) Any organization in which a person defined (a), (b), or (c) is an officer, director, or employee, whether compensated or not;
- (F) Any organization in which a person defined in (a), (b), or (c) is to participate in the management or operation of a raffle as defined herein.
- (G) Penalty, see § 10.99

§ 112.05 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 purposes of the organization permitted to conduct that game;

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

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

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

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

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

Penalty, see § 10.99

§ 112.06 LIMITATIONS ON LICENSES

A license authorizes the licensee to conduct raffles as defined in this chapter. Each such license is valid for one raffle.

Penalty, see § 10.99

§ 112.07 CONTENT OF LICENSE APPLICATION

The license application shall contain the following information:

(A) The aggregate retail value of all prizes or merchandise awarded by the licensee in a single raffle. In no event shall the aggregate retail value of any prize or merchandise exceed the sum of \$200,000 in a single raffle.

(B) The maximum retail value of each prize awarded by the licensee in a single raffle. In no event shall the aggregate retail value of any prize or merchandise exceed the sum of \$200,000 in a single raffle.

Penalty, see § 10.99

§ 112.08 APPROVAL OF APPLICATION

Except as provided in § 112.07(C) the Village President or his designated representative shall have 30 days in which to approve or disapprove the license applied for. In the event the Village President or his designated representative shall fail to take action within the 30 day period, in the event they would disapprove the license applied for, or in the event they would fail to approve the maximum price charged for each raffle chance pursuant to § 112.07(C), the applicant shall have the right upon written receipt to appeal that decision to the President and Board of Trustees at the next regularly scheduled Board meeting. The President and Board of Trustees shall have the right to review the application and approve or deny issuance of the license applied for.

(Ord. 84-3-1, passed 3-1-84)

§ 112.09 REVOCATION OF LICENSE

The Village President or his designated representative may revoke any licenses issued by the Village if it is determined that the licensee has violated any provision of this chapter.

Penalty, see § 10.99

§ 112.10 RAFFLE MANAGER; BOND

Operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the person or organization making application for a license. The manager shall give a fidelity bond in an amount not less than the anticipated gross receipts for each raffle. The bond shall be in favor of the organization and conditioned upon his honesty in the performance of his duties. The bond shall also provide that notice be given in writing to the Village not less than 30 days prior to its cancellation. The Village President or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing the waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

Penalty, see § 10.99

§ 112.11 RECORDS; REPORTING OF GROSS RECEIPTS AND OTHER INFORMATION

(A) Each organization licensed to conduct raffles and changes 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.

B) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the Department of Revenue of the state, and placed in a separate account. Each organization shall have separate

records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(C) 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.

(D) Records required by his section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

Penalty, see § 10.99

§ 112.12 FEES

The fee payable to the Village upon receipt of the application shall be as set forth below

Aggregate Prize Value	Fee
Less than \$5,000	None
\$5,001 and over	\$25.00

§ 112.13 APPLICATION FORM FOR RAFFLE LICENSE

See current form on file.

CHAPTER 113: CONTRACTORS

Section

- 113.01 General provisions
- 113.02 Registration required
- 113.03 Exemption from double registration
- 113.04 Applicants for registration
- 113.05 Investigations and approvals
- 113.06 Issuance and form of registration
- 113.07 Fees and fees schedule
- 113.08 Non-approval of registration
- 113.09 Terms of registration
- 113.10 Contractors

- 113.99 Penalty

Huntley – Business Regulations

§ 113.01 GENERAL PROVISIONS

Whenever the regulations of this chapter require a person to register with the Village as a prerequisite to “doing,” “conducting,” “engaging in,” “maintaining,” “operating,” “carrying on,” or “managing” a business, occupation, or activity, such terms or one or more of such terms shall include any person or persons who hold themselves forth as being engaged in the business, occupation, or activity, or who solicit patronage therefore, either actively or passively, or who perform or attempt to perform any part of such business, occupation, or activity in the Village. (Ord. 95-08-24-02, passed 8-24-95)

§ 113.02 REGISTRATION REQUIRED

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage a business, occupation, or activity, either by oneself or through an agent, employee, or partner, for which registration is required by any provision of this chapter without first having obtained a certificate of registration for such business, occupation, or activity. (Ord. 95-08-24-02, passed 8-24-95) Penalty, see § 113.99

§ 113.03 EXEMPTION FROM DOUBLE REGISTRATION

(A) Except as otherwise expressly provided for in this chapter to the contrary, any person registered under this chapter to engage in a business, occupation, or activity may, in addition to the main activity, engage in any other business, occupation, or activity mentioned in this chapter and, in lieu of an additional fee, shall pay the sum of \$10 for each additional activity. This section shall not be construed as to relieve any such person from complying with the regulatory requirements applicable to such other business.

(B) The foregoing division (A), however, shall not apply to any person engaging in the sale of cigarettes, cigars, tobacco at retail, or in the sale of alcoholic beverages, or in the sale of food, and such dealer shall be required to comply with the regulatory requirements of such business or activity. (Ord. 95-08-24-02, passed 8-24-95) Penalty, see § 113.99

§ 113.04 APPLICATIONS FOR REGISTRATION

(A) All applicants for registration of any character whatsoever, except those registrations specifically exempted, shall be made in written form to the Village authority on such form provided for that purpose.

(B) Every application for registration shall contain the name, residence address, and phone number of the person desiring the registration. If the applicant is a partnership or firm, the application shall contain all the names, residence addresses, and phone numbers of its members; and if a limited partnership, the names, addresses, and phone numbers of each general partner thereof; and if a corporation, the names, residence addresses, and phone numbers of its principal officers.

Contractors

(C) In addition, there shall be set forth in the application the type of kind of registration desired, the location or proposed location of the place of business, occupation, or activity for which the license is sought or the principal location of the business if located elsewhere than the Village limits, the fees to be paid and such other information as may be required by this chapter or by the Village Board, Village President, or other authority having jurisdiction.

(D) The Village Building Department shall be the custodian of all applicants for registration which, under the provisions of this chapter are required specifically by such department.

(E) The Village Manager and/or Building Official shall be the custodian and primary authority of all applications for registration which pertain to this chapter. The Village President and Board are the ultimate authority.
(Ord. 95-08-24-02, passed 8-24-95)

§ 113.05 INVESTIGATIONS AND APPROVALS

(A) Where any provision of this chapter authorizes or necessitates any investigation or inspection by any department or the Village official prior to the issuance of any license and requires the approval by said department or official regarding the character or fitness of any applicant for the registration, or regarding the location or condition of the premises in which the business, occupation, or activity for which the registration is applied for and managed, conducted, operated, or carried on, or regarding the condition and nature of the equipment methods intended to be used by the applicant in such business, occupation, or activity, then the authority having jurisdiction shall transmit within 72 hours of the time the application is received to each department or official charged with the investigation as may be necessary. Each such department shall make investigation or inspection and note results thereof on the registration application and also note on the registration either approval or disapproval.

(B) Any and all surety bonds, certificates or insurance, or other requirements specified shall be filed or current at time of application. The validity of any such required surety bond, certificate of insurance, or other specified requirement shall remain in effect for the duration of the registration, and when their validity has expired or been revoked for any given reason, so too does the registration issued.

(C) Upon receiving satisfactory proof that the applicant has complied with the provisions of this chapter, the registration shall be issued as hereinafter provided for.
(Ord. 95-08-24-02, passed 8-24-95)

§ 113.06 ISSUANCE AND FORM OF REGISTRATION

(A) All registrations granted by the authority shall be issued by the authority except otherwise specifically provided for. The Village Board may provide as the authority having jurisdiction in absence of said authority.

Huntley – Business Regulations

(B) All certificates so issued shall bear the expiration date of the registration, the signature of the authorized representative of the Village, and the Village President. All registrations shall be subject to the provisions of this chapter and all ordinances that pertain to the operation of occupation or stated business that are in effect at the time of issuance and those which may be subsequently passed by the Village Board.
(Ord. 95-08-24-02, passed 8-24-95)

§ 113.07 FEES AND FEES SCHEDULE

A schedule of fees shall be determined by the Village Board, by separate amendment to this chapter as deemed necessary from time to time. The schedule shall be kept on file and be available for public inspection in the office of the Village Clerk.
(Ord. 95-08-24-02, passed 8-24-95)

§ 113.08 NON-APPROVAL OF REGISTRATION

Whenever a registration is not approved and the applicant has not engaged in the business, occupation, or activity for which the license was sought, the fees paid in advance shall be refunded to the applicant by the authorized custodian who collected the fee. If a contractor has conducted any business or activities without authorization, then fees are nonrefundable.
(Ord. 95-08-24-02, passed 8-24-95)

§ 113.09 TERMS OF REGISTRATION

(A) *Duration; pro rated fee.* Except where otherwise expressly provided for in this chapter to the contrary, no registration shall be granted for a period longer than one year. Every registration shall expire on December 31 following the date of its issuance, and no registration fee shall be granted for a sum less than the full annual registration fee, except as qualified hereafter: the applicant for a registration shall be required to pay the full amount of the required fee unless the submitted application is dated after July 15 of the calendar year, which then would only require payment of one-half the annual fee.

(B) *Rebate of fee.* A rebate of fee:

(1) Can only be granted through Village Board approval.

(2) Shall be requested in written form by the applicant, stating reason(s) for request of rebate.

(C) *Transfer of registration.* No registration holder may assign, sell, or transfer such registration to any other person, even if the person intends to conduct the same business, occupation, or activity as the registrator.

(D) *Suspension; revocation of license or permit.*

Contractors

(1) When the conduct or operation of any business, occupation, or activity registered hereunder shall constitute a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, or where the holder of any registration shall have refused to allow an inspection of his or her premises. The President of the Village Board or the Appointed Custodians shall be authorized to summarily order the cessation of the activity until the danger no longer exists.

(2) Within eight calendar days after a registration or permit is suspended, the President of the Village Board shall call a hearing for the purpose of determining whether or not the registration or permit should be revoked.

(3) (a) Registrations and permits issued by the Village, unless otherwise provided, may be revoked by the President of the Village Board after notice and hearing as provided in divisions (D)(4) and (5) of this section for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application for the registration or permit.
2. Any violation by the registrator or permittee of provisions of this chapter or other ordinances of the Village relating to the registration or permit.
3. Conviction of the registrator or permittee of any felony or of a misdemeanor, where such conviction indicates the inability to operate a safe, honest, and legitimate business operation within the Village.
4. Failure of the registrator or permittee to pay any fine, penalty, or charge owed to the Village.
5. Refusal to permit an inspection or any interference with a duly authorized Village officer or employee while in the reasonable performance of his or her duties in making such inspections.

(b) Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the Village.

Huntley – Business Regulations

(4) Notice of the hearing for revocation of a registration or permit, except in division (D)(2) of this section, shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested, to the registrator or permittee at his or her last known address, at least five days prior to the date set for the hearing. If the registrator shall request a continuance of the date of the hearing, the registrator registration shall be suspended pending a hearing on the complaint. The registration or permit in effect at the time a notice of hearing for revocation is issued shall be immediately suspended, unless otherwise ordered by the Village Board and shall remain suspended until such time as a decision on the hearing for revocation is issued.

(5) At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The registrator or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The President of the Village Board shall preside and render the decision of the Village Board.

(6) A stenographic or electronically recorded record of the hearings shall be kept. The Village shall pay the cost of attendance fees of the reporter and the cost of the transcript if such transcript should be ordered by the Village. The registrator or permittee shall pay the cost of any transcript ordered by the registrator or permittee.

(7) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the President of the Village Board shall file a written decision in which he or she has summarized the evidence and has stated the reasons for his decision.

(Ord. 95-08-24-02, passed 8-24-95)

§ 113.10 CONTRACTORS

(A) *Definition.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTRACTOR. Any person engaged in the business or activity of constructing, altering, or repairing buildings or other structures or sidewalks or street pavements, including but not limited to cement, concrete, or paving contractors, masonry contractors, carpentry contractors, lathing contractors, roofing contractors, heating contractors, air conditioning or refrigeration contractors, glazing contractors, excavating contractors, sewer contractors, plastering contractors, dry wall contractors, painting contractors, razing or landscaping contractors, tuckpointing contractors, insulating contractors, plumbing contractors, general contractors, and electrical contractors. Any person who engages in the construction, repair, or alteration of any building, structures, or street or sidewalk pavement within the Village, for which a building permit is required or not, is presumed to be a contractor and must be registered hereunder unless such presumption is rebutted and such is approved by the Village Board.

Contractors

(B) *Duties of registrant.* It shall be the absolute and irrevocable responsibility of all contractors registered hereunder to secure the appropriate and necessary building permits required by Village ordinances before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish the whole or any part of any building, structure, or sidewalk or street pavements. It shall also be the duty of all contractors registered hereunder to comply with all the provisions of Village ordinances relating to or regulating their activities as contractors and, in addition thereto, to remove or cause to be removed at least once each week from the site of the contractor's activities in an orderly condition, free from standing water, unguarded dangerous implements, and health and safety hazards. Contractors shall not obstruct traffic, streets, or sidewalks, nor permit dirt or waste materials from falling or being carried onto the public ways.

(C) *Insurance requirements.*

- (1) The insured shall be the same as applicant.
- (2) The effective date shall be prior to conducting any services or actions that are relative to the business or contractor actions of applicant.
- (3) The expiration date shall be at minimum, the end of the calendar year which is also the expiration date of each registration issued. (December 31 of year relative to registration.)
- (4) A certificate of insurance, in favor of the Village shall be provided prior to conducting any business, service, or activity relative to the business or contractor actions of the registrant and/or applicant.
- (5) Coverage shall be the minimum set forth in this division (C)(5). The amounts denoted with an asterisk (*) may be determined at the time of application for registration; discretion in setting the amount is left to the custodian authority of this chapter. Coverage shall be a minimum of:

(a) *General liability.*

1. General aggregate	\$600,000
2. Products – comp/OP agg.	600,000
3. Personal & adv injury	300,000
4. Each occurrence	300,000
5. Fire damage (any one fire)	50,000
6. MED EXP (any one person)	5,000

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(b) *Automobile liability.*

1. Combined single limit	\$300,000
2. Bodily injury (per person)	100,000
3. Bodily injury (per accident)	300,000
4. Property damage	50,000

(c) *Garage liability (optional if required).*

1. Auto only, each accident	*
2. Other than auto only: Each accident	*

(d) *Excess liability (umbrella) optional*

1. Each occurrence	*
2. Aggregate	*

(e) *Workers compensation and employers' liability statutory limits.*

1. Each accident	\$100,000
2. Disease – policy limit	\$500,000
3. Disease – each employee	100,000

(f) Other

(D) *Bond requirements.*

(1) Any contractor performing work on or through or above a Village right-of-way, easements, or the like shall be bound to the Village in the minimum amount of \$10,000.

(2) Specifically, each excavating, plumbing, sewer, drain layer, or any contractor who potentially can perform work as stated above shall have on file such bond that is effective at least through the calendar year in which the registration is to be effective.

(3) Utility companies having franchise agreements with the Village are exempt from the requirements of this chapter.

Contractors

(E) Inspection.

(1) The provisions of this chapter are declared to be of a regulatory nature, and it shall at all times be the duty of the Chief of Police, the Health Officer, the Chief of the Fire Department, and the Building Official, or their designee, to investigate whether persons engaged as contractors are properly registered and whether their activities are being conducted and operated in accordance with the provisions of any adopted ordinance applicable thereto.

(2) All required inspections by the Building Department shall be requested by the responsible contractor(s) at least 24 hours ahead of a desired time. Holidays and weekends are not to be calculated within any 24-hour period. Written inspection reports will be completed at time of inspection.

(Ord. 95-08-24-02, passed 8-24-95)

§ 113.99 PENALTY

Any person or persons violating this chapter shall be fined not less than \$50 nor more than \$5,000 for each offense. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.

(Ord. 95-08-24-02, passed 8-24-95)

CHAPTER 114: BUSINESS REGISTRATION: ADMINISTRATION

Section

- 114.01 Registration required
- 114.02 Applications
- 114.03 Investigation
- 114.04 Approval; disapproval
- 114.05 Registration term; expiration; renewal
- 114.06 Registrations not assignable; unlawful use
- 114.07 Building and premises
- 114.08 Location
- 114.09 Nuisances prohibited
- 114.10 Working conditions
- 114.11 Businesses open to public
- 114.12 Inspections
- 114.13 Contractors
- 114.14 Enforcement
- 114.15 Suspension; revocation of registration or permit
- 114.16 Appeal
- 114.17 Registration to be posted; destruction; removal of registration
- 114.18 Business vehicle
- 114.19 More than one registration required
- 114.20 Adoption by reference
- 114.21 Registration fees
- 114.22 Proration of Fee
- 114.99 Penalty

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§ 114.01 REGISTRATION REQUIRED

No person, firm, or corporation shall conduct, engage in, maintain, operate, carry on, or manage any business, occupation, activity, or establishment, either by himself or itself, or through an agent, employee, or partner, for which a registration is required by this chapter or by any municipal ordinance, without first having obtained an approved annual registration for such business, occupation, activity, or establishment. Whenever a registration or permit is required for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if, by himself or itself, or through an agent, employee, or partner, he or it is held forth as being engaged in the business, activity, or occupation, or if he or it solicits patronage therefore, actively or passively, or if he or it performs or attempts to perform any part of such business, activity, or occupation in the municipality.
(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.02 APPLICATIONS

Applications for all registrations and permits shall be made to the Village Clerk or other duly authorized representative in writing on a form provided for that purpose, except as otherwise provided. If the applicant is an individual (sole proprietorship), the application shall contain his name, residence address and residential telephone number. If the applicant is a partnership or other non-corporate business entity, the application shall contain the name, residential address, and residential telephone number of each partner, principal, or member thereof. If the applicant is a corporation, the application shall contain the name, residential address, and residential telephone number of each principal officer and the registered agent thereof. Each application also shall contain:

- (A) A designation of the type of permit desired;
- (B) The location or proposed location of the place of business, occupation, or activity;
- (C) The applicable fee to be paid as provided in § 114.21;
- (D) The number of the certificate of registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable; and
- (E) Such additional information as may be needed for the proper guidance of municipal officials in the evaluation of such application, including proof of any insurance policy or bond required by this chapter or any other ordinance of the Village.
(Ord. 97-11-20-04, passed 11-20-97)

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§ 114.03 INVESTIGATION

(A) Where this chapter authorizes or necessitates an investigation or inspection by any department or official of the municipality before the issuance of a registration certificate and requires the approval by such department or official regarding the proper location or condition of the premises in which the business, occupation, or activity for which a registration is applied to be managed, conducted, operated, or carried on or regarding the condition and nature of the equipment and methods intended to be used by the applicant in such business, occupation, or activity, then the Village Clerk or other duly authorized representative shall transmit to the appropriate official or department such information necessary for the required investigation or inspection.

(B) The designated official or department shall:

(1) Make all necessary investigations and inspections, and the results thereof shall be reported in writing to the Village Clerk or other duly authorized representative; and

(2) Indicate on the application a recommendation for the approval or disapproval thereof.

(C) Upon receipt of all related investigative and inspection reports, the Village Clerk or other duly authorized representative shall forward such reports, together with the application, to the President of the Village Board for final determination.

(Ord. 97-11-20-04, passed 11-20-97)

§ 114.04 APPROVAL; DISAPPROVAL

(A) If after due consideration of the information contained within the application and related investigative and inspection reports the President of the Village Board determines that the application is satisfactory, he shall approve the application. Thereupon, the Village Clerk or other duly authorized representative shall notify the applicant that the application has been approved. The registration or permit shall be signed by the President of the Village Board, attested by the Village Clerk or other duly authorized representative, then issued to the applicant.

(B) If after due consideration of the information contained within the application and related investigative and inspection reports the President of the Village Board determines that matters concerning the application are unsatisfactory, he shall disapprove the application, indicating the reasons therefore. Thereupon, the Village Clerk or other duly authorized representative shall notify the applicant that the application has not been approved and that no registration or permit be issued. If the President of the Village Board denies the application, the applicant shall have seven days within which to file a written appeal of the denial with the Village Clerk or other duly authorized representative shall notify the Village Board and a hearing date shall be scheduled as early as practically possible. The Village Clerk or other duly authorized representative shall notify the applicant of the date set for hearing.

(Ord. 97-11-20-04, passed 11-20-97)

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§ 114.05 REGISTRATION TERM; EXPIRATION; RENEWAL

(A) Each registration shall indicate its term. All annual registrations shall be operative and the registration year for the municipality shall commence on the 1st day of January of each year. No registration shall be granted for a period longer than one year. Except where otherwise provided herein, every registration shall expire on the 31st day of December following the date of issuance.

(B) Except as otherwise provided herein, each registration may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a registration renewal shall be the same as the requirements and procedures for granting a new registration.

(Ord. 97-11-20-04, passed 11-20-97)

§ 114.06 REGISTRATIONS NOT ASSIGNABLE; UNLAWFUL USE

No registration or permit may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person, firm, or corporation shall use or display any registration certificate, tag, badge, or sticker which has been improperly acquired. No person, firm, or corporation shall alter, deface, forge, or counterfeit any registration, certificate, plate, tag, badge, or sticker issued by the municipality.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.07 BUILDING AND PREMISES

No registration shall be issued for the conduct of any business, and no registration shall be issued for any purpose or activity if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the municipality and the State of Illinois.

(Ord. 97-11-20-04, passed 11-20-97)

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§ 114.08 LOCATION

No registration of permit for the operation of a business, establishment, or activity in the municipality shall be construed to permit its operation in more than one location in the municipality. A separate registration or permit shall be required for each location (except for contractors). A contractor may use one registration or permit shall be required for each location (except for contractors). A contractor may use one registration to conduct business at multiple locations in the Village. A contractor is any person engaged in the business or activity of constructing, altering, or repairing buildings or other structures or sidewalks or street pavement including, but not limited to, cement, concrete, or paving contractors, masonry contractors, carpentry contractors, lathing contractors, roofing contractors, heating contractors, air conditioning and refrigeration contractors, steam fitting contractors, plumbing contractors, general contractors, and electrical contractors. Any person who is engaged in the construction, repair, or alteration of any building, structure, or street or sidewalk pavement within the Village for which a building permit is required is presumed to be a contractor and must be registered hereunder unless such presumption is rebutted. For the purpose of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot of parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification. The location of any registered business or occupation, other than the sale of alcoholic liquors or the location of any permitted act, may be changed, provided that the Village Clerk or other duly authorized representative's office shall be given sufficient notice of such intended change in location to determine that the operation for which the registration is required conforms with all applicable ordinances and regulations of the municipality and its new location. (Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.09 NUISANCE PROHIBITED

(A) *Generally.* No business or establishment, whether or not registered, shall be so conducted or operated as to constitute a nuisance, in fact: and no building, vehicle, structure, yard, lot, premises, or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under the provisions of this chapter or any other ordinance of the Village.

(B) *Unsafe or unhealthful business.*

(1) No building or structure, utilized, constructed, or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe, or dangerous condition.

(2) No substance, matter, or thing of any kind whatever, which shall be dangerous or detrimental to health shall be allowed to exist in connection with any business or occupation or to be used in any work or labor performed in the municipality.

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(C) *Refuse disposal.*

(1) *Refuse container.* The standard refuse container required by this chapter shall be a receptacle of not less than 20 gallons capacity of constructed or impervious and sturdy material with a tight fitting cover and equipped with handles properly placed to facilitate handling. All refuse which is placed for collection service outside any building structure must be kept in standard refuse containers unless another type of container is approved by the Village Board due to the unusual nature of the refuse produced by the business. All other provisions of Village ordinances governing refuse containers where not inconsistent herewith continue to apply.

(2) *Refuse removal.* It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.

(3) *Removal of refuse by some businesses or occupations.* Every person owning or controlling any hotel, restaurant, café, retail food establishment, or other business or occupation of more than 32 gallons of refuse is normally produced weekly shall cause all substances deposited in such containers to be removed as often as shall be necessary, including daily removal from his premises, to insure the healthful environment surrounding such establishment. Such removal shall be at his own expense.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.10 WORKING CONDITIONS

(A) *Health requirements.* No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place shall allow or cause any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat, cleanliness, or in conflict with health, life safety codes, or ordinances.

(B) *Sanitation.* All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also, as far as practicable, such premises shall be free from all gases, vapors, dust, or otherwise which are injurious to health. Sufficient washroom facilities for all employees shall be provided and such facilities shall be properly ventilated.

(C) *Heat required.* It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory, workshop, retail business, or other commercial establishment, to maintain and operate the factory, workshop, retail business, or other commercial establishment in compliance with all applicable provisions of the Property Maintenance Code adopted by the Village.

Business Registration: Administration

(D) *Inspection.* The appropriate municipal officials shall visit or cause to be visited all such places of employment in the municipality as often as they shall deem necessary to assure compliance with the provisions of this section and to have such arrangements made as may be deemed necessary for the health and safety of the employees.
(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.11 BUSINESS OPEN TO PUBLIC

(A) All businesses or commercial establishments registered under this chapter which invite the public generally into their establishments for the purpose of conducting business, commercial activity, or any other activity registered under this chapter shall be subject to the following regulations in addition to all other applicable provisions of the ordinances of the Village.

(B) All areas within the registered premises where the public may enter shall be kept in a safe and sanitary condition.

(C) All business or commercial establishments subject to this section shall refrain from all deceptive trade practices as defined by state or federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business registration of the establishment may be revoked pursuant to the provisions of this chapter.

(D) It shall be unlawful to employ, in any premises open to the public or engaged in the transportation processing, preparation of packaging of food or beverages, any person who the employer knows or should have known, based upon reasonable observation, was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knows or should have known that he was afflicted with or a carrier of any such disease to work in or about any such premises.
(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.12 INSPECTIONS

(A) Whenever inspections of the premises used for or in connection with the operation of a registered business or occupation or provided for or required by this chapter, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulations of the municipality, or to detect violations thereof, it shall be the duty of the registered party, or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the municipality or other authorized representative of any duly acting municipal authority who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

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(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provision of this chapter, or of any ordinance or regulations, or to detect violations thereof, it shall be the duty of the registered party or the person in charge of the premises to give to any duly authorized officer or employee of the municipality requesting the same sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the President of the Village Board may revoke under the provisions of this chapter the registration of any owner or operator of a registered business in the municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take any adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.13 CONTRACTORS

(A) (1) It shall be the absolute and irrevocable responsibility of all contractors registered hereunder to secure the appropriate and necessary building permits required by Village ordinance before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish the whole or any part of any building, structure, or sidewalk or street pavements. It shall also be the duty if all contractors registered hereunder to comply with all the provisions of Village ordinances relating to or regulating their activities as contractors and, in addition thereto, to remove or cause to be removed at least once each week from the site of said contractor's activities all trash, refuse, and waste materials. Contractors shall, at all times, keep the site of activities in an orderly condition, free from standing water, unguarded dangerous implements and health and safety hazards. Contractors shall not obstruct traffic, streets, or sidewalks, nor permit dirt or waste materials from falling or being carried into such public ways.

(2) Any and all requirements of county, state, federal jurisdictions shall be complied with, and proof of such shall be validated by submittal of a legible copy of any such certificate, license, or identification provided.

(B) *Inspection.* The provisions of this article are declared to be of a regulatory nature, and it shall be at all times the duty of the Chief of Police, the Health Officer, and the Building Official, or their duly appointed designee, to investigate whether persons engaged as building contractors are properly registered and that their activities are being conducted and operated in accordance with the provisions of any adopted ordinance applicable thereto. All required inspections by the Building Department shall be requested by the responsible contractor(s) at least 24 hours ahead of a desired time. Holidays and weekends are not to be calculated within any 24 hour period.

(Ord. 97-11-20-04, passed 11-20-97; Am. Ord. 97-11-20-05, passed 11-20-97)

Penalty, see § 114.99

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§ 114.14 ENFORCEMENT

(A) Whenever a person, firm, or corporation shall neglect or refuse to procure any registration required by this chapter, or otherwise violates the term of this chapter, the President of the Village Board and/or registration officer as duly appointed under the chapter is authorized to cause appropriate legal action and proceedings to be instituted to enforce the registration requirement.

(B) The registration officer, Village Board or other duly designated individual shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. When necessary and expedient, he may call upon the Chief of Police to assist in such enforcement, and it shall be the duty of the Chief of Police to perform such enforcement acts as may be required of him.

(C) All municipal employees duly authorized and acting as inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other municipal ordinances relating to the registration of business and occupations and their regulations.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.15 SUSPENSION; REVOCATION OF REGISTRATION OR PERMIT

(A) When the conduct or operation of any business, occupation, activity, or establishment, whether registered or unregistered, shall constitute a nuisance in fact, and a clear and present danger to the public health, safety, or general welfare, or where the holder of any registration shall have refused to allow an inception of his premises or has refused to furnish a sample of his goods for testing, the President of the Village Board shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

(B) Within eight days after a registration or permit is suspended, the President of the Village Board shall call a hearing for the purpose of determining whether or not the registration or permit should be revoked.

(C) Registrations and permits issued by the municipality, unless otherwise provided, may be revoked by the President of the Village Board after notice and hearing as provided in § 114.15(D) and § 114.15(E) for any of the following causes:

(1) Any fraud, misrepresentation, or false statement contained in the application for the registration or permit.

(2) Any violation by the registered party or permittee of provisions of this chapter or other ordinances of the municipality relating to the registration or permit.

(3) Conviction of the registered party or permittee of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business operation within the Village.

(4) Failure of the registered party or permittee to pay any fine, penalty, or charge owed to the Village.

(5) Refusal to permit an inspection or sampling or any interference with a duly authorized municipal officer or employee while in the reasonable performance of his duties in making such inspections as provided in § 114.12.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the municipality.

(D) Notice of the hearing for revocation of a registration or permit, except in § 114.15(B) above, shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail, return receipt requested, to the registered party or permittee at his last known address, at least five days prior to the date set for the hearing. If the registered party shall request a continuance of the date of hearing, said registered party registration shall be suspended pending a hearing on the complaint.

(E) At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The registered party or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The President of the Village Board shall preside and render the decision.

(F) A stenographic or electronically recorded record of the hearings shall be kept. The Village shall pay the cost of attendance fees of the reporter and the cost of the transcript if such transcript should be ordered by the Village. The registered party or permittee shall pay the cost of any transcript ordered by him.

(G) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the President of the Village Board shall file a written decision in which he has summarized the evidence and has stated the reasons for his decision.
(Ord. 97-11-20-04, passed 11-20-97)

§ 114.16 APPEAL

Any person aggrieved by the decision of the President of the Village Board in regard to the denial of an application for a business registration, as provided in this chapter, or in connection with the revocation of a registration or permit, or the closing of an establishment dangerous to the public, as provided in this chapter, shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Village Clerk or other duly authorized representative within ten days after notice of a denial of an application or a revocation of a registration or permit, a written statement under oath setting forth specifically the grounds for appeal. The Village Board shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or registered or permittee in the same manner as provided in § 114.14. The decision of the Corporate Authorities on such appeal shall be final.

(Ord. 97-11-20-04, passed 11-20-97)

§ 114.17 REGISTRATION TO BE POSTED; DESTRUCTION, REMOVAL OF REGISTRATION

It shall be the duty of any person conducting a registered business in the municipality to keep his registration displayed at all times in a prominent place on the premises, machine, or vehicle used for such business. No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner, any registration, certificate, plate, or sticker, which has been issued by the municipality except when such registration, certificate, plate, or sticker has been discontinued or the registered premises have been abandoned. Nothing herein shall prevent the President of the Village Board or his duly authorized representative from removing any registration, certificate, plate, or sticker from the possession of a former registered party or his premises, any vehicle or any machine when said registration has been revoked under the provisions of this chapter.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.18 BUSINESS VEHICLES

(A) Whenever the number of vehicles used is the basis, in whole or in part, for a registration fee, the Village Clerk or other duly authorized representative shall furnish the registered party with a tag or sticker of each vehicle covered by the registered party, and such tag or sticker shall be posted or affixed in a conspicuous place on each such vehicle.

(B) Whenever any registered party under this chapter shall make use of one or more motor vehicles in the registered activity, such registered party shall carry at all times public liability insurance with a responsible insured qualified to do business in Illinois to insure payment of loss or damage resulting from an occurrence arising out of or caused by the operation or use of any such vehicles, but each vehicle shall be insured for the sum of \$30,000 for property damage.

(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.19 MORE THAN ONE REGISTRATION REQUIRED

Unless otherwise provided in this chapter, each individual business or commercial activity within the municipality shall be required to obtain only one registration but shall be required to comply with all applicable regulations contained in this chapter or elsewhere. The registration fee required to be paid by an individual business which is subject to two or more registrations in this chapter shall be the largest of those applicable. A business shall be considered to be individual only if it is owned by identical persons or entities, is contained within one single building and conducts activities that are closely related.
(Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.20 ADOPTION BY REFERENCE

Whenever within this chapter any regulation or public record is adopted and incorporated by reference, the manner of their adoption and incorporation shall have complied with the provisions of the Illinois Compiled Statutes allowing such incorporation and adoption.
(Ord. 97-11-20-04, passed 11-20-97)

§ 114.21 REGISTRATION FEES

(A) Registration fees under the terms of this chapter for the businesses, occupations, activities, and uses set forth shall be as provided in the fee schedule as set forth in § 114.21(B). Registration fees shall be paid annually unless otherwise provided, and proof of any bond or liability insurance policy required by this chapter shall be provided with the registration fee.

(B) *Fee schedule.* Any and all individuals, firms, corporations, partnerships, or those otherwise required to register with the Village shall be subject to the following fees:

- (1) Initial registration: \$25 annual (per calendar year).
- (2) Renewal of current, active registration: \$10 annual.
- (3) Reinstatement of expired registration: \$25 (expired over 120 days or May 1).
- (4) Coin operated amusement devices or vending machines: \$5 each machine annually (non-transferable). (Exemptions: Newspaper sale machines located on private property; coin operated telecommunication devices; coin operated washing machines and dryers.)

NOTE: All individuals, companies, or corporations which provide or service any vending machines are considered to be conducting business within the Village and are subject to the requirements of the registration ordinances.

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(C) *Exemption from fee payments.* Except as provided by ordinance to the contrary, any person(s), place, or activity registered or licensed under any other Village ordinance which requires fees, independent to the business registration fees required by this chapter, shall be exempt from the lesser amount fee, yet shall be required to registration and its approval. (Ord. 97-11-20-04, passed 11-20-97; Am. Ord. 97-11-20-05, passed 11-20-97)

§ 114.22 PRORATION OF FEE

From the date of adoption hereof, all existing businesses required to be registered hereunder shall have a period of three months to register. All businesses required to be registered hereunder which register within said three month period shall not be required to pay an initial registration fee. Any business failing to register within said three month period shall be required to pay the \$25 first year registration fee. All businesses shall be required to pay all ensuing registration fees for any following years. (Ord. 97-11-20-04, passed 11-20-97) Penalty, see § 114.99

§ 114.99 PENALTY

Unless otherwise expressly provided, any person, firm, or corporation convicted of violating any provisions of this chapter shall be fines not less than \$50 and not more than \$1000. Every day the violation exists will be deemed to be a separate offense. (Ord. 97-11-20-04, passed 11-20-97; Am. Ord. 97-11-20-05, passed 11-20-97)

CHAPTER 115: TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

Section

- 115.01 Definitions
- 115.02 Registration of telecommunications providers
- 115.03 Municipal telecommunications infrastructure maintenance fee
- 115.04 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees
- 115.05 Compliance with other laws
- 115.06 Existing franchises and licenses
- 115.07 Enforcement
- 115.08 Severability
- 115.09 Conflict

- 115.99 Penalty

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§ 115.01 DEFINITIONS

As used in this chapter, the following terms shall have the following meanings:

GROSS CHARGES. The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. “Gross charges” for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, “gross charges” shall not include:

- (1) Any amounts added to a purchaser’s bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser’s bill under ILCS Ch. 220, Act 5, §§ 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under ILCS Ch. 65, Act 5, § 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act ILCS Ch. 35, Act 630, § 1 et seq., (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;
- (2) Charges for a sent collect telecommunication received outside the Village;
- (3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- (4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) Charges to business enterprises certified under ILCS Ch. 220, Act 5, § 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) Bad debts (“bad debt” means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) Charges paid by inserting coins in coin-operated telecommunications devices;
or

(9) Charges for telecommunications and all services and equipment provided to the Village.

PUBLIC RIGHT-OF-WAY. Any municipal street, alley, water, or public right of way dedicated or commonly used for utility purposes including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. “Public Right of Way” shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. This or any like term, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE OF TELECOMMUNICATIONS AT RETAIL. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are

received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, “service address” shall mean the location of the customer’s primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

TELECOMMUNICATIONS. This includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio satellite, or similar facilities. Unless the context clearly requires otherwise, “telecommunications” shall also include wireless telecommunications as hereinafter defined. “Telecommunications” shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. “Telecommunications” shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. “Telecommunications” shall not include the provision of cable services through a cable system defined in the Cable Communications Act of 1984 (47 U.S.C. 521 and following) as not or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER

- (1) Any telecommunications retailer;
- (2) Any person that is not a telecommunications retailer that installs, owns, operates, or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER or RETAILER or CARRIER. Every person engaged in the business or making sales of telecommunications at retail as defined in this Section. The Village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the Village.

WIRELESS TELECOMMUNICATIONS. Any cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.02 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS

(A) Every telecommunications provider as defined by this chapter shall register with the Village within 30 days after the effective date of this chapter of becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provided, however, that any telecommunications retailer that has filed a return pursuant to § 115.04(C) shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the Village pursuant to § 115.02(A) has an affirmative duty to submit an amended registration form or current return as required by § changes in the information provided by the telecommunications provider in the registration form or more recent return on file with the Village.
(Ord. 97-11-06-004, passed 11-6-97)

§ 115.03 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

(A) A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of one per cent of all gross charges charged by the telecommunications retailer to service addresses within the Village for telecommunications originating or received in the Village.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this chapter, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The Village telecommunications infrastructure maintenance fee authorized by this chapter shall be collected, enforced, and administered as set forth in § 115.04 of this chapter.
(Ord. 97-11-06-004, passed 11-6-97)

§ 115.04 COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the Village Manager, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2 % of the

Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form to be prescribed by the Village Manager, which shall contain such information as the Village Manager may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under § 115.04(A) by the telecommunications retailer pursuant to this chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Manager may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

- (1) **GROSS CHARGES** for purposes of the Telecommunications Excise Tax Act, ILCS Ch. 35, Act 630, § 1 et seq.;
- (2) **GROSS RECEIPTS** for purposes of the municipal utility tax as prescribed in ILCS Ch. 65, Act 5, § 8-11-2 of the Illinois Municipal Code;
- (3) **GROSS CHARGES** for purposes of the municipal telecommunications tax as prescribed in ILCS Ch. 65, Act 5, § 8-11-17 of the Illinois Municipal Code;
- (4) **GROSS REVENUE** for purposes of the tax on annual gross revenue of public utilities prescribed in ILCS Ch. 220, Act 5, § 2-202 of the Public Utilities Act.

(G) The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this chapter to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five percent of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed five percent of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within twenty-one days after the date of issuance of an invoice for same.

(H) The Village Manager, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this chapter, consistent with its provisions as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 115.02 of this chapter of such regulations.

(I) *Waiver fee and implementation.*

(1) The Village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the Village by a telecommunications retailer pursuant to any existing Village franchise, license, or similar agreement with a telecommunications retailer during the time the Village imposes the telecommunications infrastructure maintenance fee. This waiver shall only be effective during the time the infrastructure maintenance fee provided for in this chapter is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(2) The Village Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the Village has a franchise.

(3) The Village infrastructure maintenance fee provided for in this chapter shall become effective and imposed on the first day of the month not less than 90 days after the Village provides written notice by certified mail to each telecommunications retailer with whom the Village has an existing franchise, license, or similar agreement that the Village waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the Village. The infrastructure maintenance fee shall apply or gross charges billed on or after the effective date as established in the preceding sentence.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.05 COMPLIANCE WITH OTHER LAWS

Nothing in this chapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) Generally applicable taxes; and

(B) Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and

(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this code concerning uses or structures not located on, over, or within the right-of-way.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.06 EXISTING FRANCHISES AND LICENSES

Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this chapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges, or other compensation to the extent waived.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.07 ENFORCEMENT

Nothing in this chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this chapter.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.08 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.09 CONFLICT

This chapter supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

(Ord. 97-11-06-004, passed 11-6-97)

§ 115.99 PENALTY

Any telecommunications provider who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the general penalty provisions of the Village Municipal Code.

(Ord. 97-11-06-004, passed 11-6-97)

CHAPTER 116: ADULT USES

Section

- 116.01 Definitions
- 116.02 Location restrictions
- 116.03 License required
- 116.04 Application for adult business license
- 116.05 Approval by the Chief of Police
- 116.06 Issuance or denial of adult business license
- 116.07 Display of license
- 116.08 Fee
- 116.09 Transfers prohibited
- 116.10 Liability of licensee
- 116.11 Persons under eighteen
- 116.12 Suspension or revocation
- 116.13 Use after revocation
- 116.14 Enforcement

- 116.99 Penalty

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§ 116.01 DEFINITIONS

As used in this chapter, the following terms shall have the following meaning:

ADULT BUSINESS. An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, including mini-motion picture theaters, massage parlors, massage schools, restaurants or food service establishments where persons appear in a state of nudity or semi-nudity, or any combination of such uses. For purposes hereof, the following terms mean:

(1) **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where the images so displayed are distinguished or characterized by depicting or describing specified sexual activities.

(2) **ADULT BOOKSTORE.** A commercial establishment which offers for sale or rental, for any form of consideration, the following:

(a) Books, magazines, periodicals, or other printed matter, which depict or describe specified sexual activities.

(b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities excluding condoms and other birth control and disease prevention products.

(3) **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment or any other commercial establishment which features:

(a) Persons who appear in a state of nudity; or

(b) Live performances characterized by specified sexual activities.

(4) **ADULT MOTEL.** A hotel, motel, or similar commercial establishment which offers a room for rent for a period of time that is less than 12 hours.

(5) **ADULT MOTION PICTURE THEATER.** Any theater or similar commercial establishment where any films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or describe specified sexual activities.

(6) **SEMI-NUDITY.** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

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SPECIFIED SEXUAL ACTIVITIES

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated;
 - (4) Acts of bestiality, bondage, sadism, or masochism; or
 - (5) The depiction of human genitals in a state of sexual stimulation or arousal.
- (Ord. 00-02-10-04, passed 2-10-00)

§ 116.02 LOCATION RESTRICTIONS

No license shall be issued for an adult business that is located within 500 feet of any residence, church, school, hospital, library, homes for the aged, orphans, indigent persons, veterans, their wives or children, halfway house, correctional facility, government office, or any other adult business. No adult business license may be located except within an "M" Manufacturing District in accordance with the Zoning Ordinance of the Village of Huntley. An adult business may be located in a "B-3" or "O" Office District if the petitioner establishes that reasonable diligence to locate in an "M" Manufacturing District has been attempted and if all other provisions of this chapter have been met.

(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

§ 116.03 LICENSE REQUIRED

No person, firm, or corporation shall engage in or carry on any adult business in the Village without first obtaining an adult business license issued by the Village pursuant to the provisions of this section for each and every separate office or place of business conducted by such person.

(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

§ 116.04 APPLICATION FOR ADULT BUSINESS LICENSE

Any person, firm, or corporation desiring an adult business license shall file a written application with the Chief of Police on a form to be furnished by the Chief of Police. The applicant shall accompany the application of the correct license fee as hereinafter provided and shall, in addition, furnish the following:

- (A) The type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise.

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- (B) The name or other designation under which the business is to be conducted.
- (C) The business address and all telephone numbers where the business is to be conducted.
- (D) A complete list of the name and residence addresses of all employees of the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business.
- (E) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
- (1) Name, complete residence address, and residence telephone numbers.
 - (2) The two previous addresses immediately prior to the present address of the person.
 - (3) Written proof of age.
 - (4) Citizenship, place of birth, and if a naturalized citizen, the time and place of his naturalization.
- (F) The character of business of the applicant; and in case of a corporation, the objects for which it was formed.
- (G) The length of time that applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.
- (H) The location and description of the premises of place of business of that character, or in the case of a corporation, the date on which its charter was issued.
- (I) A statement whether applicant has made similar application for a similar other licenses on premises other than described in this application, by any state or subdivision thereof, and the disposition of such application.
- (J) A statement that applicant is not disqualified to receive a license by reason of any matter or thing contained in this section, laws of this state, or the ordinances of this Village.
- (K) A statement whether a previous license by any state of subdivision thereof, or by the federal government, has been revoked, and the reasons therefore.
- (L) A statement that the consumption of alcoholic liquor will not be permitted on the premises.

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(M) A statement that gambling devices or gambling will not be permitted on the premises except video gaming terminals or devices pursuant to the Illinois Video Gaming Act.

(N) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinance of the Village in the conduct of his place of business.

(O) Such other information and identification as deemed necessary by the Chief of Police in order to discover the truth of the matters herein required to be set forth in the application.

(P) 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 and the qualifications of the applicant for the license.

(Q) No minors as defined by the statutes of the State of Illinois shall be allowed upon the premises during business hours.

(R) The names, addresses, and phone numbers of three adult residents of McHenry or Kane County who will serve as character references. These references must be persons other than relatives or business associates.

(S) A statement that the applicant will promptly notify the Chief of Police of any changes in the information required under this section.

(T) A written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the Village.

(Ord. 00-02-10-04, passed 2-10-00; updated 6.14.12) Penalty, see § 116.99

§ 116.05 APPROVAL BY THE CHIEF OF POLICE

(A) Upon receiving the application for an adult business license, the Chief of Police shall conduct an investigation into the information provided in the application. The Chief of Police may, in his discretion, require a personal interview of the applicant and such further information and identification as shall bear on the investigation.

(B) The Chief of Police shall also cause to be conducted an investigation of the premises where the adult business is to be carried on for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in this section and with all ordinances and regulations of the Village relating to the public health, safety, and welfare.

(Ord. 00-02-10-04, passed 2-10-00)

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§ 116.06 ISSUANCE OR DENIAL OF ADULT BUSINESS LICENSE

The Chief of Police shall issue an adult business license within 45 days of receipt of the application unless he finds that:

(A) The correct license fee has not been tendered to the Village, and in the case of a check or bank draft, honored with payment on presentation.

(B) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the Village's building, zoning, or health regulations, or the provisions of this section.

(C) The applicant has knowingly made false, misleading, or fraudulent statements of fact in the license application or in any document required by the Village in conjunction therewith.

(D) The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business is not over the age of 18 years.

(E) The applicant has had an adult business license or other similar permit or license denied, revoked, or suspended for any of the above causes by the Village or any other state or local agency within five years prior to the date of the application.
(Ord. 00-02-10-04, passed 2-10-00)

§ 116.07 DISPLAY OF LICENSE

The adult business licensee shall display his license in an open and conspicuous place on the premises of the adult business.

(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

§ 116.08 FEE

The license fee for an adult business shall be \$5,000 per year or any part thereof.
(Ord. 00-02-10-04, passed 2-10-00)

§ 116.09 TRANSFERS PROHIBITED

No adult business licenses are transferable, separate, or divisible, and such authority as a license confers shall be conferred only upon the licensee and for the premises named therein.
(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

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§ 116.10 LIABILITY OF LICENSEE

A licensee shall have the premises supervised at all times when open for business. The licensee shall personally supervise the adult business and shall not violate, or permit others to violate, any applicable provisions of this section. The violation of any such provision by any officer, director, manager, agent, or employee of the licensee, or the failure to report a violation of any such provision by any patron of the adult business within the constructive or actual knowledge of the licensee or its officers, directors, managers, agents, or employees, or the reckless disregard for such violations by the licensee, its officers, directors, managers, agents, or employees, shall constitute a violation by the licensee as if said act or omission had been done or omitted by him personally.

(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

§ 116.11 PERSONS UNDER EIGHTEEN

No person, firm, or corporation licensed under the provisions of this section shall permit any person under the age of 18 years to come or remain on the premises of any adult business.

(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

§ 116.12 SUSPENSION OF REVOCATION

The President and Board of Trustees may suspend for not more than 30 days or revoke any license by it if it is determined that the licensee has violated any provision of this section upon a recommendation from a hearing officer designated by the President and Board of Trustees to hear complaints of violations of this section by any licensee. No such license shall be suspended or revoked except after a public hearing before a hearing officer designated by the President and Board of Trustees upon a 3-day written notice to the licensee affording the licensee the opportunity to appear and defend. The hearing officer shall make a recommendation of the President and Board of Trustees, who after determining that the license should be suspended or revoked, state the reason or reasons for the determination in a written order of suspension or revocation and serve a copy of such order within five days of its entry upon the licensee.

(Ord. 00-02-10-04, passed 2-10-00)

§ 116.13 USE AFTER REVOCATION

When any license under this section shall have been revoked for any cause, no license shall be granted under this section to any person for the premises described in such revoked license.

(Ord. 00-02-10-04, passed 2-10-00) Penalty, see § 116.99

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§ 116.14 ENFORCEMENT

The President and Board of Trustees of the Village hereby authorize any law enforcing officer of the Village to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this section or whether any of the rules and regulations adopted by the President and the Board of Trustees of the Village or the State of Illinois have been or are being violated and at such time to examine the premises of said licensee in connection therewith, Further, the President and the Board of Trustees of the Village authorize any law enforcing officer of the Village to receive complaints form any citizen within the jurisdiction of the Village, and any of the provisions of this section or any rules or regulations adopted pursuant to, have been or are being violated, and to act upon complaints in the matter provided.
(Ord. 00-02-10-04, passed 2-10-00)

§ 116.99 PENALTY

Any person, firm, or corporation violating the provisions of this section may have his or her license suspended or revoked, in addition to any penalty imposed under the Code of Ordinances of the Village.
(Ord. 00-02-10-04, passed 2-10-00)

CHAPTER 117: WASTEHAULER LICENSE AND REGULATIONS

Section

Garbage and Rubbish Removal Services

- 117.01 License required
- 117.02 Garbage, refuse, or rubbish definitions
- 117.03 Applications
- 117.04 Limitations on licenses
- 117.05 Duration and transfer of license
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Recycling Services

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 - 117.26 Times for pick up
 - 117.27 Advertising prohibitions
-
- 117.99 Penalty

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GARBAGE AND RUBBISH REMOVAL SERVICES

§ 117.01 LICENSE REQUIRED

It shall be unlawful for any person, firm, or corporation to engage in the business of collecting garbage, refuse, or rubbish within the Village without having first obtained a license to do so, provided that this section shall not apply to materials from the demolition of buildings or structures demolished pursuant to a permit issued by the Village. All persons, corporations, or other entities issuing a license for garbage and rubbish removal must also pick up recyclable materials and lawn and garden debris.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

§ 117.02 GARBAGE, REFUSE, OR RUBBISH DEFINITIONS

As used in this subchapter:

GARBAGE. Any refuse products or materials including but not limited to the following: putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, sale, or consumption of food; animal excretion; glass or metal containers, products, or objects discarded as no longer useable; paper, wood, and cardboard waste; uprooted weeds, grass clippings, leaves, and the like; ashes and cinders; discarded furniture or clothing; and dead animals. The term ***GARBAGE*** does not include human excretion in the form of body waste.

RECYCLABLE MATERIALS. Newspapers consisting of bagged, boxed, or securely twined newspapers; glass, clear, brown, or green in color; aluminum or tin products; and such other materials mutually agreed upon between the Village and the licensee.
(Ord. 92-03-01, passed 3-12-92)

§ 117.03 APPLICATIONS

Applications for such licenses shall be made in writing to the Village Clerk, and shall be subject to the approval of the President and Village Board. The application shall be under oath and shall state as follows:

(A) The name, address, and statement of legal age of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, owned by one person or his nominees, the name and address of such person.

(B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

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(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that said applicant has been in business of that nature, or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) A statement whether applicant has made similar applications for a similar license on premises other than described in this application, and the disposition of such application.

(G) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this section, laws of this state, or the ordinances of this Village.

(H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons thereof.

(I) The number of trucks intended to be operated under the proposed license.

(J) That each truck shall be covered or enclosed in such a way that the contents thereof will not blow from or drop off of said truck either in the Village limits or on the way to the designated landfill facility.

(K) That all regulations and resolutions duly adopted by the Village Board pertaining to the pick-up and dumping of garbage, refuse, and rubbish will be observed and followed including:

- Lids must be replaced on cans; Dumpster enclosure gates must be closed.
- Trucks must be parked in order to lift trash over in case of front loaders.
- Trash that is spilled while handling, must be picked up.

(L) That garbage shall be securely packaged or enclosed in a weather resistant container for collection.

(M) The name, address, or location of the sanitary landfill at which the licensee intends to deposit all garbage, refuse, rubbish, or recyclables collected from within the Village.

(N) That the license to be issued upon the application is, and will be subject to revocation by the President and Village Board.

(O) A list of current residential curbside customers for which the license will be issued, which list shall be updated on a quarter-annual basis and furnished to the Village Manager of the Village within five days of the end of each quarter during the license period.

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(P) No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has in force and effect, insurance in the minimum amount of \$1,000,000. Said certificate shall name the Village as being a co-insured.
(Ord. 92-03-01, passed 3-12-92; Ord.(O)2003-06.60, passed 6-26-03)

§ 117.04 LIMITATIONS ON LICENSES

There shall be no more than seven garbage collector's business licenses in the Village, and no person, firm, or corporation shall be issued more than one license. No license shall be issued to any person, firm, or corporation which do not have trucks in service. There shall be no limitation on the number of trucks operated by each licensee. The allowed number of business licenses may be increased or decreased by ordinances passed and approved by the President and Village Board.
(Ord. 92-03-01, passed 3-12-92; Am. Ord. 98-03-12-02, passed 3-12-98)

§ 117.05 DURATION AND TRANSFER OF LICENSE

(A) A license shall be purely a personal privilege, good for not to exceed one year after the issuance. The one year period shall be from the 1st day of January of each year to the 31st day of December of each year unless sooner revoked or suspended as in this section provided. Licenses issued after the 1st day of January of any year shall pay the full license fees as provided. A license 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 be encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of refuse collection service, may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death bankruptcy, or insolvency of such licensees. In no event shall there be any refund of any portion of any license fee paid.
(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

(B) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and further provided that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within their jurisdiction.
(Ord. 92-03-01, passed 3-12-92)

Wastehauler License and Regulations

§ 117.06 ANNUAL LICENSE FEE

The annual fee for such license shall be One Thousand Five Hundred dollars and no cents (\$1,500.00). The payment of the fee is due upon the filing of the application. Fees will increase yearly according to the CPI.

(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

§ 117.07 TIME FOR PICK UP

Licensees shall schedule the pickup of garbage, refuse, or rubbish in accordance with the schedule for zone pickup established by the Village and shall schedule such pickup within the zone schedule for a minimum of at least one day to coincide with the pickup of recyclable materials within said zone. All licensees shall be required to pickup recyclable materials, lawn and garden debris as defined in the Illinois Revised Statutes in addition to garbage, refuse, and rubbish. All licensees shall obtain approval from the Village Manager's office for any holiday collection schedule.

(Ord. 92-03-01, passed 3-12-92)

§ 117.08 APPROVED LANDFILL

Licensees under this section shall deposit all garbage, refuse, rubbish, and recyclables collected within the Village at any landfill facility, recycling center, and composting facilities approved and licensed by the Illinois Environmental Protection Agency.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

RECYCLING SERVICES

§ 117.20 LICENSE REQUIRED

It shall be unlawful for any person, firm, or corporation to collect curbside recyclable materials within the Village without having first obtained a license to do so, provided that this section shall not apply to not-for-profit, civic, and charitable organizations conducting a recycling program as a fund-raising project with the approval of the Village President or Village Board.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

§ 117.21 APPLICATIONS

Applications for such licenses shall be made in writing to the Village Clerk, and shall be subject to the approval of the President and Village Board. The application shall be under oath and shall state as follows:

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(A) The name, address, and statement of legal age of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, owned by one person or his nominees, the name and address of such person.

(B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

(C) The character of business of the applicant; and in the case of a corporation, the objects for which it was formed.

(D) The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.

(G) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this section, laws of this state, or the ordinances of this Village.

(H) Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefore.

(I) The number of trucks intended to be operated under the proposed license.

(J) That each truck shall be covered or enclosed in such a way that the content thereof will not blow from or drop off of said truck either in the Village limits or on the way to the designated recycling facility.

(K) That all regulations and resolutions duly adopted by the Village Board pertaining to the pick-up and dumping of garbage, refuse, and rubbish will be observed and followed including:

- Lids must be replaced on cans; Dumpster enclosure gates must be closed.
- Trucks must be parked in order to lift trash over in case of front loaders.
- Trash that is spilled while handling, must be picked up.

(L) That recyclable materials shall be securely packaged or enclosed in approved containers for collection.

Wastehauler License and Regulations

M) The name, address, or location of the recycling facility at which the licensee intends to deposit all recyclable materials collected from within the Village.

(N) That the license to be issued upon the application is and will be subject to revocation by the President and Village Board.

(O) No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has in force and effect, insurance in the minimum amount of \$1,000,000. Said certificate shall name the Village as being a co-insured.
(Ord. 92-03-01, passed 3-12-92; Ord.(O)2003-06.60, passed 6-26-03)

§ 117.22 DEFINITIONS

CURBSIDE RECYCLER. Any person, firm, or corporation licensed in the business of curbside collection of recyclable materials pursuant to this section.

GARAGE, REFUSE, or RUBBISH. Consists of any materials as defined in § 117.02 of this chapter.

HOLIDAYS. Those days established and approved by the Village as part of the curbside recycling program.

LICENSED HAULER. Any person, firm, or corporation engaged in the business of collecting garbage, refuse, or rubbish within the Village pursuant to §§ 117.-1 through 117.08.

RECYCLABLE MATERIALS. Newspapers consisting of tagged, boxed, or securely twined newspapers; glass, clear, brown, or green in color; aluminum or tin products; and such other materials mutually agreed upon between the Village and the licensee.
(Ord. 92-03-01, passed 3-12-92)

§ 117.23 ANNUAL LICENSE FEE

The annual fee for such license shall be One Thousand Five Hundred dollars and no cents (\$1,500.00). The payment of the fee is due upon the filing of the application. Fees will increase yearly according to the CPI.
(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

§ 117.24 AGREEMENT FOR CURBSIDE RECYCLING

Any person, firm, or corporation defined as a curbside recycler under § 117.22 shall enter into an agreement for curbside recycling upon such terms and provisions as may be approved by the Village. No such contract shall extend beyond the period of the license provided for in this subchapter.
(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

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§ 117.25 DURATION AND TRANSFER OF LICENSE

(A) A license shall be purely a personal privilege, good for not to exceed one year after the issuance. The one year period shall be from the 1st day of January of each year to the 31st day of December of each year unless sooner revoked or suspended as in this section provided. Licenses issued after the 1st day of January of any year shall pay the full license fees as provided. A license 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 be encumbered or hypothecated. Such license shall not descend by the laws to testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of refuse collection service, may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy, or insolvency of such licensees. In no event shall there be any refund of any portion of any license fee paid.

(Ord. 92-03-01, passed 3-12-92; Am. Ord. (O)2007-12.78, passed 12-13-07)

(B) Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license AND FURTHER PROVIDED that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the President and Village Board from decreasing the number of licenses to be issued within their jurisdiction. (Ord. 92-03-01, passed 3-12-92)

§ 117.26 TIMES FOR PICK UP

Licenses shall schedule the pickup of recyclable materials in accordance with the schedule for zone pickup established by the Village and shall schedule such pickup within the zone schedule for a minimum of at least one day to coincide with the pickup of garbage, refuse, or rubbish within said zone. All licensees shall obtain approval from the Village Manager's office for any holiday collection schedule.

(Ord. 92-03-01, passed 3-12-92)

§ 117.27 ADVERTISING PROHIBITIONS

No licensee shall place or otherwise distribute fliers, advertisements, billing statements, (including any surcharge), etc., through the mail or other means which includes any information regarding recycling without the prior approval of the Village Manager.

(Ord. 92-03-01, passed 3-12-92) Penalty, see § 117.99

§ 117.99 PENALTY

Any person, firm, or corporation violating the provisions of this chapter may, in addition to any penalty imposed under the Illinois Revised Statutes, be fined from \$5 to \$500 for each violation. Each day a violation is permitted to exist shall constitute a separate offense.

(Ord. 92-03-01, passed 3-12-92)

CHAPTER 118: LICENSING SECOND-HAND ARTICLES DROP-OFF CONTAINERS

Section

- 118.01 Definition
- 118.02 Prohibitions
- 118.03 Licensing
- 118.04 Regulations
- 118.05 Non-usable container
- 118.06 Application for license

- 118.99 Penalty

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§ 118.01 DEFINITION

A ***SECOND HAND ARTICLES DROP OFF CONTAINER*** is any receptacle, box, or holder used to collect second hand articles. Whenever the words ***CONTAINER*** or ***CONTAINERS*** are used herein, they shall mean a ***SECOND HAND ARTICLES DROP OFF CONTAINER***. Examples of such containers are the containers placed by Good Will, Amvets, and other non-profit/charitable organizations for the collection of second hand articles.
(Ord. 01-09-13-03, passed 7-12-01)

§ 118.02 PROHIBITIONS

Second hand articles drop off containers are prohibited in all zoning districts except in the “M” Manufacturing Zoning District.
(Ord. 01-09-13-03, passed 7-12-01) Penalty, see § 118.99

§ 118.03 LICENSING

All containers located in the Village must be inspected and licensed by the Village. The inspection shall be conducted annually by the Building Department. The annual fee for such a license and inspection shall be \$250 for the first container owned by the entity and \$50 for each additional container owned by the entity that is located in the Village.
(Ord. 01-09-13-03, passed 7-12-01)

§ 118.04 REGULATIONS

The following regulations shall apply to all such containers:

- (A) No articles shall be permitted to accumulate outside of the container;
- (B) The container must not block any public road or sidewalk;
- (C) The container must not impede motorists’ line of sight;
- (D) No flammable or hazardous materials or perishable items should be placed or kept in said container;
- (E) The container shall be no larger than 60 cubic feet;
- (F) The container shall be anchored to the ground in such a manner that it cannot be easily tipped over;
- (G) The container and the area surrounding it shall be kept clean and free from trash and debris;

Licensing Second-Hand Articles Drop-Off Containers

(H) The container shall be kept freshly painted and no rust shall be allowed to show;

(I) The container shall be equipped with a lid and/or doors that automatically close after articles are deposited in the container.

(Ord. 01-09-13-03, passed 7-12-01) Penalty, see § 118.99

§ 118.05 NON-USABLE CONTAINER

Once a container becomes unusable, or does not pass inspection by the Building Department, it must be immediately removed. If it is not removed within seven days of the Building Department's notice to remove, the Village may remove and dispose of same and charge the licensee its costs of removal and disposal.

(Ord. 01-09-13-03, passed 7-12-01) Penalty, see § 118.99

§ 118.06 APPLICATION FOR LICENSE

An applicant for a license must submit an application form provided by the Village. The applicant must sign the application. In the event the applicant is a corporation or partnership, it must be signed by the President and secretary of the corporation, if a corporation, and by all the partners if a partnership. All such signatures shall be under oath. The application shall contain, at a minimum, the following information and documents:

(A) Name and principal street address of applicant;

(B) A statement that the applicant is a not-for-profit entity (documentation evidencing same shall be furnished);

(C) A description of where the used articles are sent and the ultimate disposition of same;

(D) Whether the used articles are sold, and if so, an explanation why;

(E) A statement as to how long the entity has been in business;

(F) A color photograph of the proposed container; and

(G) A site plan showing the proposed location of the container.

(H) Shall have permission from property owner
(Ord. 01-09-13-03, passed 7-12-01)

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§ 118.99 PENALTY

The general penalty provisions of the Village codified ordinances shall be applicable to violations of this chapter. Additionally, the Village shall be entitled to recover all costs and expenses, including its reasonable attorney's fees, that it may incur in enforcing the provisions of this chapter.

(Ord. 01-09-13-03, passed 7-12-01)

**CHAPTER 119: CABLE/VIDEO SERVICE PROVIDER FEE
AND
CABLE AND VIDEO CUSTOMER PROTECTION LAW**

CABLE/VIDEO SERVICE PROVIDER FEE

Chapter/Article/Section

General Provisions

- 119-I.01 Definitions
- 119-I.02 Cable/Video Service Provider Fee Imposed
- 119-I.03 No Impact on Other Taxes Due from Holder
- 119-I.04 Audits of Cable/Video Service Provider
- 119-I.05 Late Fees/Payments

(Ord. (O)2007-11.60, passed 11-15-07; Am. Ord. (O)2008-05.28, passed 5-22-08)

CABLE AND VIDEO CUSTOMER PROTECTION LAW

Chapter/Article/Section

General Provisions

- 119-II.01 Customer Service and Privacy Protection Law
- 119-II.02 Enforcement
- 119-II.03 Penalties
- 119-II.04 Customer Credits

(Ord. (O)2007-11.61, passed 11-15-07; Am. Ord. (O)2008-05.29, passed 5-22-08)

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CABLE/VIDEO SERVICE PROVIDER FEE

§ 119-I.01 DEFINITIONS

The following terms shall have the following meanings in this Chapter:

CABLE SERVICE: As defined in 47 U.S.C. § 522(6).

COMMISSION: The Illinois Commerce Commission.

GROSS REVENUES: All consideration of any kind or nature, including, without limitation, cash, credits, property and in-kind contributions received by the Holder for the operation of a cable or video system to provide cable service or video service within the Holder's cable service or video service area within the Village.

1. Gross revenues shall include the following:
 - A. Recurring charges for cable or video service.
 - B. Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
 - C. Rental of set top boxes and other cable service or video service equipment.
 - D. Service charges related to the provision of cable service or video service, including but not limited to activation, installation and repair charges.
 - E. Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
 - F. Late payment fees or charges, insufficient funds check charges and other charges assessed to recover the costs of collecting delinquent payments.
 - G. A *pro rata* portion of all revenue derived by the Holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the Holder's network or cable system to provide cable service or video service within the Village. The allocation shall be based on the number of subscribers in the Village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
 - H. Compensation received by the Holder that is derived from the operation of the Holder's network or cable system to provide cable service or video service with respect to commissions that are received by the Holder as compensation for promotion or exhibition of any products or services on the Holder's network, such as a "home shopping" or similar channel.

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- I. In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities or applications, the portion of the Holder's revenue attributable to the other services, capabilities or applications shall be included in the gross revenue unless the Holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
 - J. The service provider fee permitted by 220 ILCS 5/21-801(b) and 65 ILCS 5/11-42-11.
2. Gross revenues do not include any of the following:
- A. Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
 - B. Refunds, discounts or other price adjustments that reduce the amount of gross revenues received by the Holder to the extent the refund, rebate, credit or discount is attributable to cable service or video service.
 - C. Regardless of whether the services are bundled, packaged or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement and electronic publishing or any other revenues attributed by the Holder to non-cable service or non-video service in accordance with the Holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards or orders.
 - D. The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
 - E. Any tax or fee of general applicability imposed upon the subscribers or the transaction by a Village, state, federal or any other governmental entity and collected by the Holder and required to be remitted to the taxing entity, including sales and use taxes.
 - F. Security deposits collected from subscribers.
 - G. Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

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3. Revenue of an affiliate of a Holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the Holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) or 65 ILCS 5/11-42-11 which would otherwise be paid by the Holder by virtue of the provision of cable service or video service.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401, or that otherwise provides cable or video service within the Village using the Village’s rights of way for this service regardless of whether such use is pursuant to a franchise agreement or not.

SERVICE: The provision of “cable service” or “video service” to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401, or that otherwise provides cable or video service within the Village using the Village’s rights of way for this service regardless of whether such use is pursuant to a franchise agreement or not.

SERVICE PROVIDER FEE: The amount paid under this Chapter and 220 ILCS 5/21-801 or 65 ILCS 5/11-42-11 by the Holder to a Village for the service areas within its territorial jurisdiction.

VIDEO SERVICE: Video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail or other services offered over the public Internet

§ 119-I.02 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED

- A. Fee Imposed: A fee is imposed on any Holder providing cable service or video service in the Village.
- B. Amount of Fee: The amount of the fee imposed shall be 5 percent of the Holder’s Gross Revenues.
- C. Notice to the Village: The Holder shall notify the Village at least 10 days prior to the date on which the Holder begins to offer cable service or video service in the Village.
- D. Holder’s Liability: The Holder shall be liable for and pay the service provider fee to the Village. The ordinance adopting this Chapter shall be sent by first class mail, postage prepaid, to the address listed on the Holder’s application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village, or the absence of such application, to the last known contact address for the Holder.

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- E. **Payment Date:** The payment of the service provider fee shall be due on a quarterly basis, 45 days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- F. **Exemption:** The fee imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village in which a fee is paid, although, upon expiration of such franchise agreements, the existing cable or video service provider shall owe a fee pursuant to the terms of this Ordinance.
- G. **Franchise:** The cable service or video service operator's compliance with this ordinance, as well as the Customer Protection Law Ordinance and Franchise Fee for Cable Systems Ordinance shall constitute a franchise to operate within the Village, and provide its cable or video services within the Village. In addition, as a condition to such franchise, the Holder shall reserve one channel for educational and governmental cable casting to be provided to the Village.

§ 119-I.03 NO IMPACT ON OTHER TAXES DUE FROM HOLDER

Nothing contained in this Chapter shall be construed to exempt a Holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the Holder with respect to cable service or video service. A state-issued authorization shall not affect any requirement of the Holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the Holder. A state-issued authorization shall not affect any requirement of the Holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

§ 119-I.04 AUDITS OF CABLE/VIDEO SERVICE PROVIDER

- A. **Audit Requirement:** The Village will notify the Holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The Holder shall comply with the same requirements the Village imposes on other cable service or video service providers in its jurisdiction to audit the Holder's books and records and to recompute any amounts determined to be payable under the requirements of the Village. On an annual basis within one hundred twenty (120) days of the close of the calendar year, the Holder shall submit to the Village a financial statement reflecting the total amount of the revenue and all payments and computations for the previous year. Said statement shall be either audited or certified by an independent certified public accountant or certified by a financial officer of the Holder. Upon ten (10)

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days prior written notice, the Village shall have the right to conduct an independent audit of Holder's records related to the computation of the fee, in accordance with generally accepted accounting procedures. Such records regarding billing shall be retained by the Holder for five (5) years' time. If such audit indicates a fee underpayment of five percent (5%) or more, the Holder shall assume all reasonable costs of such an audit. No acceptance of amounts remitted shall be construed as an accord that the amounts are correct.

- B. Additional Payments: Any additional amount due after an audit shall be paid within 30 days after the Village's submission of an invoice for the sum.

§ 119-I.05 LATE FEES / PAYMENTS

All fees due and payments which are past due shall be governed by ordinances adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

(Ord. (O)2007-11.60, passed 11-15-07; Am. Ord. (O)2008-05.28 passed 5-22-08)

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CABLE AND VIDEO CUSTOMER PROTECTION LAW

§ 119-II.01 CUSTOMER SERVICE AND PRIVACY PROTECTION LAW

A. Adoption: The regulations of the Cable and Video Customer Protection Law, 220 ILCS 5/70-501 *et seq.*, are hereby adopted by reference and made applicable to the cable or video providers offering services within the Village's boundaries.

B. Amendments: Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the Village's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the Village.

§ 119-II.02 ENFORCEMENT

Pursuant to law, the Village declares its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village.

§ 119-II.03 PENALTIES

A. Penalty: In addition to the penalties provided by law, the schedule of penalties found in 220 ILCS 5/70-501(r)(1) shall be applicable for any material breach of the Cable and Video Protection Law by cable or video providers. The monetary penalties shall apply on a competitively neutral basis and shall not exceed \$750 for each day of the material breach and shall not exceed \$25,000 for each occurrence of a material breach per customer.

For purposes of this Section, material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

A material breach, for the purpose of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice.

B. Notice: The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.

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§ 119-II.04 CUSTOMER CREDITS

The credits provided in 220 ILCS 5/70-501(s) shall be applied on the statement issued to the customer for the next billing cycle following a violation or the discovery of a violation of this Chapter. The cable or video provider shall be responsible for providing the credits and the customer is under no obligation to request the credit.

(Ord. (O)2007-11.61, passed 11-15-07; Am. Ord. (O)2008-05.29, passed 5-22-08)