

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

BUSINESS LICENSES

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5.04.010 Required when. It is unlawful for any person, persons, partnerships or corporations to engage in or carry on any occupation, business, pursuit or operation mentioned in this chapter, within the limits of the village, without first having obtained a license therefor, issued by the president of the board of trustees and countersigned by the village clerk.

5.04.020 Registration requirements. Every applicant for license shall register with the village clerk, his name, residence, occupation and place of business, and the place where such business is to be carried on, and in case of a company or firm, the names of all persons comprising the same.

*Chapter 5.06 deleted in its entirety Aug 20, 2007; Ref Ord No. 2007-19
Chapter 5.10 adopted Nov.21, 2011 Ref Ord #2011-10*

5.04.030 Fees. There shall be collected for issuing and registering each license, payable in advance, commencing on the 1st day of January of each year hereafter the following annual license fees:

A. Forty dollars, payable in advance for each pinball machine.

B. Forty dollars, payable in advance for each coin operated tape recorder, CD or record playing devise.

C. Sixty dollars, payable in advance for any other device used for gaming, amusement, or entertainment and for which payment is required

D. Twenty-five dollars payable in advance for each video gaming terminal or other machines authorized and defined in the Illinois Video Gaming act.

E. Three hundred dollars payable annually in advance commencing January 2001, and each January 1 thereafter for the sale of Tobacco and/or tobacco products.

F. All liquor licenses:

Class A, Six hundred dollars, payable annually in advance each January 1st.

Class B, Three hundred fifty dollars, payable annually each January 1st.

Class C, one thousand seven hundred fifty dollars, payable annually each January 1st.

Class D, Eight hundred dollars, payable annually in advance each January 1st.

5.04.040 Annual termination date. This chapter shall be in full force and effect from and after January 1, 2001. Each license issued shall terminate on the 31st of December each year hereafter.

5.04.045 Partial Year Payment. Any license issued under this chapter that is issued other than January 1st shall not be prorated. Any license no longer required will not be refunded and the license is not transferable.

5.04.050 Penalty for violation. Any person carrying on such occupation, business, pursuit or operation, without first having obtained a license, shall be punished pursuant to Section 1.16.010.

Section 5.04.030 amended Dec. 20, 2004; Ref Ord # 2004-28

Sections 5.04.040 amended, Section 5.04.045, and 5.04.050 added December 18, 2000 Ref Ord # 00-17

Section 5.04.050 amended Aug 19, 2002; Ref Ord # 2002-12.

Section 5.04.030 amended Aug 19, 2013; Ref Ord #2013-13

Chapter 5.08

ALCOHOLIC LIQUOR

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Section 5.08.225 added Dec 18, 2012 Ref Ord No 2012-20

Section 5.08.045 added Feb.18, 2013 Ref Ord No 2013-01

Section 5.08.161 added Oct.20, 2014 Ref Ord No.2014-11

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

A. "Alcoholic liquor" means any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.

B. "Country club" means an association of individuals organized under the laws of this state, not for pecuniary profit, to operate a golf course, clubhouse, swimming pool, tennis courts and other facilities related to a country club operation. The country club's main facility shall be the care, maintenance and operation of a golf course for its members. The golf course and clubhouse shall be maintained by its members through the payment of annual dues and the clubhouse shall provide entertainment, including the serving of food and beverages; including alcoholic liquors, for the comfort and convenience of its members and their guests. The clubhouse shall provide suitable and adequate dining space and equipment for the preparation and service of food and meals for its members and their guests.

C. "Club" means an association of individuals 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 kept, used and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or a space in a building of such extent and character as may be suitable or adequate for the reasonable and comfortable use of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment, preparing and serving food and meals for its members and their guests; provided, that its affairs and management are conducted by the members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, either directly or indirectly receiving in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members beyond the amounts of such salary as may be fixed and voted at any annual meeting by the members and by its board of directors, or other

governing body out of general revenue of the club.

D. "Malt beverages" includes and means all beer, lager beer, ale and porter which have an alcoholic content of not to exceed twenty percent of alcohol by weight.

E. "Person" means any individual, partnership, club or association or corporation.

F. "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually 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.

G. "Retail sale" means the sale for use or consumption and not for resale.

H. "Vinous beverages" means all wine, or fermented vinous liquor or fruit juice with an alcoholic content not to exceed twenty percent of alcohol by weight.

5.08.020 License--Required. It is unlawful to sell or offer for sale at retail in the corporate limits of the village any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

5.08.030 License--Application. Original applications and annual renewal applications for such licenses shall be made to the president, Local Liquor commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, verified by oath or affidavit, and shall contain the following information and statements:

A. The name, age and address of the applicant if an individual; in the case of a partnership, corporation, LLC, the person entitled to share in the profits, also the name(s) age(s) and address(es) of the person(s) who will manage the licensed establishment, also the name, phone number, address of the "Local Key Holder".

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;

D. The length of time that the applicant has been in business in that character;

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

F. A statement of 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 the applicant will not violate any of the laws of the state or of the United States of America or any ordinance of the village in the conduct of his place of business;

H. Three character references;

I. A statement that applicant has never been convicted of a felony or of a violation of any federal or state law concerning the manufacture, possession of or sale of alcoholic liquor subsequent to the passage of this act, or shall have forfeited his bond to appear in court to answer charges for such violation;

J. Name and address of owner of premises described in application. If not owned by applicant, state term of lease.

5.08.040 License- BOND REQUIRED; AMOUNT; CONDITIONS.

Each person desiring a liquor license shall executed a penal bond in the sum of \$3,000.00 and file it with the Mayor, Local Liquor Commissioner, with the application for such license. A new penal bond to run concurrently with the liquor license from January 1st through December 31st shall accompany all liquor license renewal applications. This bond must be with a solvent surety company licensed to do business in the State of Illinois, and approved by the local liquor control commissioner. The bond shall be made payable to the Village of Rossville and conditioned on the faithful observance by the licensee, of the provisions of this chapter, the Code, and the laws of the State of Illinois of the United States of America applying to the sale and possession of intoxicating liquor and shall be further conditioned on the payment of all fines and costs which may be assessed against the licensee for the

*Section 5.08.040 Amended Feb.18,2013 Ref Ord No. 2013-01
Section 5.08.040 Amended April 15, 2013 Ord No. 2013-03*

5.08.040-5.08.050

violation of any of the provisions hereof. Said bond (copy) shall be filed as part of the documentation required to accompany the application. (original and renewal)

5.08.045 REVOCATION OF LICENSE; FORFEITURE OF BOND. If a licensee shall be convicted of the violation of any of the provisions of this chapter or of the Illinois Liquor Control Act, or his license shall be revoked by the local or state liquor commission and no appeal is taken from the order of revocation or any appeal taken therefrom is decided adversely to the licensee, the bond required by this chapter shall be forfeited and the local liquor control commissioner shall institute suit on such bond in the name of the Village of Rossville for the entire amount of the bond and costs.

5.08.050 License--Restrictions on issuance to certain persons. The Liquor Commissioner shall not issue a liquor license under the provisions of this chapter to:

- A. A Person who is not a resident of the Village.
- B. A person who is not of good character and reputation in the Village.
- C. A person who is not a citizen of the United States of America.
- D. A person who has been convicted of being the keeper of, or who is keeping a house of prostitution.
- E. A person who has been convicted of a felony.
- F. A person who has been convicted of pandering, or other crime or misdemeanor opposed to decency and morality.
- G. A person whose license issued under this chapter has been revoked for cause.
- H. A person who, at the time of application or renewal of any license, would not be eligible for the license on a first application.
- I. A co-partnership, unless all of the members of the co-partnership are qualified to obtain a license. This provision shall not apply to members of a limited partnership.
- J. 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.
- K. A person who has been convicted of a violation of any

*Section 5.08.045 Added Feb.18,2013 Ref Ord No. 2013-01
Section 5.08.050 Amended Feb.18,2013 Ref Ord No. 2013-01*

federal or state law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to January 31, 1934, or who has forfeited his bond to appear in court to answer charges for such violation.

L. A person who does not own the premises for which a license is sought, or does not have a lease for the full period of which the license is to be issued.

M. The Mayor, any Trustee, or any law enforcing public official; such public officials shall not be associated with in any way, either directly or indirectly in the manufacture, sale, or distribution of alcoholic liquor.

N. Any person or association not eligible for a state retail liquor dealer's license.

O. A Corporation, limited partnership, limited liability company or similar entity whose place of business is conducted by a manager or agent who shall be considered a person within the meaning of this chapter, or the manager or agent comes under the restrictions set forth in divisions (A) through (H) and divisions (J), (K), (M), and (N) of this section.

P. Any applicant for a license whose premises is not ready or available for business. However, if the premises is being constructed or remodeled, the license shall be issued, but retained by the Liquor Commissioner until the premises is ready for business. If the construction or remodeling shall cease for more than 60 days, the license held by the Liquor Commissioner may be voided. If voided, no refund of the license fee shall be made.

5.08.060 License--Procedure when desired for use in residential area. It is determined that the following described portions of the village are predominately residential in character:

All territory within the village except land and lots bordering on Chicago Street from Maple Street to a point including the lot commonly described as Number 110 North Chicago Street, and except the land and lots bordering on Attica Street beginning with and including Number 108 West Attica Street and extending to and including Number 121 East Attica Street, and it is unlawful to sell or offer for sale any alcoholic liquor within any such portion of the village 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, shall file with the president,

Section 5.08.050 Amended Feb.18, 2013 Ref Ord No 2013-01

his or their written consent to the use of such place for the sale of alcoholic liquors; provided, however, that the provisions of this section shall not apply to Class B licenses.

5.08.070 License--Restrictions on issuance for use near certain establishments or institutions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant services, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on, is such place of business or club so exempted shall have been established for such purposes prior to the taking effect of this chapter.

No persons shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred feet of any undertaking establishment or mortuary.

5.08.080 License--Classification--Fees. Such licenses required by this chapter are divided into the following classes:

A. Class A licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor for sales of such liquor. The annual calendar year license fee shall be six hundred dollars which shall be paid annually in advance. The number of Class A licenses which may be issued shall be limited to three.

B. Class B license, which shall authorize the resale of alcoholic liquor to the members of clubs or their guests for consumption only on the premises where sold, no sales of alcoholic liquor to be made which alcoholic liquor is not for consumption on the premises where sold. The annual calendar year fee for such license shall be three hundred fifty dollars which shall be paid annually in advance.

C. Class C license, which authorizes the resale of alcoholic liquor to members shall be issued to country clubs only and shall authorize the resale of alcoholic liquor to members of such country clubs or their guests for consumption only on the premises where sold, no sales of

alcoholic liquor to be made which alcoholic liquor is not for consumption on the premises where sold. The annual calendar year fee for such license shall be one thousand seven hundred fifty dollars which shall be paid annually in advance.

D. Class D license, beer and wine license, shall authorize the retail sale of malt and vinous beverages only; provided, however, that the alcoholic liquor shall be sold in package form only, and no alcoholic liquor sold by virtue of such Class D license shall be used or consumed on the premises specified. The hours permitted to sell beer and wine shall conform to Section 5.08.140. The annual calendar year fee for such license is eight hundred dollars which shall be paid annually in advance.

E. Class E. for "Convenient/gas type stores". Retail sales of all Alcoholic Liquors, including beer and wine. They must be sold in original containers or package form and no alcohol liquor beer or wine may be consumed on the premises. The hours permitted to sell alcoholic liquor, beer and wine shall conform to section 5.08.140. The annual calendar license fee for Class E shall be one thousand two hundred fifty dollars paid in advance.

F. In the event that the applicant and/or holder of a Class A, B, C or D license is a corporation, the residency requirement of Section 5.08.050 of this chapter shall be waived.

5.08.090 License--Fee payment and disposition. All such fees shall be paid to the clerk at the time application is made, and shall be forthwith turned over to the treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited by the village treasurer in the general corporate fund or in such other fund as shall have been designated by the village council by proper action.

5.08.100 License--Term. Each such license shall terminate on the first day of January of the next succeeding calendar year.

5.08.110 License--Conspicuous display required. Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

5.08.120 License--Transferability.

A. A license shall be purely a personal privilege, good through December 31st of the year issued or unless sooner revoked as provided in this chapter, and shall not constitute property, nor shall it be subject to be attachment, garnishment or excavation, or involuntarily, or subject to be hypothecated.

B. 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 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 alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privilege of the diseased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but no longer than six months after the death, bankruptcy or insolvency of such licensee.

C. No refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provision of this section.

D. A licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further, that the renewal privilege provided for herein shall not be construed as a vested right which shall in any case prevent the president from decreasing the number of licenses to be issued within his jurisdiction.

5.08.130 License--Permit required for change of location. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the mayor.

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 law of this state and the ordinance of this village.

5.08.140 Hours of operation.

A. It is unlawful for a licensee with either a Class A Class B, Class D or Class E license to sell or offer for sale any alcoholic liquor upon the premises between the hours of twelve-thirty a.m. and six a.m. on Tuesday, Wednesday, Thursday and Friday, nor shall any alcoholic liquor be sold or offered for sale on the premises from one-thirty a.m. to six a.m. on Saturday and from one-thirty a.m. Sunday until six a.m. Monday. A thirty-minute grace period shall be allowed for the patrons to finish consumption of their drinks and leave the premises.

B. It is unlawful for any licensee holding a Class C license to sell or offer for sale any alcoholic liquor upon the premises between the hours of two a.m. and six a.m. daily. A thirty-minute grace period shall be allowed for the patrons to finish the consumption of their drinks.

C. It is unlawful for any licensee holding a license to be open during the hours when the sale and consumption of liquor is prohibited; provided, however, that restaurants, roadhouses, clubs or country clubs may be open on Sunday for the service of food only. No liquor or dancing are to be permitted on Sunday, other than as set forth in subsections A and B of this section.

D. The president of the board of trustees, who is the local liquor control commissioner, may, in his discretion, extend closing hours for any licensee for a period not to exceed one hour, which extension shall be permitted to very special occasions, with the understanding that under no circumstances shall the licensee holding a Class A or Class B license be authorized to remain open on Sunday. In the event of a special extension as provided for herein, the local liquor control commissioner shall notify the licensee in writing of the closing hours extension to be granted.

E. Notwithstanding anything hereinabove set forth in this section, the village president/liquor commissioner shall have the authority to allow the sale of alcoholic beverages up to and including twelve (12) Sundays with the hours of operation being 12:00 p.m. until 10:00 p.m., plus the Sunday in Labor Day weekend with the hours of operations being 12:00 p.m. until 1:00 a.m. the following

Monday morning, of each year for those licensees holding Class A and Class B licenses. Provided, however, that if New Year's Eve shall occur on a Sunday, the closing hour shall become 1:00 a.m. the following Monday morning. Any such allowance of Sunday opening hours shall apply to holders of all Class A and Class B licenses. The discretion herein granted to the village president and liquor commissioner is final, and any decision he may make pursuant to this discretion shall be final. Any consumption of alcoholic beverages shall be confined to the premises on such additional Sunday opening hours. No sales of alcoholic beverages shall be made for the removal of such alcoholic beverages from the premises. All alcoholic beverages sold shall be consumed upon the premises.

5.08.150 Premises to be kept in clean and sanitary condition. 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 ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

5.08.160 View from street to be unobstructed--Interior lighting.

A. In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club) no screens, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which prevent a clear view into the interior of such 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 such premises which prevents a full view of the entire interior of such premises from the street, road or sidewalk, and the premises must be so located that there shall be a full view of the entire interior of such 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.

C. In case the view into any such licensed premises required by the forgoing provisions, is willfully obscured or in any manner obstructed, then such license shall be subject to revocation in the manner provided in this chapter. In order to enforce the provisions of this section, the president shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the views as required above.

5.08.161 DUTY TO REPORT DISTURBANCES. It shall be the duty of the owner, operator, or person in charge of any premises covered by a liquor license issued pursuant to this chapter to promptly report to the police any disturbance, riot, breach of the peace, assault, battery, or injury occurring on the premises or any property used in association with the premises covered by such license.

5.08.170 Sale for consumption on unlicensed premises unlawful. It is unlawful for anyone not having classes A and B licenses to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold.

5.08.180 Evasion of regulations prohibited-- Interpretation. The giving away or delivery of any alcoholic liquor for the purpose of evading any provisions of this chapter, or other shift or device to evade any provisions of this chapter shall be held to be an unlawful selling; provided, however, nothing contained in this chapter shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his family and guests, nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests; and provided further, that nothing contained in this chapter shall prevent any duly licensed practicing physician or dentist from possessing or using liquor in the strict practice of his profession.

5.08.190 Peddling unlawful. It is unlawful to peddle alcoholic liquor in the corporate limits of the village.

5.08.200 Sale or gift to minor, intoxicated or insane person unlawful. It is unlawful for any licensee to sell, give or deliver alcoholic liquor to any minor or to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

5.08.210 Minors on premises. No person under the age of eighteen years shall be allowed to enter the establishment of any establishment owning a Class A, B, or Class C liquor license, unless the person is accompanied by their parent or legal guardian.

5.08.220 Responsibility of owner of premises. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use the licensed premises in violation of the terms of this chapter, the owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as the licensee and be subject to the same punishment.

5.08.225 B.A.S.S.E.T Certification required.

A. For all original or renewal licenses issued pursuant to this chapter the licensee shall cause those employees, agents or representatives who sell or serve alcoholic beverages on the licensed premises, all management personnel working on the licensed premises, and all other employees, agents or representatives whose duty entails the checking of identification for the purchase of alcoholic beverages pursuant to a license issued under this chapter, to complete a state certified "BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING (BASSET) PROGRAM".

B. Any new owner, manager, employee, agent or representative requiring BASSET training, shall within 30 days from the commencement of their employment with a licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET

program work under the direct supervision of a person who has completed BASSET training. All BASSET certifications must be renewed every three (3) years.

C. The licensee shall maintain copies of the certificates of BASSET Training completion on premises and also immediately provide the Mayor, Local Liquor Commission, with a copy of the certificates, evidencing the licensee's compliance with the BASSET training requirements of the section 5.08.225 and shall, at the request of any Village law enforcement officer and/or local liquor control commissioner or his designee, and/or State Liquor Control authorities or other State Enforcing Agency produce such copies for inspection.

D. All cost associated with the licensee's compliance with the BASSET training required under this article shall be paid by the licensee.

E. Any licensee found to be in violation of this section shall be subject to suspension or revocation of any license issued under this chapter.

F. Commencing January 1, 2013, all applications for a liquor license or renewal of a liquor license shall list all employees, managers, owners, agents or representatives, who serve, sell or distribute alcoholic liquor and include copies of BASSET certificates for each person named on this list.

This Ordinance shall become effective January 1, 2013.

5.08.230 Employees--Unlawful acts--Health requirements.

A. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by any manager or other agent or employee of any licensee, if the act is committed or omission is made with the authorization, knowledge or approval of the licensee, shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act of omission had been done or omitted by him personally.

B. It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it is unlawful for any

*Section 5.08.225 added Dec. 18, 2012 Ref Ord #2012-20
Section 5.08.230 amended Nov. 20, 2006 Ref Ord # 2006-20
Section 5.08.225 added Dec. 18, 2012 Ref Ord #2012-20*

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 alcoholic liquor.

C. It is unlawful for any person who is under twenty one (21) years of age to engage in any way in the preparation, distribution, or sale of such alcoholic liquor.

5.08.240 Revocation of license for violation. The president may revoke any retail liquor dealer's license for any violation of any provision of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor, and all fees paid thereon shall be forfeited, and the bond given by the licensee to secure such licensee's faithful compliance with the terms of this chapter shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this chapter for the licensee to continue to operate under the license.

5.08.250 Penalty for violation. Any person, firm or corporation violating any provisions of this chapter shall be punished pursuant to Section 1.16.010.

Chapter 5.10

PAWNBROKERS

Section:

- 5.10.010 Definitions
- 5.10.020 Pawnbroker's license required; fee
- 5.10.030 Limitation on number of licenses
- 5.10.040 Application; restrictions on issuance
- 5.10.050 Bond required
- 5.10.060 Record to be kept: information required
- 5.10.070 Report to police; inspection; articles not to disposed of for 48 hours
- 5.10.080 Receipt of property
- 5.10.090 Display of weapons
- 5.10.100 License suspension/revocation

5.10.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them.

"PAWNBROKER" Any person or entity engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.

5.10.020 Pawnbroker's license required; fee

(A) It shall be unlawful for any person or entity to carry on the business of a pawnbroker within the limits of the village without obtaining a license therefore. Such license shall be issued by the Mayor and countersigned by the Village Clerk.

(B) The fee for a pawnbroker's license shall be \$50.00.

(C) Each license issued hereunder shall be valid for one year, commencing on May 1.

Applications for renewals shall be made no less than 15 days prior to the expiration of the license.

Cross -reference:

Business licenses and Regulations 5.04

Statutory references:

Pawnbrokers generally, see ILCS Ch. 205, Act 510 1 et seq.

Power of city to license pawnbrokers; see ILCS Ch. 65, Act 5, 11-42-5

5.10.030 Limitation on number of licenses. The number of pawnbroker licenses available to be issued pursuant to this chapter shall be limited according to the population of the city as determined by the most recent census data as follows: one license per 15,000 population or portion thereof.

5.10.040 Application: restrictions on issuance

(A) Applications for the licenses and renewals required by this chapter shall be made to the Village Clerk. Such applications shall contain but not be limited to the following information and statements:

(1) The name, age, address and phone number of the applicant in the case of an Individual; in the case of a partnership or a limited partnership, the name, age, address and phone number of the persons entitled to share in the profits; in the case of a corporation, limited liability company or similar entity, the date of incorporation, and the names, ages, addresses and phone numbers for the officers and directors:

(2) The location and description of the premises which is to be operated under the license:

(3) A statement regarding whether the applicant has made a previous application for a similar license and the disposition of such previous application:

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

(5) A statement as to whether a previous license issued by any state or political subdivision or by the federal government has been revoked and the reason for such revocation; and,

(6) A statement that the applicant will not violate any federal, state, or local laws in the conduct of his or her business.

(B) All applications shall be accompanied by a copy of the bond required by this chapter, as well as a copy of the applicant's license issued by the State of Illinois.

(C) No license shall be issued to:

(1) A person or entity who is not eligible for a state license;

- (2) A person, corporation, limited partnership, limited liability company or similar entity whose place of business is conducted by a manager or agent who shall be considered a person within the meaning of this chapter, if the manager or agent would not be eligible for a state license under this chapter;
- (3) A person convicted of a felony, unless such person has completed any and all sentences related to such felony at least five years prior to the application;
- (4) A person whose license issued under this chapter or any license issued by the state has been revoked;
- (5) A person who, at the time of renewal of any license, would not be eligible for the license on the first application;
- (6) A partnership, unless all of the members are qualified to obtain a license.

5.10.050 Bond required. No license to carry on the business of a pawnbroker, under the provisions of the preceding section, shall be issued, until the applicant therefore shall give bond in the penal sum of \$1,000, with at least one good and sufficient resident surety, conditioned upon the licensee complying with all of the provisions of this code and other ordinances of the village relative to his business, and for the prompt payment of all moneys due to any person, and the delivery of all goods to the persons entitled thereto, and to pay all persons all damages that they may sustain, either to person, property, or means of support, by reason of the person being injured by the negligent operation of the business by the licensee.

5.10.060 Record to be kept: information required.

- (A) Every pawnbroker shall abide by the identification requirements and keep and maintain all records and information required pursuant to the Pawnbroker Regulation Act. ILCS Ch .205, Act 510 1 et seq.
- (B) The records/information required to be kept by this section may be kept in computer form.
- (C) Any person who fails to keep such records(s)/information, or who willfully erases,

obliterates or alters in any way any entry or information contained in such record(s) shall be in violation of this chapter and punished pursuant to Section 01.16.010 of these ordinances.

5.10.070 Report to police; inspection; articles not to disposed of for 48 hours.

(A) It shall be the duty of every pawnbroker dealer to make available to the Chief of Police or his or her designee, on every day before the hour of 10:00 a.m., and legible and correct copy of the records and information required to be kept pursuant to Ch. 5.10.060.

(B) Such record(s) and information required to be kept pursuant to Ch. 5.10.060 as well as the articles received shall be open to inspection by the Chief of Police or his or her designee at all times during normal business hours.

(C) No personal property received, whether on deposit, purchased, pledged or otherwise, by any pawnbroker shall be sold, offered for sale or permitted to be redeemed or removed from the place of business of such pawnbroker or secondhand dealer for the period of 48 hours after the record of such receipt is provided to the Chief of Police or his or her designee.

5.10.080 Receipt of property.

(A) Minors. It shall be unlawful for any pawnbroker, either directly or indirectly, to purchase or receive in any way property of any kind from an individual who is under the age of 18.

(B) Intoxicate persons, thieves. It shall be unlawful for any pawnbroker, either directly or indirectly, to purchase or receive in any way property from any person appearing to be intoxicated, nor from any person known to have been convicted of theft, burglary, or any similar offense within the preceding five years.

5.10.090 Display of weapons. It shall be unlawful for any pawnbroker to show, display, or exhibit any weapon in any show window, or in or upon any portion of the premises immediately abutting upon any public way in the village in such a way that the same may be seen from such public way.

5.10.100 License suspension/revocation.

- (A) The Mayor may suspend or revoke any license issued under this chapter for any of the following reasons:
- (1) Violation of any of the provisions of this chapter or related city ordinance or state statute;
 - (2) Violation, by the licensee or their employee, of any village ordinance or state statute relating to offenses against person or public order;
 - (3) Upon convicted of any felony; or,
 - (4) The willful making of any false statement as to a material fact in the application for a license.
- (B) No license issued under this chapter may be suspended or revoked except after a public hearing held before the Mayor. The licensee shall be given a three-day written notice of such hearing affording the licensee the opportunity to appear and defend.
- (C) In lieu of, or in addition to, the suspension or revocation of the license, the Mayor may impose a fine of not less than \$100 nor more than \$2,500 for a violation of this chapter.

Chapter 5.12

BILLPOSTING

Sections:

- 5.12.010 License required--Fees
- 5.12.020 Posting on private property.
- 5.12.030 Posting on public property.
- 5.12.040 Construction and maintenance requirements.
- 5.12.050 Penalty for violation.

5.12.010 License required--Fees. No person, firm or corporation shall carry on the business of billposting within the corporate limits of the village, nor any person post any bills or carry on the occupation of what is known as tack-spitter within the village, without a license first having been obtained, the fees for which shall be one hundred dollars per year.

5.12.020 Posting on private property. No person, firm or corporation shall, without the consent of the owner or occupant of the premises, post or place any handbills, dodgers, show bills, placards, notices or paint any signs or advertisements upon any trees, fence, wall, barn, house, or buildings of any kind.

5.12.030 Posting on public property. No person, firm or corporation shall, without the consent of the village board, post or otherwise affix any advertisement, bills, notices, or placards on telephone, telegraph, electric light poles, Antique Street lamps, street railway poles, sidewalks, or any other property owned by the Village. The Village will have the right to have any such postings removed at any time they see fit. If consent is given by the village, signs are not to exceed 500 square inches.

5.12.040 Construction and maintenance requirements. All billboards located within the fire limits in the village shall be constructed with sheet metal or galvanized iron or noncombustible material. No person, firm or corporation owning or controlling any billboard shall permit the loose paper to fall upon the public street or alley, or collect or gather around such billboard, nor shall they permit paste from the billboard to litter the sidewalk.

Section 5.12.010 & 020 amended July 17, 2006; Ref Ord # 2006-12

5.12.050 --

5.12.050 Penalty for violation. Every person, firm or corporation who violates any of the provisions of this chapter shall be punished pursuant to Section 1.16.010.

Chapter 5.16

Cigarettes-Tobacco Products

Sections:

- 5.16.010 License required.
- 5.16.020 Cigarette-Tobacco Products - Age requirement
- 5.16.030 Penalty for violation

5.16.010 License required when--fees. No Person, persons, firm or corporation within the corporate limits of the village, shall sell or give away, or keep for sale or giving away, any cigarettes or tobacco products, without first obtaining a license therefore from the village clerk. The license fee is three hundred dollars (\$300.00) per year, commencing January 1, 2005 payable in advance and payable each January 1st thereafter.

5.16.020 Cigarette - Tobacco Sales - Age requirement. It is unlawful for any person who is under eighteen (18) years of age to engage in any way in the sale of tobacco products.

5.16.030 Penalty for violation. Any person, persons, firm or corporation violating the provisions of this chapter shall be punished pursuant to section 1.16.010.

*Section 5.12.030 amended Nov. 16, 1987; Ref. Ord No. Chapter 512
Section 5.12.050 amended Aug 19, 2002; Ref Ord # 2002-12
Chapter 5.16 amended Dec 20, 2004; Ref Ord # 2004-28*

Chapter 5.20

DANCEHALLS AND ROADHOUSES

Sections:

- 5.20.010 License required.
- 5.20.020 ~~License-Fee-Renewal.~~
- 5.20.030 ~~License-Application requirements.~~
- 5.20.040 Investigation of application.
- 5.20.050 Hours of operation.
- 5.20.060 Grounds for revocation of license--
Reissuance.
- 5.20.070 Penalty for violation.

5.20.010 License required. It is unlawful for any person or persons to operate or maintain a public dancehall or roadhouse for the use of the general public within the corporate limits of the village without first obtaining a license therefore from the president and board of trustees of the village, in accordance with the provisions of this chapter.

5.20.020 License-Fee-Renewal. The fee for the license shall be twenty-five dollars, and the license shall expire at the end of one year from the date it is issued. Old licenses may be renewed for the period of one year, on application being made therefore to the village board and upon payment of the twenty-five-dollar annual fee. The license may be revoked by the president and board of trustees for the causes as provided in this chapter.

5.20.030 License--Application requirements. A license to operate or maintain a dancehall shall be issued by the village board to any citizen, firm or corporation who:

A. Submits a written application for a license which application shall state, and the applicant shall state under oath:

1. The name, address, and residence of the applicant, and the length of time he has lived at that residence,
2. The place of birth of the applicant, and if the applicant is a naturalized citizen, the time and place of such naturalization,
3. That the applicant has never been convicted of a felony, or of a misdemeanor punishable under the laws of this state by a minimum imprisonment of six months or longer,

4. The location of the place or building where the applicant intends to operate or maintain the dancehall;

B. And who establishes:

1. That he is a person of good moral character;

2. That the place or building where the dancehall or roadhouse is to be operated or maintained, reasonably conforms to all laws, and health and fire regulations applicable thereto, and is properly ventilated and supplied with separate and sufficient toilet arrangements for each sex, and is a safe and proper place or building for a public dancehall or roadhouse.

5.20.040 Investigation of application. The village board may make a thorough investigation to determine the fitness of the applicant and the truth of the statements made in and accompanying the application, but its decision on an application to issue or renew a license shall be rendered within thirty days after the application is received.

5.20.050 Hours of operation. All dancehalls and roadhouses subject to the provisions of this chapter shall be open to the public only during reasonable hours and the village board may designate such reasonable hours and establish such other rules and regulations as tend to promote good order and morals.

5.20.060 Grounds for revocation of license-Reissuance.

A. The president of the village board may revoke the license of any licensee:

1. Who knowingly permits any person under sixteen years of age to be present in or to frequent such dancehall or roadhouse, unless accompanied by his parent or legal guardian or proper escort, male or female;

2. When the dancehall or roadhouse, as operated and maintained, unreasonably and needlessly disturbs the peace of the neighborhood;

3. When disorderly or immoral practices are permitted;

4. When circumstances happen or become known to the village board, which, had they happened or been known at the time of application for the license, would have legally justified the village board in refusing the license;

5. When such dancehall or roadhouse is opened or

remains open outside the hours designated by the village board;

6. When the licensee violates any of the rules and regulations issued by the village board.

B. When any license is revoked by the village board it shall not issue a license to operate a dancehall or roadhouse on such premises until after a period of three months have elapsed.

5.20.070 Penalty for violation. Any person who violates any provision of this chapter or who makes a false statement concerning a material fact concerning application for license or renewal of license, or in any hearing concerning the revocation thereof, shall be punished pursuant to section 1.16.010.

Chapter 5.24

MOVING PICTURE SHOWS

Chapter 5.24 of the Revised Ordinances of the Municipal Code of the Village of Rossville of 1981 and any amendments thereto be and the same is hereby repealed in its entirety.

Chapter 5.24 amended Jan. 16, 1995; Ref Ord. #95-1

Chapter 5.28

PEDDLERS AND HAWKERS

Sections:

- 5.28.010 License required when.
- 5.28.020 "Peddler-Solicitor" defined.
- 5.28.030 Applications.
- 5.28.040 Investigation and Issuance.
- 5.28.050 License Fee.
- 5.28.060 Enforcement.
- 5.28.070 Revocation of License
- 5.28.080 Appeal
- 5.28.090 License-Exception to requirement
- 5.28.100 Violation-Penalties

5.28.010 License required when. No person shall stand or enter on a highway or public street in the Village of Rossville for the purposes of soliciting for employment, businesses, services, or goods, and/or contributions from any occupants of any vehicles or any pedestrians without a license.

It shall be violation of this ordinance to engage in business as a peddler or solicitor, as defined in this Chapter, within the corporate limits of the Village of Rossville, without first obtaining a license as herein provided.

5.28.020 "Peddler-Solicitor" defined. "Peddler" or "Solicitor" shall mean any door to door salesperson who sells or offers for sale any merchandise or services by traveling about the city and residential districts, for profit.

5.28.030 Applications. A licensee, under this Chapter, must file with the Village Clerk a sworn application, in writing, which shall give the following information:

- A. The name and description of the applicant;
- B. Address, both permanent and local address, if any;
- C. A brief description of the nature of business and the goods or services to be sold;
- D. If the applicant is employed, the name and address of the employer, together with the credentials establishing an exact relationship, a photograph of the applicant shall be furnished.

5.28.040 Investigation and Issuance. Upon receipt of a permit application and fee, in proper form, the Village Clerk may then issue a license. The Village Clerk shall keep a permanent record of all licenses in accordance with this Chapter.

If the application is returned from the Chief of Police, Village Board, or other agent as designated by the Board for Review of applications, the Village Clerk shall notify the applicant that his or her application has been disapproved and the reasons thereof.

5.28.050 License Fee. Except as herein specifically exempted for payment of fees, all persons applying for a license shall pay a fee in the sum of \$50.00 per day as an application and license fee. Licenses may be renewed on annual basis upon the payment of a license fee in the amount of \$300.00

No license shall be valid for more than one person, firm or corporation, nor for more than one place of business, and only one person shall operate under each license.

All licenses run from January 1 to December 31, inclusive.

5.28.060 Enforcement. It shall be the duty of any police officer of the Village of Rossville to require any persons seen peddling or soliciting, and who is not known by the officer to be duly licensed, to produce his/her license and to enforce the provisions of this Chapter against any persons found to be violating the same.

5.28.070 Revocation of License. Licenses may be revoked by the Mayor or Board of Trustees for any of the following causes:

A. Fraud and misrepresentation or false statement contained in an application for permit;

B. Fraud and misrepresentation or false statement made in the course of carrying on the business as peddler or solicitor;

C. Any violation of the Village of Rossville municipal code;

D. Conducting the business of peddling or soliciting in unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the

Village of Rossville.

E. Shall be given in writing setting forth the grounds for the revocation and time and place of hearing. The notice shall be mailed, postage pre-paid, to the license holder at the address provided on the application for permit, at least five days prior to the date of hearing.

5.28.080 Appeal Any person aggrieved by the denial or revocation of his or her permit shall have the right to appeal to the Village Board. The appeal shall be taken by filing with the Village Board within 14 days after notice of the action complained of has been mailed to such persons last known address, a written statement setting forth fully the grounds for the appeal.

The Village Board shall set a time and place for the hearing of the appeal and notice of the hearing shall be given to the appellant in the same manner as notice of revocation. The decision and order of the Village Board on the appeal shall be final and conclusive.

5.28.090 License-Exception to Requirement. The provisions of this Chapter requiring application for license shall not apply to one selling products of the farm or orchard actually produced by the seller, however; not-for-profit organizations need to make application and receive a license, although the license fee may be waved, where the proceeds from the sale do not inure to the direct benefit of the individual member of the organization, or sales where a contract has been signed by the Village and the applicant providing that the proceeds received by the applicant from such will be used to improve or inure to the benefit of the Village of Rossville.

5.28.100 Violation-Penalties. Any person willfully violating any of the provisions of this Chapter shall be punished pursuant to Section 1.16.010.

Chapter 5.32

GARBAGE/TRASH COLLECTORS

Sections:

- 5.32.010 License Required--Fee
- 5.32.020 Trash Vehicle Parking Requirements
- 5.32.030 Revocation of License
- 5.32.040 Penalty for Violation

5.32.010 License required--Fee. No person, persons, partnership, firm, or corporation shall provide garbage/trash collector services for the residences and businesses within the limits of the village without first obtaining a license therefore, issued by the president of the board of trustees and countersigned by the village clerk. The calendar year license fee is fifty dollars payable in advance.

5.32.020 Trash vehicle parking requirements. No garbage/trash truck or vehicle used in collecting garbage and/or trash can be parked in any residential area overnight or in excess of thirty minutes at any time within the city limits of the village. An overnight parking privilege is available at the village maintenance building lot on West Attica Street.

Between December 1 and March 31, the garbage/trash truck may be garaged overnight on owner's premises in a closed garage between the hours of 4:30 p.m. and 8:00 a.m. on weekdays and the entire 24-hour period on weekends and holidays. Compliance will be checked on a daily basis and any infraction of this arrangement will immediately cancel the privilege and the garbage/trash truck must then be parked at the village maintenance lot.

5.32.030 Revocation of license. Failure to comply with the specific terms of this chapter is grounds for revocation of the license. A license shall be purely a personal privilege and is not transferable.

5.32.040 Penalty for Violation. Any person violating or aiding or abetting the violation of any provisions of Sections 5.32.030, and 5.32.040 is guilty of a petty offense and shall be punished pursuant to Section 1.16.010.

Section 5.32.010 amended Dec. 20, 2005; Ref Ord # 2005-22

Chapter 5.36

RAFFLES

CHAPTER 5.36 RAFFLES REPEALED IN ITS ENTIRETY 10/17/2011

Section 5.36 repealed 10/17/2011 Ref Ord #2011-08

Chapter 5.38

GARAGE/RUMMAGE SALES

Sections:

- 5.38.010 Limitations
- 5.38.020 Clean-up requirement
- 5.38.030 Penalty for violation

5.38.010 Limitations Rummage/Garage sales shall be limited to four (4) per calendar year. A rummage/garage sale shall consist of two consecutive days. Hours permitted shall be from 7:00 a.m. to 7:00 p.m. only.

5.38.020 Clean-up requirement All tables, chairs, advertising signs, and other items used in the rummage/garage sale must be removed from the yard at the completion of each rummage/garage sale.

5.38.030 Penalty for violation Penalty for violation of this ordinance is defined in: 1.16.010