

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04 Business Licenses
- 5.08 Alcoholic Liquor
- 5.12 Bill Posting
- 5.16 Cigarettes - Tobacco Products
- 5.20 Dancehalls and Roadhouses
- 5.24 Moving Picture Shows
- 5.28 Peddlers and Hawkers
- 5.32 Garbage/Trash Collectors
- 5.36 Raffles

Chapter 5.04

BUSINESS LICENSES

Sections:

- 5.04.010 Required when.
- 5.04.020 Registration requirements.
- 5.04.030 Fees.
- 5.04.040 Annual termination date.
- 5.04.045 Partial Year Payment
- 5.04.050 Penalty for violation.

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.

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

E. 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.*

Chapter 5.08ALCOHOLIC LIQUORSections:

- 5.08.010 Definitions.
- 5.08.020 License--Required.
- 5.08.030 License--Application.
- 5.08.040 License--Bond requirements.
- 5.08.050 License--Restrictions on issuance to certain persons.
- 5.08.060 License--Procedure when desired for use in residential area.
- 5.08.070 License--Restrictions on issuance for use near certain establishments or institutions.
- 5.08.080 License-- Classification--Fees.
- 5.08.090 License--Fee payment and disposition
- 5.08.100 License--Term.
- 5.08.110 License--Conspicuous display required.
- 5.08.120 License--Transferability.
- 5.08.130 License--Permit required for change of location.
- 5.08.140 Hours of Operation
- 5.08.150 Premises to be kept clean and sanitary condition.
- 5.08.160 View from street to be unobstructed-- Interior lighting.
- 5.08.170 Sale for consumption on unlicensed premises unlawful.
- 5.08.180 Evasion of regulations prohibited-- Interpretation.
- 5.08.190 Peddling unlawful.
- 5.08.200 Sale or gift to minor, intoxicated or insane person unlawful.
- 5.08.210 Minors on premises.
- 5.08.220 Responsibility of owner of premises.
- 5.08.230 Employees--Unlawful acts--Health requirements.
- 5.08.240 Revocation of license for violation.
- 5.08.250 Penalty for violation.

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 and incorporated.

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. Applications for such licenses shall be made to the president 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 in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof;

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 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 any 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 requirements.

A. Persons desiring class A license shall execute a penal bond in form and with surety satisfactory to the president conditioned upon the faithful observance of the provisions of the law of the state and of this chapter. Such bond shall be in the sum of three thousand dollars and shall upon approval by the president be filed in the office of the village clerk.

B. Persons desiring class B licenses shall execute a penal bond in form with surety satisfactory to the president, conditioned upon the faithful observance of the provisions of the laws of the state and of this chapter. Such bond shall be in the sum of one thousand dollars and shall upon approval by the president be filed in the office of the village clerk.

5.08.050 License--Restrictions on issuance to certain persons. No license shall be issued 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 community in which he resides;
- 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 or is keeping a house of ill fame;
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- F. A person whose license issued under this chapter has been revoked for cause;
- G. A person who at the time of application for renewal of any license issued under the chapter would not be eligible for such license upon a first application;
- H. A copartnership, unless all the members of such copartnership shall be qualified to obtain a license;
- I. 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;
- J. 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 the ordinance codified in this chapter, or shall have forfeited his bond to appear in court to answer charges for any such violation;
- K. A person who does not own the premises for which the license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- L. Any law enforcing public official, any mayor, alderman, or member of the village council or commission, any president of the village board of trustees, any member of the village board of trustees, or any president or member of the county board; and no such official shall be interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor;
- M. Any person or association not eligible for a state retail liquor dealer's license.

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, 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. 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 or Class B 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 five Sundays of each year for those licensees holding Class A and Class B licenses. The hours for any such Sunday opening and sale of alcoholic beverages to be allowed by the village president, in his capacity as liquor commissioner, shall be from 1:00 p.m. until 12:00 a.m.; 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.

5.08.170 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.

5.08.230 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 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 5.12

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.

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.

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.

*Section 5.20.070 amended Aug 9, 2002; Ref Ord # 2002-12  
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.

Chapter 5.36

RAFFLES

Sections:

- 5.36.010 Definitions.
- 5.36.020 License required.
- 5.36.030 License–Restrictions on issuance.
- 5.36.040 License restrictions when.
- 5.36.050 License application.
- 5.36.060 Non-issuance of license.
- 5.36.070 License Fee.
- 5.36.080 Restrictions–Conditions.
- 5.36.090 Bond requirement.
- 5.36.100 Records.
- 5.36.110 Designation.
- 5.36.120 Validity.
- 5.36.130 Penalty.

5.36.010 Definitions. Unless the content otherwise requires, the following terms as used in this chapter shall be construed as the definitions given below.

A. "Net proceeds" means 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.

B. "Raffle" means a form of lottery, as defined in 720 ILCS 5/28-2, conducted by an organization licensed under this Section, 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; and,

*Section 5.32.040 amended Aug 19, 2002; Ref Ord # 2002-12  
Chapter 5.32 amended March 18, 2002; Ref Ord # 2002-03*

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.

C. "Non-profit" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

D. "Charitable" means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

E. "Educational" means 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.

F. "Religion" means any church, congregation, society, or organization founded for the purpose of religious worship.

G. "Fraternal" means any 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.

H. "Veterans" means an organization or association composed of members of which substantially all are individuals who are veterans of military or naval service or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

I. "Labor" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of higher degree of efficiency in their respective occupations.

J. "Business" means a voluntary organization composed of individuals and business who have joined together to advance the commercial, financial, industrial and civil interests of the community

5.36.020 License Required. No person, firm, corporation, voluntary association, or other organization shall operate or conduct a raffle within the corporate boundaries of the Village of Rossville, and no chance connected with any raffle shall be sold within the corporate boundaries of the Village of Rossville, unless such person, firm, corporation, voluntary association, or other organization shall have first obtained from the Village Clerk a license to operate or conduct such raffle as provided in this Section.

5.36.030 License-Restrictions on issuance. Licenses under this Section shall be issued only to the following parties:

A. a bona fide religious, charitable, labor, business, fraternal, educational, or Veterans' organization that operates without profit to its members and which has been in existence continually for a period of two years immediately before making application for a license and which has had during that entire two-year period a bona fide membership engaged in carrying out its objectives, and

B. a non-profit fund raising organization that the mayor determines is organized for the sole purpose of providing financial assistance to be identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

5.36.040 License restrictions when. No license shall be issued under this Section if:

A. The aggregate retail value of all prizes or merchandise awarded by a license in a single raffle exceeds two hundred fifty thousand dollars;

B. The maximum retail value of each prize awarded by a license in a single raffle exceeds one hundred thousand dollars;

*Section 5.36.040 par A, Par B amended Jan 16, 2006; Ref Ord # 2006-01*

C. The maximum price which may be charged for each raffle chance issued or sold by the licensee exceeds two hundred dollars; or,

D. The maximum number of days during which chances may be issued or sold by the licensee for a single raffle exceeds 90 days; or;

E. The maximum period of time during which chances may be issued or sold by the licensee for a specified number of raffles exceeds one year.

5.36.050 License application. Each applicant of a license to be issued under this Section shall complete and execute under oath a written application to be filed with the village clerk upon such form as the village clerk may prescribe providing the following information:

A. The area or areas within the corporate boundaries of the village of Rossville in which raffle chances will be sold or issued;

B. The time period during which raffle chances will be sold or issued;

C. The time of determination of winning chances and the location or locations at which winning chances will be determined;

D. A sworn statement attesting to the non-profit character of the applicant and that the applicant meets the time period requirements of Section 5.36.030-A of this chapter or is otherwise within the scope of 5.36030-B also of this chapter;

E. The facts and circumstances showing that the limitations of Section 5.36.040 of this chapter and are complied with in the conduct of each raffle described in the application; and,

F. The application shall be signed by the presiding officer and the secretary of the organization.

5.36.060 Non-issuance of license. The following are ineligible to conduct raffles and shall be denied a license notwithstanding compliance with the application procedures of Section 5.36.050 of this chapter:

A. Any person who has been convicted of a felony;

B. Any person who is or has been a professional gambler or gambling promoter;

C. Any person who is not of good moral character;

D. Any firm or corporation in which a person described in the above paragraphs 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 described in paragraphs A, B, or C above is an officer, director, or employee, whether compensated or not; or;

F. Any organization in which a person described in paragraphs A, B, or C above is to participate in the management or operation of a raffle.

5.36.070 License fee. In order to obtain a license under this chapter, the applicant must pay to the village of Rossville a license fee of ten dollars per event for each application. Licenses issued pursuant to this chapter shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year. Any licenses issued hereunder may be suspended or revoked by the mayor for any violation of this chapter. The village board shall act on the properly completed and filed license applications within thirty-five days from the date of application. No license under this chapter shall be issued without the approval of the village board.

5.36.080 Restrictions–Conditions. A license issued under this chapter authorizes the licensee to conduct raffles subject to the following conditions and restrictions:

A. The provisions of sub-paragraphs A-E, inclusive, of 5.36.040 are complied with in the conduct of each raffle authorized in the license;

B. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization as described in the application;

C. No person except a bona fide member of the sponsoring organization may participate in the management or operation of any raffle authorized by the license;

D. No person may receive any remuneration or profit for participating in the management or operation of any raffle authorized in the license;

E. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;

F. 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; and,

G. A person under the age of 18 years may participate in the conducting of raffles or sale of chances only with the permission of a parent or guardian. A person under the age of eighteen years may be within the area where winning chances are being determined only when accompanied by his or her parent or guardian.

5.36.090 Bond requirement. Raffles manager bond requirement. The raffle shall be conducted under the supervision of an individual manager who shall give a fidelity bond in the sum determined by the Village. Bond shall be issued in accordance with the provisions of Chapter 230 ILCS 15/5.

5.36.100 Records. It will be the duty of the organization licensed to conduct raffle to keep the records which are provided for in Chapter 236 ILCS 15/6. Failure to keep these records may result in a revocation of a license.

5.36.110 Designation. All operations of and the conduct of raffles licensed under this chapter shall be under the supervision of a single raffle manager designated by the licensee in its application. In the event of death, resignation, or removal of the designated raffle manager, the licensee shall designate in writing a successor or

substitute raffle manager. No person shall be designated a raffle manager by any licensee who would be ineligible to conduct raffles under the provisions of this chapter. No bond shall be required of such raffle manager, unless required by the licensee.

5.36.120 Validity. If any section, paragraph, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid by a final decision of any court of competent jurisdiction, such decision shall not effect the validity of any other section, paragraph, sentence, clause or phrase of this chapter.

5.36.130 Penalty. In addition to any sentence which may be imposed by a court for violation for any statute of the State of Illinois concerning the conduct of raffles, each violation of any of the provisions of this chapter shall subject the violator to punishment pursuant to Section 1.16.010. In addition to any fine imposed under the provisions of this chapter, the court proceedings, including without limitation its reasonable attorney's fee and costs.