

TITLE 3

BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1

GENERAL LICENSE AND PERMIT PROVISIONS

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3-1-1: **LICENSE REQUIRED:** No person, firm or corporation shall conduct, engage in, maintain, operate, carry on, or manage any business, occupation, activity or establishment, either by himself or itself, or through an agent, employee or partner, for which a license is required by this chapter without first having obtained a license for such business, occupation, activity or establishment. (Ord. 04-01, 2-17-2004)

3-1-2: **SUBJECTS OF LICENSING OR PERMITTING AUTHORITY:**
Whenever a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm or corporation shall be subject to the requirement if, by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits

patronage therefor, actively or passively, or if he or it performs or attempts to perform any such business, activity or occupation in the village. (Ord. 04-01, 2-17-2004)

3-1-3: APPLICATION FOR LICENSE OR PERMIT: Applications for all licenses and permits shall be made to the village clerk in writing on a form provided for that purpose, except as otherwise provided. If the applicant is an individual (sole proprietorship), the application shall contain the individual's name, residence address and residential telephone number. If the applicant is a partnership or other noncorporate business entity, the application shall contain the name and residential address and residential telephone number of each partner, principal or member thereof. If the applicant is a corporation, the application shall contain the name, residential address and residential telephone number of each principal officer and the registered agent thereof. Each application also shall contain:

- A. A designation of the type or kind of license or permit desired;
- B. The location or proposed location of the place of business, occupation or activity;
- C. The applicable fee to be paid as provided herein;
- D. The number of the certificate of registration required under the retailer's occupation tax act¹, the service occupation tax act² and/or the use tax act³, if applicable; and
- E. Such additional information as may be needed for the proper guidance of village officials in the evaluation of such application, including proof of any insurance policy or bond required herein. (Ord. 04-01, 2-17-2004)

3-1-4: LICENSE FEES:

- A. Fees Established: License fees under the terms of this chapter for the businesses, occupations, activities and uses set forth shall be as follows:

1. 35 ILCS 120/1 et seq.

2. 35 ILCS 115/1 et seq.

3. 35 ILCS 150/1 et seq.

1. Vending machines (except cigarette, amusement and laundromat): Ten dollars (\$10.00) each.
 2. Tobacco vending machines: Fifteen dollars (\$15.00) each.
 3. Retail tobacco sales: Fifteen dollars (\$15.00) each.
 4. Coin operated amusement machines including, but not limited to, pool, shuffleboard, video, video poker, slots and game machines: Ten dollars (\$10.00) each. (Ord. 04-01, 2-17-2004)
- B. Payment Of Fee: License fees shall be paid annually unless otherwise provided. (Ord. 04-01, 2-17-2004; amd. 2007 Code)

3-1-5: TERM OF LICENSE; EXPIRATION; RENEWALS:

- A. Term And Expiration: Each license shall indicate its term. All annual licenses shall be operative and the license year for the village shall commence on May 1 of each year. No license shall be granted for a period longer than one year. Except where otherwise provided herein, every license shall expire on April 30 following the date of issuance.
- B. Notice Of Expiration: The village clerk shall endeavor to notify each annual licensee of the expiration of the license held by the licensee at least twenty one (21) days prior to the expiration date; provided, however, that a failure to make such notification or the licensee's failure to receive it shall not exclude the licensee from the obligation to obtain a new license or renewal.
- C. Renewals: Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license. (Ord. 04-01, 2-17-2004)

**3-1-6: NONTRANSFERABILITY OF LICENSE OR PERMIT;
UNLAWFUL USE:**

- A. Nontransferability: No license or permit may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person, firm or corporation shall use or display any license certificate, tag, badge or sticker that has been improperly acquired.

- B. Unlawful Use: No person, firm or corporation shall alter, deface, forge or counterfeit any license, certificate, plate, tag, badge or sticker issued by the village. (Ord. 04-01, 2-17-2004)

3-1-7: POSTING LICENSE; DESTRUCTION OR REMOVAL:

- A. License To Be Posted: It shall be the duty of any person conducting a licensed business in the village to keep his license displayed at all times in a prominent place on the premises, machine or vehicle used for such business.
- B. Destruction Of License Prohibited; Removal Allowed: No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate or sticker that has been issued by the village, except when such license, certificate, plate or sticker has been discontinued or the licensed premises has been abandoned. Nothing herein shall prevent the village president or his duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his premises, any vehicle or any machine when said license has been revoked under the provisions of this chapter. (Ord. 04-01, 2-17-2004)

3-1-8: BUILDING AND PREMISES: No license shall be issued for the conduct of any business and no permit shall be issued for any purpose or activity if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the village and the state. (Ord. 04-01, 2-17-2004)

3-1-9: LOCATION:

- A. One Location Only: No license or permit for the operation of a business, establishment or activity in the village shall be construed to permit its operation in more than one location in the village; a separate license or permit shall be required for each location. For the purpose of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses:

1. Shall be connected or shall be located on the same lot or parcel;

2. Shall be operated and managed by the same person or owner; and

3. Shall be establishments with the same classification.

- B. **Change Of Location:** The location of any licensed business or occupation, other than the sale of alcoholic liquors, or the location of any permitted activity may be changed; provided, that the village clerk's office shall be given sufficient notice of such intended change in location to determine that the operation for which the license is required conforms with all applicable ordinances and regulations of the village at its new location. (Ord. 04-01, 2-17-2004)

3-1-10: NUISANCE CONDITIONS: No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle, structure, yard, lot, premises or part thereof shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under this chapter or under the provisions of Illinois Compiled Statutes prohibiting nuisances generally. (Ord. 04-01, 2-17-2004)

3-1-11: BUSINESSES OPEN TO PUBLIC: All businesses or commercial establishments licensed under this chapter that invite the public generally into their establishments for the purpose of conducting business, commercial activity or any other activity licensed under this chapter shall be subject to the following regulations in addition to all other applicable provisions of this chapter:

- A. **Safe, Sanitary Premises:** All areas within the licensed premises where the public may enter shall be kept in a safe and sanitary condition.
- B. **Deceptive Trade Practices Prohibited:** All businesses or commercial establishments subject to this chapter shall refrain from all deceptive trade practices as defined by state or federal laws or regulations and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business license of the establishment may be revoked pursuant to the provisions of this chapter.

- C. **Employees With Diseases:** It shall be unlawful to employ in any premises open to the public or engaged in the transportation, processing, preparation or packaging of food or beverages any person who the employer knows or should have known, based on reasonable observation, was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knows or should have known that he was afflicted with or a carrier of any such disease to work in or about any such premises. (Ord. 04-01, 2-17-2004)

3-1-12: INSPECTIONS AND ANALYSES:

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this chapter, or any ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the village, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.
- B. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of this chapter or of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the village requesting the same, sufficient samples of such material or commodity for such analysis upon official request.
- C. In addition to any penalty that may be provided, the village president may revoke, under the provisions of this chapter, the license of any owner or operator of a licensed business in the village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of those duties. (Ord. 04-01, 2-17-2004)

3-1-13: SUSPENSION OR REVOCATION OF LICENSE OR PERMIT:**A. Suspension:**

1. When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, or where the holder of any license shall have refused to allow an inspection of his premises or has refused to furnish a sample of his goods for testing, the village president shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

2. Within eight (8) days after a license or permit is suspended, the village president shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

B. Revocations:

1. Licenses and permits issued by the village, unless otherwise provided, may be revoked by the village president after notice and hearing for any of the following causes:

a. Any fraud, misrepresentation or false statement contained in the application for the license or permit.

b. Any violation by the licensee or permittee of provisions of this chapter or other ordinances of the village relating to the license or permit, the subject matter of the license or permit, or the premises occupied.

c. Conviction of the licensee or permittee of any felony or of a misdemeanor when such conviction indicates his inability to operate a safe, honest or legitimate business operation within the village.

d. Failure of the licensee or permittee to pay any fine, penalty or charge owed to the village.

e. Refusal to permit an inspection or sampling or any interference with a duly authorized village officer or employee while in the reasonable performance of his duties in making such inspection, as provided herein.

2. Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the village. (Ord. 04-01, 2-17-2004)

3. Notice of the hearing for revocation of a license or permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his last known address, at least five (5) days prior to the date set for the hearing. (Ord. 04-01, 2-17-2004; amd. 2007 Code)

3-1-14: **APPEALS:** Any person aggrieved by the decision of the village president in regard to the denial of an application for a business license, as provided in this chapter, or in connection with the revocation of a license or permit, or the closing of an establishment dangerous to the public, as provided in this chapter, shall have the right to appeal to the village board of trustees. Such appeal shall be taken by filing with the village clerk, within ten (10) days after the notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds of appeal. The village board of trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in section 3-1-13 of this chapter. The decision of the village board of trustees on such appeal shall be final. (Ord. 04-01, 2-17-2004)

3-1-15: **EXCLUSIONS FROM PROVISIONS:** This chapter is not intended to:

- A. Regulate or license the sale of alcoholic beverages, which is covered by another ordinance¹;
- B. Authorize any illegal gaming devices; or
- C. Regulate or license any legitimate raffles. (Ord. 04-01, 2-17-2004)

1. See chapter 2 of this title.

3-1-16: PENALTIES; ENFORCEMENT:

- A. Unless otherwise expressly provided, any person, firm or corporation convicted of violating any provisions of this chapter shall be fined not less than ten dollars (\$10.00) and not more than the amount established in section 1-4-1 of this code; except, that the third and all subsequent convictions within any twelve (12) month period shall be deemed to be misdemeanors, and the person, firm or corporation guilty thereof may be fined not less than ten dollars (\$10.00) and not more than the amount established in section 1-4-1 of this code and imprisoned for a period not exceeding six (6) months. (Ord. 04-01, 2-17-2004; amd. 2007 Code)
- B. Whenever a person, firm or corporation shall neglect or refuse to procure any license required by this chapter, or shall otherwise violate the terms of this chapter, the village president is authorized to cause appropriate legal action and proceedings to be instituted to enforce the license requirement.
- C. The village clerk shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. When necessary and expedient, he may call on the chief of police to assist in such enforcement, and it shall be the duty of the chief of police to perform such enforcement acts as may be required of him. All village employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other village ordinances relating to the licensing of businesses and occupations and their regulations. (Ord. 04-01, 2-17-2004)

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CHAPTER 2

ALCOHOLIC BEVERAGES

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- 3-2-27: Violations; Penalties

3-2-1: **STATE REGULATIONS ADOPTED:** Each and every part of the liquor control act of 1934, which appears at 235 Illinois Compiled Statutes, which relates in any manner to the sale at retail of alcoholic liquors, not used or adopted by reference or otherwise in this

chapter, is hereby adopted in this section and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth herein, and any violation of such applicable and adopted provisions of such act shall be deemed a violation of this chapter and be subject to the penalty provided in section 3-2-27 of this chapter. (Ord. 2003-04, 4-7-2003; amd. 2007 Code)

3-2-2: DEFINITIONS: The definitions in 235 Illinois Compiled Statutes 5/1-1 et seq., are hereby adopted and applied to this chapter. In addition, unless the context otherwise indicates, the following definitions are applied to terms used in this chapter:

LICENSEE: Any person receiving a license under this chapter.

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

RETAIL LIQUOR DEALER: Includes any person selling or offering for sale or keeping with the intention of selling liquor, at retail. (Ord. 2003-04, 4-7-2003)

3-2-3: LOCAL LIQUOR CONTROL COMMISSIONER:

- A. President Serve As¹: The president of the village board shall be the local liquor control commissioner and shall have such power to perform such duties as are prescribed in state law.
- B. Appeals: Appeals from any decision of the local liquor control commissioner to the state commission shall be limited to the review of the official record of the proceedings before the local liquor control commissioner, pursuant to the provision of 235 Illinois Compiled Statutes 5/7-9. (Ord. 2003-04, 4-7-2003)

3-2-4: LICENSE REQUIRED; RESTRICTIONS ON ISSUANCE:

- A. License Required: No person shall sell, expose or offer for sale, at retail, or display within the corporate limits of the village, any alcoholic liquor without first obtaining a license from the local liquor control commissioner.

1. See also subsection 1-5-4C10 of this code.

B. Nonissuance To Gamblers:

1. No person reputed to be a gambler or having been convicted of gambling or having any connection with any alleged gambling house shall be granted a license to sell alcoholic liquor.

2. No application for a new license or a renewal of a license shall be approved if it is ascertained that the applicant or any officer, agent or employee of such applicant possesses a federal occupational wagering stamp at the address of the applicant's premises or at any other address. (Ord. 2003-04, 4-7-2003)

3-2-5: APPLICATION FOR LICENSE:

A. Application for a license required by this chapter shall be made to the village accompanied by the proper fee and shall be delivered to the liquor control commissioner, who shall approve or reject the same. The application shall provide the following:

1. Name, age and address of an individual applicant.

2. The name of the persons entitled to participate in the profits, if it is a partnership application.

3. The objects, names and addresses of the officers and directors, if a corporate application, and whether or not one person owns a controlling interest in such corporation, and if so, his name and address.

4. The citizenship, place of birth, and place of naturalization, if foreign born, of an individual applicant.

5. The location and a description of the type or nature of the premises where such liquor will be sold, served or consumed.

6. Whether or not any previous similar license has been applied for, the place of application, and the disposition of such application, and if revoked, the reason therefor.

7. Whether or not the applicant has ever been convicted of a felony, been an inmate or keeper of a house of ill fame, or any offense opposed to decency and morality. (Ord. 2003-04, 4-7-2003)

8. That no license shall be issued to any person ineligible under 235 Illinois Compiled Statutes 5/6-2. A manager or agent is required to have the same qualifications as the person or firm to whom that license is issued. The names of all managers shall be listed on the application.

9. That all applications shall be verified by the applicant or, if a corporation, by an authorized officer thereof.

10. That application shall be accompanied by the license fee provided in this chapter.

11. That the proposed location is not within one hundred feet (100') of any church, school, other than an institution of higher learning, hospital, home for the aged or indigent persons, or veterans, their spouses or children; or any military or naval station. The application shall also state the nature of the establishment wherein liquor will be served and the name of the owner of the premises. (Ord. 2003-04, 4-7-2003; amd. 2007 Code)

12. That when the applicant is not the owner of the premises, the application shall be accompanied by a valid lease between the owner and the applicant for a minimum period of one year to coincide with the period for which the application is made.

13. That the licensee will not violate any of the laws of the village, the state, or the United States of America in the conduct of his business.

14. That no license shall be issued unless there shall be filed with the application therefor a policy of insurance or satisfactory evidence that such policy of insurance has been purchased and that the premium has been prepaid, insuring the applicant for liability for:

- a. Injury to one person, thirty thousand dollars (\$30,000.00).
- b. Injury to property, five thousand dollars (\$5,000.00).
- c. Recover for means of support arising from death or injury to any one person, thirty thousand dollars (\$30,000.00).
- d. Injury to person, property, or loss of support in any one occurrence, sixty thousand dollars (\$60,000.00).

15. That no licensee shall lease from, directly or indirectly, receive and accept from any manufacturer, distiller, brewer, bottler, wholesaler, jobber or distributor, or from any agent or representative thereof, gratuitously, any money or thing of value, nor shall the licensee borrow money from, or permit such person to obtain, directly or indirectly, any interest in the ownership, conduct or operation of the applicant's retail liquor business.

16. That no license shall be issued to any applicant indebted to the village, the county or any department thereof.

- B. If any license is issued in accordance with this chapter to a person who is not a resident of the village, the licensee shall designate a person who is a resident of the village as a person who is authorized to act as agent for the licensee for the purpose of accepting service of process or notices pursuant to this chapter. (Ord. 2003-04, 4-7-2003)

3-2-6: INVESTIGATION OF APPLICANT; ISSUANCE OR DENIAL OF LICENSE: All applications for a liquor license or for renewal of a liquor license shall be referred to the liquor control commissioner who, together with the license committee of the village board, acting as a commission, shall investigate the qualifications and character of the applicant. The liquor control commissioner shall, within thirty (30) days after receipt of the application, approve or reject the application. In the event the application is rejected, all fees paid by the applicant shall be refunded. (Ord. 2003-04, 4-7-2003)

3-2-7: CLASSIFICATION OF LICENSES; FEES:

- A. Class A License: A class A retail license issued under this chapter shall permit the licensee to sell alcoholic liquor in packages for consumption off premises or by drink for consumption on the premises where sold. The annual license fee shall be seven hundred fifty dollars (\$750.00).
- B. Class C License: A class C license issued under this chapter shall permit the licensee to sell alcoholic liquors in original packages for consumption off the licensed premises only. The annual license fee shall be one thousand dollars (\$1,000.00). (Ord. 2003-04, 4-7-2003)

3-2-8: NUMBER OF LICENSES:**A. Number Established:**

1. Class A Licenses: The total number of class A licenses issued within the village shall not exceed three (3).

2. Class C Licenses: The total number of class C licenses issued within the village shall not exceed one.

B. Determination Of Receipt Of License: In the event that more applications for licenses are received than licenses available, the licenses shall be issued to those licensees who have been issued a license for the longest consecutive number of years. (Ord. 2003-04, 4-7-2003)

3-2-9: EXPIRATION OF LICENSE: The expiration date of all licenses granted under this chapter shall be at midnight on April 30 of each year. (Ord. 2003-04, 4-7-2003)

3-2-10: NONTRANSFERABILITY OF LICENSE; CHANGE OF LOCATION:

A. License Nontransferable: A license shall be purely a personal privilege, good for not to exceed one year after issuance, except a nonbeverage user's license, unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but 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 privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. Except in the case of a nonbeverage user's license, a refund shall be made of that portion of the license fees

paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this subsection. (Ord. 2003-04, 4-7-2003; amd. 2007 Code)

- B. **Change Of Location:** The location of a place of business of a licensee under this chapter may not be changed except upon written permission first issued by the liquor control commissioner. No change shall be permitted except to a location permitted under state liquor control act and the ordinances of the village. (Ord. 2003-04, 4-7-2003)

3-2-11: LOCATION OF PERMITTED SALES:

- A. Within the village, alcoholic liquor shall be sold at retail only at the following locations:

Class A	106 East Main
Class A	124 East Main
Class A	119 East Main
Class C	410 North Front

- B. Clubs, fraternal organizations, restaurants and hotels only may be granted licenses under this chapter for the retail sale of alcoholic liquors in rooms situated on other than the first or ground floor of any premises. (Ord. 2003-04, 4-7-2003)

3-2-12: POSTING OF LICENSE; DUPLICATES: Every person licensed in accordance with the provisions of this chapter shall immediately post and keep posted while in effect, in a conspicuous place on the premises, the license so issued. In the event such license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the village clerk upon direction of the liquor control commissioner. (Ord. 2003-04, 4-7-2003)

3-2-13: DAYS AND HOURS OF SALES AND PRESENCE ON PREMISES:

- A. Alcoholic liquors may be not be sold or served pursuant hereto in premises licensed for sale at retail under the provisions of this chapter as follows:

Between the hours of one o'clock (1:00) A.M. and five o'clock (5:00) A.M. Monday through Friday

Between the hours of two o'clock (2:00) A.M. and five o'clock (5:00) A.M. Saturday

Between the hours of two o'clock (2:00) A.M. and eleven o'clock (11:00) A.M. Sunday

- B. The hours herein stated shall be the time prevailing in the village.
- C. No licensee shall permit any person other than himself and two (2) other persons who are employed by the license holder to remain in the premises where liquor is offered for sale longer than thirty (30) minutes after the closing hour. (Ord. 2003-04, 4-7-2003)

3-2-14: SANITARY CONDITIONS:

- A. All licensees must conduct their businesses in premises which are at all times kept clean and sanitary. This applies not only to licensed premises but to places of storage as well. This includes also the place of storage for materials and equipment used in the sale of alcoholic liquor.
- B. Sanitary measures for cleaning and caring for all glasses, dishes, utensils and equipment shall be provided for by all licensees under this chapter.
- C. No license shall be granted to any applicant for the sale of intoxicating liquors for consumption on the premises unless separate sanitary toilets for men and women have been installed and provided on the premises, and such toilets shall at all times be maintained in a clean and sanitary condition, shall have hot and cold running water, and shall be in compliance with all village ordinances.
- D. The licensee and the employees on premises used for the retail sale of alcoholic liquor shall comply with the provisions of the statutes of the state relative to the health and cleanliness of employees selling food and drink, 410 Illinois Compiled Statutes 650/1 et seq. (Ord. 2003-04, 4-7-2003)

3-2-15: BEER COOLING COILS CLEANED; RECORDS: Each retailer dispensing draught beer shall have coils and other equipment used in draught beer cleaned at least once every week in some manner or means, either chemical or mechanical. The use of steam or hot water alone is not permissible. A record shall be kept of the dates when the cleaning was done, signed by the person who actually performed the cleaning. (Ord. 2003-04, 4-7-2003)

3-2-16: ADVERTISING:

- A. Name Of Malt Beverage Manufacturer: Each retail licensee selling malt beverages on draught for consumption on the premises shall display a sign on, over or near each tap or faucet showing the name of the manufacturer of such beverages. This sign must be visible to patrons for a distance of at least ten feet (10'). (Ord. 2003-04, 4-7-2003)
- B. Advertising By Club: No retail licensee operating as a club, pursuant to 235 Illinois Compiled Statutes 5/1-3.24, may advertise in communication media directed toward the general public unless such retail licensee has petitioned the Illinois liquor control commission for permission to so advertise in promotion of club affairs, and such permission has been granted. (Ord. 2003-04, 4-7-2003; amd. 2007 Code)

3-2-17: PROHIBITED EMPLOYEES: It shall be unlawful for a licensee to employ for work on the licensed premises any person who has been convicted of murder, attempted murder, a felony sexual offense, or any felony for any law concerning the sale or possession of a "controlled substance" as defined in the Illinois criminal code¹, for a period of five (5) years preceding such employment. (Ord. 2003-04, 4-7-2003)

3-2-18: RESTRICTIONS ON CONSUMPTION:

- A. No person shall bring any alcoholic liquor into any dining room of any hotel, restaurant, club room, or place where lunches are served, or where soft drinks are sold, or a soda fountain is operated, or into any public place for consumption, or for use for mixing with or "spiking" any alcoholic liquor or any other beverage whatsoever.

1. 720 ILCS 570/102.

- B. No owner or proprietor, or agent or employee thereof, of any restaurant, store or other commercial establishment inviting or permitting public patronage shall permit the consumption of alcoholic liquors on the premises except those specifically licensed for consumption on the premises.
- C. No person shall consume any alcoholic liquor on any street, alley, sidewalk or other public property, or in any automobile or vehicle traveling upon or parked on any street, alley or public property, or shall have in his possession any alcoholic liquor in such a place with the original seal of the container thereof broken. (Ord. 2003-04, 4-7-2003)

3-2-19: PAYMENT FOR PURCHASE REQUIRED:

- A. Each retail sale of alcoholic liquor, except beer, shall be made and payment received by the licensee or his employer, under the provisions of this chapter for retail sale, at the time of the sale on the premises of such licensee.
- B. Treating or giving away, directly or indirectly, of any intoxicating liquor hereunder by the holder of any license at his place of business, either by himself or by or through any servant, agent, employee or person on his behalf, is hereby prohibited. (Ord. 2003-04, 4-7-2003)

3-2-20: SIZE AND TEMPERATURE OF PRODUCT RESTRICTED:

The sale of beer or malt liquor in any sized glass container which contains more than twenty (20) fluid ounces and is refrigerated or cooled in any manner, and sold at other than room temperature, is hereby prohibited. (Ord. 2003-04, 4-7-2003)

3-2-21: GAMBLING, IMMORAL ACTS PROHIBITED:

- A. Gambling: No lottery, game of chance, gambling or gaming device shall be kept or used in any premises licensed under this chapter except as authorized under the Illinois charitable games act¹.

1. 230 ILCS 30/1 et seq.

B. Disorderly, Immoral Acts:

1. No patrons, employees or agents of licensee shall engage in disorderly or immoral practices upon the licensed premises, including, but not limited to, sexual acts or nudity or the public exposing of sexual organs or female breasts, while upon the licensed premises. Said prohibited conduct shall specifically include the following:

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

b. The actual or simulated touching, caressing or fondling of breasts, buttocks, anus or genitals.

c. The actual or simulated display of the pubic hair, anus, vulva, genitals or female breasts below the top of the areolae.

d. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals, anus, pubic hair or the female breasts below the top of areolae.

e. The display of films or pictures depicting the acts, the live performance of which is prohibited by the prohibitions stated above.

f. Adult entertainment, lap dancing, stripping and/or public nudity, as described above, in the event that the location of the licensee holder is within one thousand feet (1,000') of a residence, church, school or public park.

g. The patrons, employees or agents of licensee engaging in the touching or fondling of female breasts or either male or female sexual organs while upon the licensed premises.

2. It shall be unlawful for any person to situate themselves and stand upon any object except the floor, stage or stairs of the premises. No person may be permitted to ascend and remain standing upon any table, chair, bar or other fixture or object. This subsection B2 shall only apply during business hours and shall not prohibit any employee from conducting the usual and necessary business of the licensee. (Ord. 2003-04, 4-7-2003)

- C. **Report Of Violations:** All licensees, employees or agents under this section shall have the affirmative duty of reporting to the on duty radio dispatcher of the village, county or state police of any and all criminal violations or violations of this section which take place within or upon premises for which a liquor license has been issued pursuant to this section immediately upon observance or notification of the incident. The licensee, employee or agent making a report of an incident shall identify himself to the dispatcher and state the nature of the incident. For the purpose of this section, "disorderly conduct", shall mean such act or behavior of any person which, in any unreasonable manner, alarms or disturbs another or provokes a breach of the peace within or upon such premises. Failure to report to the police as herein provided shall be a violation of the license issued hereunder. (Ord. 2003-04, 4-7-2003; amd. 2007 Code)

3-2-22: MINORS:

- A. **Purchase Or Possession:** It shall be unlawful for any person under the age of twenty one (21) years to purchase or obtain alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold, or to have same in his possession.
- B. **Misrepresentation Of Age:** It shall be unlawful for any person under the age of twenty one (21) years to misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor.
- C. **Sale Or Delivery To:** It shall be unlawful for any adult to give, sell or deliver to any minor, directly or indirectly, any alcoholic liquor.
- D. **Responsibility Of Parent Or Guardian:** A parent or guardian shall not knowingly suffer or permit his minor child to violate any provisions of this chapter. (Ord. 2003-04, 4-7-2003)

3-2-23: PROHIBITIONS REGARDING CERTAIN PERSONS:

- A. **Presence On Premises:** No person under the age of twenty one (21) years unaccompanied by his parent or legal guardian and no person who is intoxicated, a known narcotic addict or insane shall be permitted in or to loiter about any premises licensed under this chapter. This subsection shall not apply to hotels, restaurants where regular meals are served, stores, clubs or bowling alleys.
- B. **Sales To:** No licensee under this chapter shall sell, give or deliver alcoholic liquor to any intoxicated person, or to any person known by

him to be a habitual drunkard, narcotics addict, insane or feeble-minded person. (Ord. 2003-04, 4-7-2003)

3-2-24: TEMPORARY PERMIT AND LICENSE:

- A. Temporary Permit Authorized; Fee; Term; Number Of Permits: The local liquor control commissioner shall have the power to issue a temporary permit for a fee of ten dollars (\$10.00) for the sale of alcoholic liquors to be consumed only on the premises at a banquet, picnic, bazaar, fair, festival or tournament, or similar private or public assembly where food or drink is sold, served or dispensed. Such temporary permit shall be issued to a club, society, fraternal or benevolent organization, local government unit, or similar organization not for pecuniary profit, and shall be for a period of not more than four (4) days. Not more than six (6) temporary permits shall be granted to any one organization within a period of any twelve (12) months.
- B. Ashkum Community Building; Temporary Class A License: In addition, the liquor commissioner is authorized to issue temporary class A licenses for functions taking place at the Ashkum community building, also known as the Ashkum coliseum, for the purposes of selling alcohol at a particular event; provided, that sufficient evidence of dram insurance coverage is presented; and provided further, that the temporary license shall be limited solely for the event which is licensed and solely inside the premises of the Ashkum coliseum. Said temporary license shall in all other ways be limited as described above. (Ord. 2003-04, 4-7-2003)

3-2-25: INSPECTIONS: All licensees under this chapter are hereby required to make available for inspection by the liquor control commissioner, members of the license committee, fire department, code enforcement and police officers of the village, the premises where liquor is sold, served or consumed. (Ord. 2003-04, 4-7-2003)

3-2-26: SUSPENSION, REVOCATION OR DENY RENEWAL OF LICENSE:

- A. The liquor control commissioner may suspend or revoke or refuse to renew any license issued under this chapter for any one or more of the following reasons:

1. Violation of the laws of the United States government, the laws of the state of Illinois, or any of the ordinances of the village.
 2. Knowingly permitting any violation of this chapter or any disorderly or immoral practice, including, but not limited to, sexual acts or nudity, as described herein, upon the premises for which the license is issued.
 3. Wilfully making any false statements as to a material fact in the application for a license.
 4. Failure of the licensee for any cause whatsoever to operate and maintain a place of business at the location and on the premises pursuant to the purpose for which the license was issued under this chapter.
 5. Failure of the licensee to comply with the fire, life safety or property maintenance codes of the state of Illinois or the village.
 6. Failure of the licensee to keep the village informed of any changes which occur during the license year, as they occur, which affect the information provided to the village on the license application or application for renewal.
- B. In addition, any license issued under this chapter shall be kept continuously in effect and use in an operative business during the period for which it is issued, and when such business is abandoned, closed or for any reason becomes inoperative for a period of thirty (30) days or more, the liquor control commissioner, in his discretion, may revoke the license. (Ord. 2003-04, 4-7-2003)

3-2-27: VIOLATIONS; PENALTIES:

A. Liability Of Owner And Licensee For Violations:

1. If the owner of the premises licensed under this chapter 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 shall the licensee and shall be subject to the same punishment as the licensee.

2. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager, agent, or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be subject to punishment in the same manner as if the act or omission had been done or omitted by him personally.

- B. Penalties: Any violation of the provisions of this chapter shall subject the violator to a fine of not more than one thousand dollars (\$1,000.00) which may be imposed, and in addition, a license issued under this chapter may be revoked or suspended for violation of any of the provisions of this chapter. A violator may also be subject to prosecution for violations of this chapter, and such revocation or suspension shall be no defense to a prosecution for such violation. (Ord. 2003-04, 4-7-2003)

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CHAPTER 3

PEDDLERS AND SOLICITORS

SECTION:

- 3-3-1: Definitions
- 3-3-2: Registration And Permit Required; Fee
- 3-3-3: Uninvited Soliciting Prohibited; Exemptions
- 3-3-4: Time Limit On Soliciting And Peddling
- 3-3-5: Arrests
- 3-3-6: Penalties
- 3-3-7: Constitutional Rights

3-3-1: **DEFINITIONS:** For the purposes of this chapter, the following words, as used herein, shall be construed to have the meanings herein ascribed thereto:

ITINERANT VENDOR: Any person who transports tangible personal property for retail sale within the village who does not maintain in the county of Iroquois, state of Illinois, an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the village who is fulfilling an order for such property which was solicited or placed by mail or other means. It shall be prima facie evidence that a person is an "itinerant vendor" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

PEDDLING: Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or

services of any kind whatsoever by traveling from place to place along the streets of the village or from residence to residence therein, but shall not include solicitation or canvassing for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant", as defined herein. If a peddler is also an "itinerant vendor" or "transient merchant", as defined herein, then those provisions shall also be applicable. To the extent that the provisions of this chapter relative to "peddling" are inconsistent with those relating to "itinerant vendors" and/or "transient merchants", the more restrictive provisions shall apply.

RESIDENCE:

Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING:

Means and includes any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be "soliciting", and such activities are not regulated by this chapter.

B. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

**TRANSIENT
MERCHANT:**

Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in

the village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by him; to any person selling vegetables, fruit or perishable farm products at an established village market; to any person operating a store or refreshment stand at a resort; or to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides. It shall be prima facie evidence that a person is a "transient merchant" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted. (2007 Code)

3-3-2: REGISTRATION AND PERMIT REQUIRED; FEE: No peddler, solicitor, or itinerant merchant shall do any business or contact any person in the village unless said peddler, solicitor or itinerant merchant shall first register with the village clerk and obtain a permit. The fee for said permit shall be five dollars (\$5.00) per day. (2007 Code)

3-3-3: UNINVITED SOLICITING PROHIBITED; EXEMPTIONS:
The practice of going in and upon private residences in the village by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of such private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, and the practice of ringing doorbells, knocking at doors, and the use of other means for gaining entrance into such private residence by such persons for any of the purposes aforesaid, and the practice of soliciting clerks, employees and other persons in any of the stores, offices and other places of business in the village for orders for merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same by any such solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, during business hours, without having been invited to or requested to do so by the proprietors or others in charge of such places of business, are, and each of them is, hereby declared to be a

nuisance and punishable as such nuisance as a misdemeanor. Excluded from this are school children selling for class projects, Girl Scouts selling cookies, etc. (2007 Code)

3-3-4: TIME LIMIT ON SOLICITING AND PEDDLING: It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engaging in "soliciting" as defined in section 3-3-1 of this chapter prior to nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. (2007 Code)

3-3-5: ARRESTS: The chief of police and all other police officers of the village are hereby required and directed to suppress and abate any such nuisance by forthwith arresting any person or persons creating such nuisance and taking such person or persons before a judge to be dealt with as required by this chapter. (2007 Code)

3-3-6: PENALTIES: Any person convicted of creating or perpetrating any such nuisance as described and prohibited in this chapter, upon conviction thereof, shall be punishable as provided in section 1-4-1 of this code. (2007 Code)

3-3-7: CONSTITUTIONAL RIGHTS: Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitution of the state or the United States. (2007 Code)