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CHAPTER 5.04: GENERAL LICENSING PROVISIONS¹

Section

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' 5.04.010 SCOPE OF CHAPTER; EXECUTION OF LICENSES.

(A) This chapter shall cover all types and manners of licenses except those provided for under Chapter 5.08 (regulating the sale and distribution of alcoholic beverages).

(B) In all instances where licenses are required, they shall be granted and signed by the Mayor or a person designated by him and attested by the City Clerk under seal of the city unless otherwise specifically provided by the particular section requiring such license.

(>78 Code, ' 5.04.010) (Ord. 39, passed - -61)

' 5.04.020 GENERAL BUSINESS LICENSE REQUIRED; FEES.

(A) For this section, the following definitions shall apply:

- (1) **BUSINESS.** A commercial enterprise carried on for profit.
- (2) **HOME BUSINESS.** A business whose primary office is in the owner=s residence.

(B) It is unlawful to operate any business regulated under this Title 5 in the city without obtaining an annual general business license in compliance with the provisions of this chapter. The license herein shall be in addition to any other license(s) required by this Code of Ordinances. Application for such license shall be made to the City Clerk. An applicant shall pay the follow license fees:

¹For the statutory authority of municipalities to fix the amount, terms and manner of issuing and revoking licenses, see ILCS Ch. 65, Act 5, ' 11-60-1; for the authority to license, tax and regulate certain businesses, see ILCS Ch. 65, Act 5, ' 11-42-1 et seq.

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(1) Home business applicants shall pay a license fee of \$25 to the City Clerk.

(2) All other business applicants shall pay a license fee of \$50 to the City Clerk.
(Ord. 1570, passed 7-18-11; Am. Ord. 1576, passed 9-6-11)

' 5.04.030 LICENSE; DURATION.

The first licenses issued after the effective date of Ordinance 1570 shall be for half duration dated January 1, 2012 and shall expire June 30, 2012. All licenses issued thereafter shall be dated July 1 of the year of issuance and shall expire June 30 of the subsequent year unless otherwise specifically provided by the particular section requiring such license.

(>78 Code, ' 5.04.030) (Ord. 39, passed - -61; Am. Ord. 1570, passed 7-18-11)

' 5.04.070 LICENSE; POSTING.

Unless otherwise specifically provided, every licensee shall post in the place of business licensed, his license certificate in such a place as to be plainly in view of the public who may enter such place, and no person or corporation shall destroy, alter or mutilate such certificate or other evidence of license. If the licensee has no regularly established place of business, he shall then carry such license upon his person whenever engaged in his occupation.

(>78 Code, ' 5.04.070) (Ord. 39, passed - -61)

' 5.04.080 FEES; PRORATION.

All licenses issued under this chapter shall be obtained on or before June 30 for the next licensing year beginning on July 1 of any year. The fees shall be collected for the full year, except for the first issuing period of January 1, 2012 through June 30, 2012, which will be half of the relevant fee. Licenses sought for the remainder of a given year shall not be prorated unless otherwise specified.

(>78 Code, ' 5.04.080) (Ord. 39, passed - -61; Am. Ord. 1570, passed 7-18-11)

' 5.04.090 SEPARATE LICENSES FOR SEPARATE BUSINESS LOCATIONS.

Unless otherwise specifically provided, no license shall authorize the licensee to operate or conduct more than one establishment or place of business, and an additional license shall be required for each additional place of business.

(>78 Code, ' 5.04.090) (Ord. 39, passed - -61)

' 5.04.100 INSPECTION; RIGHT OF ENTRY.

The police or any other official designated by an ordinance to make inspection under any licensing or regulating ordinance or to enforce the same shall have the right of entry, as provided in Chapter 1.16, to any licensed place of business for the purposes of enforcement or inspection and may arrest or cause to be arrested any person who violates the provisions of this chapter or any license ordinance of the city.

(>78 Code, ' 5.04.100) (Ord. 39, passed - -61)

' 5.04.105 CESSATION OF BUSINESS.

Whenever the owner or the operator of a business ceases operating the business within the city, he shall notify the City Clerk in writing of the effective date of the cessation of the operation of the business. The City Clerk shall notify the responsible officials of the Department of Public Works, and specifically, the Water Department, of the date of termination. If the owner or operator of the business has a sale of his merchandise or inventory commonly known as a *Going out of business* sale, he shall apply for a permit with the City Clerk to hold said sale, specifying the date the sale will be held. No going out of business sale shall last longer than 14 consecutive days. The fee for a permit to hold a *Going out of business* sale shall be \$50.

(>78 Code, ' 5.04.105) (Ord. 631, passed - -85)

' 5.04.110 GRACE PERIOD.

Whenever any prospective licensee has moved into the city or has commenced any kind of activity for which the city requires a license, the prospective licensee shall be allowed a 30 day grace period from the date of his move into the city or his initial commencement of the activity in which to obtain the license, during which period no administrative or judicial penalty shall be assessed against him. This section does not apply to penalties provided for vehicle stickers under ' 10.20.050 of this Code.

(>78 Code, ' 5.04.110) (Ord. 562, passed - -82)

' 5.04.120 ADMINISTRATIVE PENALTY.

In addition to any judicial penalty imposed under this code, the City Clerk shall impose an administrative penalty of three times the amount of each license upon any prospective licensee who makes application for his license and pays the license fee after the deadline for obtaining such license.

(>78 Code, ' 5.04.120) (Ord. 562, passed - -82; Am. Ord. 1038, passed 9-15-97; Am. Ord. 1570, passed 7-18-11)

' 5.04.130 REVOCATION OF BUSINESS LICENSE.

Failure to maintain any professional licenses and/or certifications as required by ILCS, Chapter 225, shall be grounds for revocation of any license granted under this Title 5.

(Ord. 1570, passed 7-18-11)

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CHAPTER 5.08: ALCOHOLIC BEVERAGES¹

Section

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Cross reference:

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' 5.08.010 DEFINITIONS.

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

¹For statutory provisions authorizing local control over retail selling of alcoholic beverages, see ILCS Ch. 235, Act 5, ' 4-1 et seq.; for provisions concerning state control and regulations in general, see ILCS Ch. 235; for provisions on liquor control commissioner, see Ch. 2.76 of this Code.

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

ALCOHOLIC LIQUOR. Any spirits, wine, beer, ale or other liquid containing more than 2% of alcohol by volume, which is fit for beverage purposes.

BEER. A beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning or hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment, and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests; provided, that such club files with the Mayor at the time of its application for a license under this chapter, two copies of a list of names and residences of its members, and similarly files, within ten days of the election of any additional member, his name and address; and provided, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue off the club.

ENTERTAINMENT. The offering or permitting of any amusement feature, including music, vaudeville, singing, acting, dancing or contests, whether by live personal vocal or instrumental performance, either by electronic or other artificial means of reproduction under any audio or video format whatsoever, including mechanical reproduction of any sound, karaoke, or employment of reproduced music or other sound effects by a disc jockey. Not included in the definition of **ENTERTAINMENT** are reproduction of vocal or instrumental music through a jukebox, radio reception and the electronic reception of sporting events via television.

HOTEL. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodation and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

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

RESTAURANT. Any public place where food or drink (other than alcoholic liquor) is prepared or served to the public for consumption on the premises; and the term *Afood@* shall include all perishable and/or edible foods and beverages consumed or sold on the premises, other than alcoholic liquor.

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

WINE. Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in this section.

(>78 Code, ' 5.08.010) (Am. Ord. 1272, passed 11-18-02; Am. Ord. 1447, passed 1-22-08)

' **5.08.020 LICENSE; REQUIRED.**

It is unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail liquor dealer=s license, or in violation of the terms of such license.

(>78 Code, ' 5.08.020)

' **5.08.030 LICENSE; APPLICATION; CONTENTS.**

Applications for such licenses shall be made to the Mayor in writing, signed by the applicant, if an individual, or by a duly authorized agent, thereof, if a club or corporation verified by oath or affidavit, and shall contain the following statements and information:

(A) The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the person entitled to share in the profits thereto, and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person;

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

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

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

(E) The amount of goods, wares and merchandise on hand at the time application is made;

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

(G) A statement whether the applicant has ever made application for a municipal, county, state or federal license which was refused, and if so, the reason for such refusal to the best of applicant=s knowledge;

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

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

(J) A statement that the applicant will not violate any of the laws of the state, or of the United States, or any ordinance of the city in the conduct of his place of business.
(>78 Code, ' 5.08.030)

' 5.08.040 LICENSE; PERSON DECLARED INELIGIBLE.

No such license shall be issued to a person declared ineligible to license by the provisions of the Illinois Dram Shop Act.
(>78 Code, ' 5.08.040)

' 5.08.050 EXECUTION OF APPLICATIONS MADE ON BEHALF OF CORPORATIONS AND PARTNERSHIPS.

If the application is made in behalf of a partnership, firm, association, club or corporation, then the application shall be signed and sworn to by at least two members of the partnership, or the president and secretary of the corporation.
(>78 Code, ' 5.08.050)

' 5.08.060 EVIDENCE OF INSURANCE REQUIRED FOR OPERATORS OF DRAM SHOPS.

(A) Before any liquor license shall issue, the applicant for such license shall satisfy the liquor commissioner that he has provided adequate dram shop insurance, providing adequate coverage to protect the license holder from legal liability arising under and by virtue of the provisions of ILCS Chapter 235, as made and provided.

(B) Evidence of compliance with this section shall consist of the filing of a certificate of insurance with the Liquor Commissioner of the city.
(>78 Code, ' 5.08.060)

' 5.08.070 PHOTOGRAPHS TO ACCOMPANY APPLICATION.

All applications for licenses required by this chapter shall be accompanied by photographs of the applicant, if an individual, and the manager, if the applicant is a corporation. In addition, the application shall be accompanied by photographs of all bartenders to be employed by the applicant, or so many as are known at the time of application.

(>78 Code, ' 5.08.070)

' 5.08.080 LICENSE; TERM; FEE PRORATED.

Each such license shall terminate on December 31 next following issuance. The fee to be paid shall not be prorated and all fees shall be non-refundable once paid. Further, all application fees for liquor license shall be non-refundable as well.

(>78 Code, ' 5.08.080) (Am. Ord. 1437, passed 9-17-07)

' 5.08.090 LICENSE; FEE.

Licensees shall pay an annual license fee payable in advance in one installment, according to the license classification set out in ' 5.08.100 herein. However, licensees may pay their annual license fees in two equal semi-annual installments provided that each semi-annual payment shall include a \$25 additional administrative fee,

(>78 Code, ' 5.08.090) (Am. Ord. 1437, passed 9-17-07; Am. Ord. 1505, passed 10-19-09)

' 5.08.100 LICENSE; CLASSIFICATIONS DESIGNATED; FEES.

(A) Class A licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor of all varieties for other retail sale of such liquor. The annual fee shall be \$1,500. The number of Class A licenses shall be limited to ten. A Class A license shall not be issued to a restaurant, but only to a tavern where the principal business is sale of liquor on the premises. Carryouts are prohibited for Class A license holders.

(B) Class B licenses, which shall authorize the retail sale of alcoholic liquor upon the specified premises only to club members and guests when accompanied by members and shall be issued only to clubs, as defined in ' 5.08.010 or by state law, not organized primarily for the sale or consumption of alcoholic liquor. The annual fee for such license shall be \$300. The number of Class B licenses shall be limited to two.

(C) Class C licenses, which shall authorize the retail of beer and wine in the original package only and not for consumption on the premises, but only where the principal business of the establishment is the sale and dispensation of gasoline and gasoline-related products. This class license will not authorize the holder to sell hard liquor. The annual fee shall be \$1,200.

(D) Class D licenses, which shall authorize that charitable, educational, and benevolent corporations or organizations not organized for pecuniary profit may sell alcoholic beverages upon the specified premises at retail. The fee shall be a daily license fee of \$50 per day for the sale of alcoholic beverages, payable in advance each and every day in which it or they are engaged in the sale of beer; provided that

such fee shall not exceed \$300 per year. The word "day" as used in this section shall have reference to any 24 consecutive hours. There shall be no limit on the number of Class D licenses issued, other than the Local Liquor Commissioners' discretion.

(E) Class E licenses, which shall permit the sale of all alcoholic liquor in the original package only and not for consumption on the premises. The annual fee shall be \$1,500. The number of Class E licenses shall be limited to eight.

(F) Class F licenses, which shall be issued to places of business selling alcoholic beverages where live entertainment is offered on the premises by one or more entertainers employed for one or more days, for one or more consecutive weeks. The annual fee shall be \$500 in addition to the regular liquor license fee, payable semiannually in advance. The number of Class F licenses shall not be greater than the total number of Class A, B, C, D, and E licenses allowed by this ordinance.

(G) Class X licenses which shall permit the holder thereof to remain open for business during the hours set forth in ' 5.08.180. A Class X license shall only be held in conjunction with a licensee's other liquor license classification and shall not confer upon the holder thereof other than the privileges set forth in ' 5.08.180. The annual fee shall be \$1,000, and shall be in addition to all other fees due and payable for other liquor licenses, including but not limited to Class F licenses. This division shall be construed to mean that a Class A license holder who also possesses a Class 10 entertainment license and a Class X license shall pay a total annual fee of \$3,500. If the holder of a Class X license sells the business to another person or entity, or if the license holder goes out of business, the Class X license shall abate and shall not be reissued to any other entity, even at the same location.

(H) Class H licenses (restaurant): Class H licenses shall authorize the sale of alcoholic liquor for consumption upon the specified premises in conjunction with a "restaurant," as herein defined. The sale of liquor for consumption off the premises (carryouts) is expressly prohibited. The annual fee shall be \$1,200. No holder of a Class H license may provide liquor service if food service is not available.

(I) For purposes of this section, a **RESTAURANT** is an establishment offering and serving food prepared for sit-down consumption on the premises, where at least 75% of the square footage of the entire restaurant structure (including kitchen, restroom facilities, reception and bar, if any) is devoted to the preparation or service of food.

(J) (1) Class J licenses (outdoor restaurant): Restaurants with space available on the exteriors of their facilities to serve customers food and beverages in an outdoor setting may apply for a supplemental outdoor restaurant license. The annual fee shall be \$500. If granted, the supplemental outdoor license shall allow the restaurant operator to make available space outside the structure housing the restaurant for customers each calendar year. To qualify for issuance of an outdoor restaurant license, each owner or operator must demonstrate to the Director of Public Works or his/her designee the following:

(a) The outdoor space is either owned or leased by the owner/operator, or that the owner/operator has obtained written permission from the owner to occupy the space designated. No such licenses will be issued to allow the restaurant owner/operator to use space owned by the city or other public body.

(b) The presence of the outdoor space does not present a safety hazard either to the patrons or to the general public.

(c) The indoor facilities, including restrooms, are sufficient to accommodate the increased traffic occasioned by patrons in the outdoor space.

(d) The service of alcoholic beverages in the outdoor space will not present an unreasonable risk of illegal passage of alcohol to minors or others outside the designated space.

(e) The parking spaces available to the facility are sufficient to service the facility, including the outdoor area, in compliance with the requirements of the Crest Hill Zoning Ordinance or other sections of this Code.

(f) The occupant loading ratio to square footage of both the interior and exterior service space is sufficiently safe to satisfy the requirements of this Municipal Code, in the opinion of the Crest Hill Director of Public Works or his/her designee.

(g) The square footage in outdoor space allocated to seating of patrons must be specified in the application for a Class J license, and the amount of square footage may not be increased without approval by the Liquor Commissioner upon recommendation by the Director of Public Works or his/her designee.

(h) No outdoor facility under the Class J license classification may be located a distance of less than 300 feet from any residential area.

(i) Live entertainment will not be permitted in any outdoor area and, if a license for live entertainment is acquired, said activities must be conducted solely within the fully enclosed building of the licensed premises.

(j) Noise emitting from the licensed outdoor area shall not unreasonably disturb the surrounding locale in which it is located.

(k) Entrance to the licensed outdoor area shall be through the indoor licensed premises, and any part of the licensed outdoor area not abutted by a building shall be enclosed by a fence, with access barred from any public way. The outdoor area must be physically connected to the building housing the indoor restaurant. Provided, however, that the license shall insure that suitable emergency exits from the are approved by the Director of Public Works or his/her designee are available to patrons seated in the outdoor area.

(l) Floors shall be of a hard surface, such as concrete, asphalt, brick, or other commonly used and commercially available material. Gravel, sand or other loose aggregate materials shall not be used as the floor of any outdoor seating area.

(m) Food must be available from the kitchen facility of the indoor licensed facility during all hours of operation of the licensed outdoor area. At no time may liquor be served in an outdoor area if food is not offered.

(2) If any violations of either state or local liquor regulations occur within the outdoor area, said violations will be addressed in the same manner that violations, including proceedings to revoke or suspend liquor licenses, are addressed under Chapter 5.08 of the Municipal Code. The Liquor Control Commissioner shall, upon holding a hearing in accordance with Chapter 5.08 and the state statutes, have the power to suspend or revoke the violator=s liquor license, or just suspend or revoke the violator=s outdoor restaurant liquor license, as the case warrants.

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(3) Violation of this section may also be punished in accordance with ' 5.28.010 of this Code.

(K) Class G licenses shall authorize the sale on the specified premises of alcoholic liquor of a golf course owned by a unit of local government for consumption on the specified premises. The licensed premises may include areas outside a permanent structure. The annual fee for such license shall be \$1,500. The number of Class G licenses shall be limited to one.

(>78 Code, ' 5.08.100) (Ord. 543, passed - -82; Am. Ord. 870, passed 1-19-93; Am. Ord. 912 passed - - 94; Am. Ord. 913 passed - -94; Am. Ord. 937, passed 12-5-94; Am. Ord. 939, passed 12-5-94; Am. Ord. 967, passed 12-4-95; Am. Ord. 982, passed 3-18-96; Am. Ord. 1000, passed 8-19-96; Am. Ord. 1016, passed 2-17-97; Am. Ord. 1021, passed 4-7-97; Am. Ord. 1049, passed 3-16-98; Am. Ord. 1077, passed 12-7-98; Am. Ord. 1078, passed 12-7-98; Am. Ord. 1115, passed 12-6-99; Am. Ord. 1119, passed 1-18-00; Am. Ord. 1201, passed 7-2-01; Am. Ord. 1233, passed 3-18-02; Am. Ord. 1289, passed 5-19-03; Am. Ord. 1292, passed 6-16-03; Am. Ord. 1361, passed 6-6-05; Am. Ord. 1376, passed 11-21-05; Am. Ord. 1386, passed 3-6-06; Am. Ord. 1437, passed 9-17-07; Am. Ord. 1503, passed 9-21-09; Am. Ord. 1517, passed 1-19-10; Am. Ord. 1548, passed 11-15-10; Am. Ord. 1556, passed 1-18-11; Am. Ord. 1571, passed 7-18-11; Am. Ord. 1584, passed 12-19-11; Am. Ord. 1592, passed 4-16-12; Am. Ord. 1602, passed 7-2-12; Am. Ord. 1637, passed 8-5-13; Am. Ord. 1680, passed 2-2-15; Am. Ord. 1688, passed 5-18-15)

' 5.08.110 LICENSE; FEE DISPOSITION REQUIREMENTS.

All fees shall be paid to the City Treasurer prior to a license being issued. 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 in the general corporate fund or such other fund as designated by the City Council.

(>78 Code, ' 5.08.110)

' 5.08.120 LICENSE; ISSUANCE RECORDS AND NOTIFICATION REQUIRED.

The Mayor shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the City Clerk, City Treasurer, and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the Mayor shall give written notice of such action to each of these officers within 48 hours of such action.

(>78 Code, ' 5.08.120)

' 5.08.130 LICENSE; TRANSFER AND RENEWAL RESTRICTIONS.

(A) A license shall be purely a personal privilege good for not to exceed one year after issuance unless sooner revoked as provided in this chapter (see ' 5.08.200), and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be lienable 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 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 solvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee, but no longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the licensee fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this chapter.

(B) A license shall be nonassignable and nontransferable and upon the sale of any business holding such license shall terminate immediately, and the new owners, if desirous of obtaining a liquor license, shall apply for the license in due course as provided in this chapter. The mere purchase of a business operating under a license duly issued under this chapter does not in any way guarantee the issuance of a new liquor license, and in any case, the old license must be terminated prior to issuance of a new license for the same business premises.

(C) Any 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 purposes; and provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Mayor from decreasing the number of licenses to be issued within his jurisdiction.

(>78 Code, ' 5.08.130)

' 5.08.140 PREMISES; CHANGE OF LOCATION RESTRICTIONS.

A retail liquor dealer=s license shall permit the sale of alcoholic liquor only on the premises described in the application and the license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change in location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of this city.

(>78 Code, ' 5.08.140)

' 5.08.141 PROHIBITED PLACE UNDER THE FIREARM CONCEALED CARRY ACT.

All license holders that have licenses for consumption of alcoholic beverages on the premises, including, but not limited to, any of the following licenses issued under Chapter 5.08: Classes A, B, D, F, X, H, J, G, or any subsequent enacted Class for on-premises consumption, shall be required to be a prohibited place under the Firearm Concealed Carry Act (Act). Every liquor establishment subject to this division shall post appropriate signage to indicate its status as a prohibited place in accordance with ' 65(d) of the Act. Failure to comply with this division shall be grounds for revocation of a liquor license. (Ord. 1650, passed 11-18-13)

' 5.08.144 PREMISES; RESTRICTIONS ON SALE.

All liquor sold by any licensee must be sold and dispensed within the building occupied by the licensee as a tavern or liquor dispensing establishment. For purposes of this section, Abuilding@ means a fully enclosed structure capable of resisting the encroachment of any weather elements, which includes the capacity to be fully heated in winter. No licensee nor any designate or agent of any licensee may sell or dispense liquor in any form to any person at any spot outside the building designated by the licensee as his place of business. No licensee may allow any person to leave the building designated by him as his place of business with alcoholic liquor of any type in an open or unsealed container. (>78 Code, ' 5.08.144) (Ord. 527, passed - -81)

' 5.08.150 PREMISES; SANITARY CONDITIONS REQUIRED.

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 storage of or sale of food for human consumption. (>78 Code, ' 5.08.150)

' 5.08.160 PREMISES; EMPLOYEE HEALTH RESTRICTIONS.

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 liquor. (>78 Code, ' 5.08.160)

' 5.08.170 PREMISES; LOCATION RESTRICTIONS; EXCEPTIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted has been established for such purpose prior to the taking effect of the ordinance codified in this

chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.

(>78 Code, ' 5.08.170)

' **5.08.180 PREMISES; HOURS OF BUSINESS.**

(A) It is unlawful to dispense, sell or offer for sale at retail any alcoholic beverages, or to keep a place of business open for sale of such beverages except as follows:

(1) Mondays, Tuesdays, Wednesdays and Thursdays: 6:00 a.m. to 1:00 a.m. the following morning;

(2) Fridays and Saturdays: 6:00 a.m. to 2:00 a.m. the following morning;

(3) Sundays: 10:00 a.m. to 12:00 midnight;

(4) Days preceding legal holidays shall have the same opening and closing hours as Friday and Saturday except that on New Year=s Eve all establishments may close at 3:00 a.m., and no holder shall open on Sunday before 10:00 a.m.;

(5) Legal holidays shall have the same opening and closing hours as the day of the week on which they fall, except that on Christmas Day all establishments, including those holding Class X licenses, shall be allowed to open between 12:00 noon and 12:00 midnight. For purposes of this section, the term **LEGAL HOLIDAY** means New Year=s Day, Washington=s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran=s Day, Thanksgiving Day and Christmas Day;

(6) Election days, sales of alcoholic beverages in accordance with the regulations of this chapter are permitted, if not otherwise restricted by state statute.

(B) Class X license holders shall be entitled to remain open as follows:

(1) Mondays, Tuesdays, Wednesdays, and Thursdays: 6:00 a.m. to 2:00 a.m. the following morning;

(2) Fridays and Saturdays: 6:00 a.m. to 3:00 a.m. the following morning;

(3) Sundays: 10:00 a.m. until 1:00 a.m. the following morning;

(4) Days preceding legal holidays shall have the same opening and closing hours as Friday and Saturday, except that on New Year=s Eve, closing may be at 3:00 a.m., and on Sundays, the establishments may not open until 10:00 a.m., even if the Sunday happens to fall on the day preceding a legal holiday;

(5) Legal holidays shall have the same opening and closing hours as the day of the week on which they fall, except that on Christmas Day all establishments, including those holding Class X licenses, shall be allowed to open between 12:00 noon and 12:00 midnight;

(6) Election days, sales of alcoholic beverages in accordance with the regulations of this chapter are permitted, if not otherwise restricted by state statute.

(C) Class J license holders shall be entitled to serve alcoholic beverages at their outdoor facilities only between the hours of 11:00 a.m. and 10:00 p.m. on all days.
(>78 Code, ' 5.08.180) (Ord. 504, passed - -80; Am. Ord. 513, passed - -81; Am. Ord. 547, passed - -82; Am. Ord. 1437, passed 9-17-07)

' 5.08.181 DISPENSING OR CONSUMPTION OF LIQUOR AFTER HOURS.

(A) After any liquor dispensing establishment, including any tavern, club, restaurant or package liquor retail outlet, is required to close for any particular business day, the owners, operators and employees of said liquor dispensing establishment shall cause no sale or transfer of any kind of alcoholic beverage or soft drink to be made, and shall further prevent any other person from making a sale or transfer of any alcoholic beverage or soft drink.

(B) The owners, managers, and employees shall not allow any person, including themselves, patrons, or anyone else at the liquor dispensing establishment to consume any alcoholic beverage or soft drink after the liquor dispensing establishment is required to close pursuant to ' 5.08.180.

(C) After the hour of closing required of the liquor dispensing establishment under ' 5.08.180, no owner, manager, or employee of any liquor dispensing establishment shall allow any patron of the liquor dispensing establishment to remain on the premises of said establishment. For purposes of this code, **LIQUOR DISPENSING ESTABLISHMENTS** include but are not limited to taverns, clubs and restaurants possessing a license to offer for sale alcoholic beverages under ' 5.08.100 and package liquor stores.

(D) None of the provisions of this section shall prevent a restaurant possessing a license under ' 5.08.100 from remaining open for business after the hours allowed for dispensing and sale of liquor for the sole purpose of offering, selling and serving food and nonalcoholic beverages.
(>78 Code, ' 5.08.181) (Ord. 511, passed 1981)

' 5.08.190 PREMISES; INTERIOR LIGHTING REQUIREMENTS.

All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial light so that all parts of the interior of the premises shall be clearly visible.
(>78 Code, ' 5.08.190)

' 5.08.200 LICENSE; ENFORCEMENT AUTHORITY AND GROUNDS FOR REVOCATION.

The Local Liquor Control Commissioner may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided. The Local Liquor Control Commissioner may revoke any retail liquor dealer=s license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor.
(>78 Code, ' 5.08.200)

' 5.08.210 PROHIBITED ACTS DESIGNATED.

(A) It is unlawful for any person under 21 years of age to draw, pour, mix or serve any alcoholic liquors as an employee of any licensee, and further it is unlawful for any person under 21 years of age at any time to attend any bar and draw, pour, mix or serve any alcoholic liquors in any licensed premises. However, any person who has attained the age of 18 years or older but has not attained the age of 21 years

may serve alcoholic liquors in a restaurant or other establishment which holds a liquor license to patrons who have ordered or intend to order food, so long as the person is employed by the establishment for the principal purpose of serving food to patrons, and further, so long as the principal function of the establishment is the service of food to patrons. Persons under the age of 21 years shall not be allowed to serve to patrons who do not intend to order food; nor shall they be allowed to draw, pour or mix alcoholic beverages or tend bar.

(B) No person under the age of 21 years shall, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represent that he is 21 years of age or over.

(C) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his possession. This section shall not prevent any person who has attained the age of 18 from drawing, pouring, mixing and serving alcoholic liquors while in the course of his employment by and on duty under any employer licensed to sell alcoholic beverages in the city.

(D) If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, they shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties. No delivery shall be made unless it is placed in the hands of a person of an age to purchase legally the delivered alcoholic liquor.

(E) No person shall transfer, alter or deface such identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. Alcoholic liquor shall not be consumed by any person under 21 years of age.

(F) The possession and dispensing, or consumption, by anyone under 21 years of age, of alcoholic liquor in the performance of a religious service or ceremony, or the approval of the parents or parent of such person in the privacy of a home is not prohibited by this section.

(G) No person shall possess any alcoholic liquor in any open or unsealed container in any parking lot designated by a tavern or other liquor dispensing establishment for patrons= parking, or upon the sidewalk or street or any grounds adjacent to the building wherein the tavern or liquor dispensing establishment is located.

(H) No licensee or his agents or employees shall allow any person under the age of 21 years into a liquor dispensing establishment owned or operated by him or his agents or employees unless the licensee shall also have a valid, current restaurant license, issued by the city under the provisions of Chapter 5.28 of this code, applicable to the premises in which liquor is to be dispensed. Further, no licensee who also possesses a restaurant license for a liquor dispensing premises shall allow persons under the age of 21 years upon the premises unless the licensee who holds the restaurant license is actively engaged in the business of operating the premises for the primary purpose of dispensing and selling food to the patrons of the premises. However, that a licensee or his agents may, in the exercise of sound discretion, allow a person under the age of 21 years into a liquor dispensing establishment if he is accompanied by his or her parent so long as the parent has attained the age of 21 years. In any case, no licensee or his agent or employee may allow a person who has not attained the age of 21 years to sit or stand at a bar where liquor is being served.

(I) No person who has not attained the age of 21 years shall enter or remain in a liquor dispensing establishment unless he is accompanied by his parent and the parent has attained the age of 21 years. In any case, no person who has not attained the age of 21 years may sit or stand at a bar where liquor is being served.

(J) No licensee or his agents or employees shall permit any person, while on the premises and in public view, to expose his or her genitals, pubic hair, buttocks, anus, or anal cleft; or employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft, nor shall they permit any female person, while on the premises and in public view, to expose that area of the human breast below the top of the areola; or employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or appear without a fully opaque covering of that area of the human breast below the top of the areola.

(K) No person, while on the premises and in public view, shall engage in the following conduct: expose his or her genitals, pubic hair, buttocks, anus, or anal cleft; or employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft. No female person, while on the premises and in public view, shall engage in the following conduct: expose that area of the human breast below the top of the areola; or employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or appear without a fully opaque covering of that area of the human breast below the top of the areola. (>78 Code, ' 5.08.210) (Ord. 498, passed - -80; Am. Ord. 548, passed - -82; am. Ord. 552, passed - - 82; Am. Ord. 597, passed - -84)

' 5.08.220 SALES UNLAWFUL WHEN.

No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of religious ceremony or service. (>78 Code, ' 5.08.220) (Ord. 535, passed - -81)

' 5.08.230 PREMISES; DISORDERLY CONDUCT AND UNLAWFUL GAMES PROHIBITED.

(A) No person licensed to keep a place where alcoholic liquors are sold or given away shall suffer any disorder, drunkenness, quarreling, fighting, unlawful games or riotous or disorderly conduct whatsoever, in any premises by him kept or occupied for such purposes. **PREMISES** shall include not only the area inside any building or buildings where alcoholic liquors are sold, but also any area whether inside or outside said building or buildings, which is owned, leased, or otherwise controlled by the person so licensed or his assignees, and used or intended by the licensee to facilitate or enhance the business of selling or giving away alcoholic liquor. **PREMISES** shall include but not be limited to driveways, parking lots, lawns, and private porches and sidewalks owned, leased, or controlled by the licensee or his assignees.

(B) All licensees are required to immediately report to the Crest Hill Police Department any and all disturbances that occur on the premises. This includes all areas, adjacent rooms, buildings, and parking lots over which the licensee has control. (>78 Code, ' 5.08.230) (Ord. 502, passed - -80; Am. Ord. 1528, passed 5-17-10)

' 5.08.240 LICENSE; DISPLAY ON PREMISES 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.

(>78 Code, ' 5.08.240)

' 5.08.250 VIOLATION; PENALTY.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$150, but no more than \$750 for each offense.

(>78 Code, ' 5.08.250) (Am. Ord. 998, passed 7-1-96)

CHAPTER 5.10: TOBACCO

Section

- 5.10.010 License required
- 5.10.020 Application
- 5.10.030 Restrictions on issuance of license
- 5.10.040 Enforcement
- 5.10.050 Sales by minors
- 5.10.060 Sales to minors
- 5.10.070 Purchase or possession by minors
- 5.10.080 Tobacco samples
- 5.10.090 Out-of-package sales
- 5.10.100 Vending machines
- 5.10.110 Signs
- 5.10.120 Responsibility of licensees
- 5.10.130 Suspension or revocation
- 5.10.140 Penalty

' 5.10.010 LICENSE REQUIRED.

(A) All persons or entities selling, offering for sale, giving or delivering tobacco products in the city will be required to hold and maintain a valid tobacco license from the city. A separate license shall be required for each point of sale. A tobacco license is in addition to any other license required.

(B) For the purposes of this chapter, **TOBACCO PRODUCTS** shall include but not be limited to tobacco in all its forms and any paraphernalia designed for the smoking or ingestion of tobacco.
(Ord. 1457, passed 7-7-08)

' 5.10.020 APPLICATION.

(A) Each application for a tobacco license shall be on a form provided by the City Clerk and signed by the applicant. The license period shall be from January 1 to December 31.

(B) The fee for a new or renewed license shall be \$250, payable to the city. All monies shall be deposited by the City Treasurer in the corporate fund of the city; provided that for the calendar year 2008 all license fees shall be prorated at \$100 as of August 1, 2008. No fees shall be prorated for any subsequent year.

(Ord. 1457, passed 7-7-08)

' 5.10.030 RESTRICTIONS ON ISSUANCE OF LICENSE.

(A) No such license shall be issued to:

Crest Hill - Business Licenses and Regulations

(1) A person who is not a resident of the city unless such person shall appoint a registered agent for the purpose of receiving a summons, mail and notices; provided that such registered agent shall be a person who would be eligible to receive a license hereunder.

(2) A person who is not of good character and reputation in the community in which he or she resides.

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

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

(5) A person whose license issued under the laws of the State or city ordinance has been revoked for cause.

(6) A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.

(7) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(8) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of tobacco subsequent to the effective date hereof or has forfeited his or her bond to appear in court to answer charges for any such violations.

(9) A person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued.

(10) A person who is not a beneficial owner of the business to be operated by the licensee.

(B) No license shall be transferable from location to location or from owner to owner.
(Ord. 1457, passed 7-7-08)

5.10.040 ENFORCEMENT.

(A) The City of Crest Hill Police Department shall inspect each licensee for compliance as determined by the Chief of Police. The Police Department may apply for funding from the Illinois Liquor Control Commission for compliance checks.

(B) The Police Department shall report any violations of this chapter by a licensee to the City Administrator.
(Ord. 1457, passed 7-7-08)

5.10.050 SALES BY MINORS.

It shall be unlawful for any licensee, or its agent, director, manager, employee, officer or representative, to permit any staff member under 18 years of age to sell tobacco in any licensed premises.
(Ord. 1457, passed 7-7-08)

‘ **5.10.060 SALES TO MINORS.**

(A) It shall be unlawful for any person to sell, offer for sale, give or deliver tobacco products to any person under 18 years of age.

(B) It shall be unlawful for any person to sell, offer for sale, give or deliver any tobacco product to an individual without requesting and examining identification establishing that the individual is at least 18 years of age.
(Ord. 1457, passed 7-7-08)

‘ **5.10.070 PURCHASE OR POSSESSION BY MINORS.**

(A) It shall be unlawful for any person under 18 years of age to purchase any tobacco product or to misrepresent his or her age or identity for the purpose of purchasing any tobacco product.

(B) It shall be unlawful for any person under 18 years of age to possess or use any tobacco product.
(Ord. 1457, passed 7-7-08)

‘ **5.10.080 TOBACCO SAMPLES.**

It shall be unlawful to distribute free tobacco products or coupons for such products in or at any event or place open to the public, except upon premises which hold a current and valid tobacco license.
(Ord. 1457, passed 7-7-08)

‘ **5.10.090 OUT-OF-PACKAGE SALES.**

It shall be unlawful for any person to sell or offer for sale cigarettes which are not contained within the manufacturer=s packaging. Such packaging must include all required health warnings and a tax stamp verifying that the cigarettes have been legally taxed.
(Ord. 1457, passed 7-7-08)

‘ **5.10.100 VENDING MACHINES.**

Vending machines and other electronic or mechanical devices for the sale or distribution of tobacco products are prohibited.
(Ord. 1457, passed 7-7-08)

‘ **5.10.110 SIGNS.**

The city will provide each licensee with a sign informing the public of the age restrictions upon the sale, purchase and possession of tobacco products. The licensee shall post the sign on or near every display, machine or device offering tobacco products for sale. Also, the license shall be displayed in a conspicuous place.
(Ord. 1457, passed 7-7-08)

5.10.120 RESPONSIBILITY OF LICENSEES.

Every act or omission constituting a violation of any of the provisions of this chapter by an agent, director, manager, employee, officer or representative of a licensee shall be deemed and held to be the act or omission of such licensee, and the licensee shall be punishable in the same manner as if it were directly responsible for the act or omission.

(Ord. 1457, passed 7-7-08)

5.10.130 SUSPENSION OR REVOCATION.

(A) Any licensee which violates any of the provisions of this chapter shall be subject to the suspension or revocation of its tobacco license.

(1) The City Administrator or his or her designee may seek the suspension or revocation of said license by filing charges with the Mayor's Office alleging a violation of this chapter.

(2) Before any suspension or revocation order shall be issued, the city shall notify the licensee of the specific charges against it and of its right to a hearing before the Mayor. Notice shall be served upon the licensee at least seven days prior to the hearing date by first class or express mail, overnight carrier or personal service. At the hearing, the licensee may be represented by counsel, cross-examine witnesses and present documentary evidence and witnesses. The City Attorney or his or her designee shall present sufficient evidence from witnesses having personal knowledge of his or her offense to prove, by a preponderance of the evidence, that a violation of the aforementioned provisions occurred. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings under this section. The record of each hearing shall include:

(a) A record of the testimony presented at the hearing by a certified court report or other appropriate means;

(b) Any document presented at the hearing; and

(c) A copy of the written notice of hearing that was served.

(3) Following review and consideration of the record, the Mayor shall issue in writing a determination as to whether a violation occurred. If a violation is found, the Mayor may suspend the license for a period not to exceed 30 days or revoke the license. The licensee may seek administrative review of a suspension or revocation order in a court of competent jurisdiction.

(B) A violation of this chapter shall also constitute grounds for suspension and/or revocation of any and all city licenses issued to the persons or premises where such violations occur. Such revocation or suspension shall be as provided for in the ordinance granting such license.

(Ord. 1457, passed 7-7-08)

5.10.140 PENALTY.

In addition to the suspension or revocation provided for herein, any person found to have violated any provision of this chapter shall be fined not less than \$100 for the first offense and not less than \$500 for each subsequent offense.

(Ord. 1457, passed 7-7-08)

CHAPTER 5.12: AMUSEMENTS¹

Section

- 5.12.010 Definitions
- 5.12.020 Alcoholic beverages; possession; use
- 5.12.030 Conduct of persons attending public place of amusement
- 5.12.040 Classification of amusements
- 5.12.050 Tickets; contents; sale for more than printed price unlawful
- 5.12.060 Lewd or indecent exhibitions; dancing
- 5.12.070 Premises; inspection; compliance with provisions
- 5.12.080 Premises; exits; removal of fire hazards
- 5.12.090 Premises; drinking water; cups.
- 5.12.100 Premises; sanitation; ventilation.
- 5.12.110 Premises; requirements for use of flammable film
- 5.12.120 Licenses; provisions generally
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- 5.12.140 Licenses; required
- 5.12.150 Licenses; insurance; amount; terms
- 5.12.160 Licenses; issuance
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- 5.12.180 Licenses; places offering two classes of entertainment; fee determination
- 5.12.190 Licenses; fee; Classes one, two and six
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¹For statutory provisions authorizing a city to tax amusements, see ILCS Ch. 65, Act 5, ' 11-42-1.

- 5.12.350 Carnivals; defined
- 5.12.360 Carnivals; permit; terms and conditions
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- 5.12.380 Carnivals; permit; duty of City Clerk
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- 5.12.440 Coin-operated amusement devices; applicability
- 5.12.450 Coin-operated amusement devices; license; required
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- 5.12.550 Change of location; notice required
- 5.12.560 License not to permit business in more than one location
- 5.12.565 Procedure and grounds for revocation or suspension of entertainment license
- 5.12.570 Posting of license

' 5.12.010 DEFINITIONS.

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

PUBLIC AMUSEMENT. Includes any occasion or activity to which the public generally may be admitted upon payment of an admission fee or other charge, directly or indirectly, to witness or participate in any theatricals, exhibitions amusements, shows, dancing or entertainment, including those more specially enumerated and classified in this chapter. **PUBLIC AMUSEMENT** also includes the definition of **ENTERTAINMENT** contained in ' 5.08.010, whether or not the entertainment is made permanently available to the public.

PUBLIC PLACE OF AMUSEMENT. Includes any building, hall, room, place or enclosure where public amusements are carried on.
(>78 Code, ' 5.12.010) (Ord. 391, passed - -75; Am. Ord. 1272, passed 11-18-02)

' 5.12.020 ALCOHOLIC BEVERAGES; POSSESSION; USE.

No vinous, spirituous or malt liquors or other alcoholic beverage of any kind or description shall be kept in or upon a place of public amusement or given away or sold, nor shall any person in or about the

premises, as patrons thereof or otherwise, be allowed to carry, bring or use any such alcoholic beverages upon the premises unless the place of public amusement is also licensed as a retail liquor dealer by the city and the state. Provided, however, that this section shall not apply to class ten amusements.
(>78 Code, ' 5.12.020) (Ord. 391, passed - -75; Am. Ord. 1272, passed 11-18-02)

' 5.12.030 CONDUCT OF PERSONS ATTENDING PUBLIC PLACE OF AMUSEMENT.

No person shall be admitted or permitted to remain in any public place of amusement who is intoxicated, disorderly or conducting himself in an obscene, immoral or lewd manner.
(>78 Code, ' 5.12.030) (Ord. 391, passed - -75)

' 5.12.040 CLASSIFICATION OF AMUSEMENTS.

Public amusements, for the purposes of this chapter, shall be classified as follows:

- (A) *Class One.* All entertainments of a theatrical, operatic, vaudeville, variety or spectacular nature;
- (B) *Class Two.* All lectures, readings, recitals, recitations, art exhibits, concerts, either vocal or instrumental;
- (C) *Class Three.* Moving pictures or exhibitions of moving pictures or cinemas;
- (D) *Class Four.* Dances, amateur theatricals, bazaars or entertainments of like character;
- (E) *Class Five.* Athletic exhibitions, including baseball, football, track and field games, wrestling, basketball, swimming or diving shows, bicycle races or other exhibitions of like character;
- (F) *Class Six.* Open air musicals, either vocal or instrumental, or lawn fetes;
- (G) *Class Seven.* Circuses, parades, menageries, rodeos, animal shows, caravans and fireworks display;
- (H) *Class Eight.* Freak or sideshows and entertainments of skill, strength testing, striking, pulling machines, ferris wheels, pneumatic devices, merry-go-rounds and entertainments of like character;
- (I) *Class Nine.* Animal, cattle, automobile, airplane or business shows or entertainments of like character;
- (J) *Class Ten.* All entertainments, as that term is defined in ' 5.08.010, where entertainment is being offered as a subsidiary or corollary to the main purpose of the business establishment, whether it be the service of food, service of alcoholic beverages, or any other business entity.

(K) *Class Eleven*. All entertainments, exhibitions and performances or amusements not included in the foregoing classes.

(>78 Code, ' 5.12.040) (Ord. 391, passed - -75; Am. Ord. 1272, passed 11-18-02)

' 5.12.050 TICKETS; CONTENTS; SALE FOR MORE THAN PRINTED PRICE UNLAWFUL.

Admission to all public amusements shall be by ticket, which ticket shall bear printed thereon in plain figures its price. No ticket shall be sold by or for any licensee for more than the price so printed or stamped thereon.

(>78 Code, ' 5.12.050) (Ord. 391, passed - -75)

' 5.12.060 LEWD OR INDECENT EXHIBITIONS; DANCING.

No obscene, lewd or immoral exhibitions shall be given at any public place of amusement or included in any public entertainment.

(>78 Code, ' 5.12.060) (Ord. 391, passed - -75)

' 5.12.070 PREMISES; INSPECTION; COMPLIANCE WITH PROVISIONS.

No license required by this chapter shall be issued until the premises in which the amusement is to be held is inspected by the chief of the applicable fire protection district (hereinafter referred to as the fire chief), or the Director of Public Works or his/her designee and is found to comply with the provisions of ' ' 5.12.070 through 5.12.110.

(>78 Code, ' 5.12.070) (Ord. 391, passed - -75; Am. Ord. 1637, passed 8-5-13)

' 5.12.080 PREMISES; EXITS; REMOVAL OF FIRE HAZARDS.

Every place of public amusement shall provide adequate exits in case of fire and shall at all times keep adequate aisles or approaches to the exits free and unobstructed. Places subject to ' ' 5.12.070 through 5.12.110 shall, from time to time and not less than four times each year, be inspected by the Fire Chief or his deputies, who shall immediately report to the City Council any conditions in such places which render the facilities hazardous in case of fire. The City Council shall thereupon by appropriate resolution fix such requirements as shall be necessary to remove the hazard, which requirements shall immediately be communicated to and carried out by the licensee.

(>78 Code, ' 5.12.080) (Ord. 391, passed - -75)

' 5.12.090 PREMISES; DRINKING WATER; CUPS.

All places of public amusement shall provide a sufficient and ample supply of drinking water at drinking fountains, or with individual cups or containers.

(>78 Code, ' 5.12.090) (Ord. 391, passed - -75)

' 5.12.100 PREMISES; SANITATION; VENTILATION.

Every place of public amusement shall be kept in a clean and sanitary condition, with sufficient toilet and plumbing facilities for the health, safety and comfort of its patrons. It shall provide adequate ventilation to afford clean, fresh air to its patrons at all times.

(>78 Code, ' 5.12.100) (Ord. 391, passed - -75)

' 5.12.110 PREMISES; REQUIREMENTS FOR USE OF FLAMMABLE FILM.

No person shall exhibit in any public place in the city any motion picture wherein the film is of flammable material unless the film and the mechanism for its projection are enclosed within a fireproof booth not less than six feet square and seven feet high, properly ventilated and equipped with an adequate fire extinguisher.

(>78 Code, ' 5.12.110) (Ord. 391, passed - -75)

' 5.12.120 LICENSES; PROVISIONS GENERALLY.

Sections 5.12.120 through 5.12.250 shall control the licensing of amusements subject to this chapter except to the extent that there are other licensing provisions pertaining to specific amusements.

(>78 Code, ' 5.12.120) (Ord. 391, passed - -75)

' 5.12.130 LICENSES; ORGANIZATIONS EXEMPT FROM FEE PROVISIONS.

Sections 5.12.120 through 5.12.250, insofar as license fees are concerned, shall not apply to religious or charitable organizations or to any entertainment, the entire net proceeds of which are devoted to charity. However, the other provisions of ' ' 5.12.120 through 5.12.250 shall apply to such organizations.

(>78 Code, ' 5.12.130) (Ord. 391, passed - -75)

' 5.12.140 LICENSES; REQUIRED.

No person shall manage, conduct, produce, present, operate or carry on any public amusement or public place of amusement without first having obtained a license therefor.

(>78 Code, ' 5.12.140) (Ord. 391, passed - -75)

' 5.12.150 LICENSES; INSURANCE; AMOUNT; TERMS.

Every applicant for a license for a place of public amusement shall, as a prerequisite to the license, file with the City Clerk a certificate of insurance from an insurance company licensed to do business in the state which shall name the city as coinsured. The insurance policy shall indemnify the applicant and

the city against liability for personal injury, death or damage in the following minimum amounts: for the injury or death of any one person, \$500,000; for the injury or death of more than one person arising from the same accident, \$1,000,000; for damage to the property of another, including the city, \$500,000.
(>78 Code, ' 5.12.150) (Ord. 391, passed - -75)

' 5.12.160 LICENSES; ISSUANCE.

Except as otherwise specifically provided, the manner of issuance, conditions, terms, application and duration of a license required by this chapter shall be as prescribed in ' ' 5.12.480 through 5.12.550.
(>78 Code, ' 5.12.160) (Ord. 391, passed - -75)

' 5.12.170 LICENSES; COMBINATION PERMITTED WHEN; LIMITATION.

Where a separate license is required by the provisions of this chapter for the entertainment and place of entertainment and the applicant for the entertainment license is the owner of the place or lessee for a term of one year or more of the place where the entertainment is to be held, a combined license for place and entertainment shall be issued at a fee consisting of the amount prescribed for licensing the place plus \$25; however, a combined license will not authorize any entertainment in a place, which entertainment is not actually operated by the licensee.
(>78 Code, ' 5.12.170) (Ord. 391, passed - -75)

' 5.12.180 LICENSES; PLACES OFFERING TWO CLASSES OF ENTERTAINMENT; FEE DETERMINATION.

Where application is made for a license for a place of public amusement and the applicant desires that the place be available for any two or more of the classes of entertainment enumerated in this chapter, he shall in his application so state, and the license fee shall be fixed at the highest rate prescribed for any class of entertainment included or the percent rate, whichever is higher.
(>78 Code, ' 5.12.180) (Ord. 391, passed - -75)

' 5.12.190 LICENSES; FEE; CLASSES ONE, TWO AND SIX.

(A) The licensee fee for classes one, two and six shall be \$5 per entertainment or performance.

(B) The license fee for places in which entertainments of classes one, two and six are given shall be \$.60 per seat per year.
(>78 Code, ' 5.12.190) (Ord. 391, passed - -75; Am. Ord. 631, passed - -85)

' 5.12.200 LICENSES; FEE; CLASS THREE.

The annual license fee for class three entertainments shall be \$.60 per seat.
(>78 Code, ' 5.12.200) (Ord. 391, passed - -75; Am. Ord. 631, passed - -85)

' 5.12.210 LICENSES; FEE; CLASS FOUR.

(A) The licensee fee for entertainments in class four shall be \$5 per day, \$10 per week, \$25 per month and \$100 per year.

(B) The annual license fee for places in which entertainments of class four are given shall be \$100 per year.
(>78 Code, ' 5.12.210) (Ord. 391, passed - -75)

' 5.12.220 LICENSES; FEE; CLASS FIVE.

(A) The license fee for class five shall be 3% of the gross receipts derived from the sale of admission tickets to such exhibitions.

(B) The license fees for places in which entertainments of class five are given shall be \$100 per year.
(>78 Code, ' 5.12.220) (Ord. 391, passed - -75)

' 5.12.230 LICENSES; FEE; CLASS SEVEN; COMBINING WITH CLASS EIGHT.

(A) The license fee for entertainments in class seven shall be as follows:

(1) Accommodating under 1,000 spectators, with parade: per day, \$100; two days, \$150; each additional day, \$25;

(2) Accommodating over 1,000 spectators, with parade: per day, \$150; two days, \$200; each additional day, \$50;

(3) Accommodating under 1,000 spectators, without parade: per day, \$75; two days, \$100; each additional day, \$25;

(4) Accommodating over 1,000 spectators, without parade: per day, \$125; two days, \$175; each additional day, \$50.

(B) The license fee for parades, where the amusement is outside the city, shall be \$50 per parade. The license fee shall also include entertainments in class eight if operated in conjunction therewith and at the same place.

(>78 Code, ' 5.12.230) (Ord. 391, passed - -75)

' **5.12.240 LICENSES; FEE; CLASS EIGHT; COMBINED LICENSING.**

(A) If operated separately from class seven amusements, the amusements in class eight shall require a license fee of \$10 for one day; \$15 for two days; and \$5 per day for each additional day;

(B) Several entertainments in class eight, if operated together at one time in one enclosure, shall be permitted to obtain a combination or single license at the rate of \$15 for one day; \$25 for two days; \$7.50 per day thereafter. A combined license shall be issued in the joint name of the several proprietors of the various concessions.

(>78 Code, ' 5.12.240) (Ord. 391, passed - -75)

' **5.12.250 LICENSES; FEE; CLASS NINE.**

Amusements in class nine shall pay a license fee of \$2 per day, \$25 per month, or \$100 per year. (>78 Code, ' 5.12.250) (Ord. 391, passed - -75; Am. Ord. 1272, passed 11-18-02)

' **5.12.255 LICENSES; FEES; CLASS TEN.**

Amusements in class ten shall pay a yearly license fee of \$1,000. With respect to such yearly entertainment licenses, religious or charitable organizations will not be exempt from this fee requirement, and the provisions of ' 5.12.130 shall not apply. Provided, however, that upon application by any business, religious or charitable entity, the Mayor shall have discretion to issue daily licenses. The fee for a daily license shall be \$50 per day, but the provisions of ' 5.12.130 which exempt charitable and religious organizations from the daily fee shall apply.

(Ord. 1272, passed 11-18-02)

' **5.12.256 LICENSES; FEES; CLASS ELEVEN.**

Amusements in class eleven shall pay a license fee of \$2 per day, \$25 per month or \$100 per year. (Ord. 1272, passed 11-18-02)

' **5.12.260 BILLIARDS AND BOWLING; DEFINITIONS.**

(A) For the purposes of ' ' 5.12.260 through 5.12.340, **BILLIARDS** includes any of several similar games played with a cue and balls on a cloth-covered table with raised cushion edges, including, but not limited to, games commonly known as billiards, pocket billiards, pool, bumper pool and bagatelle. **BILLIARD TABLES AND HALLS** are such tables and halls used for the purposes of playing the above games.

(B) For purposes of ' ' 5.12.260 through 5.12.340, a **BOWLING LANE** is a smooth, level, straight wooden course or track upon which a ball is rolled with an aim to knock down a group of pins. A **BOWLING ALLEY** is a building or room containing such lanes.
(>78 Code, ' 5.12.260) (Ord. 391, passed - -75)

' 5.12.270 BILLIARDS AND BOWLING; EXEMPTIONS.

' ' 5.12.260 through 5.12.340 shall not apply to any club maintaining billiard tables or bowling lanes exclusively for the use of its members and their guests.
(>78 Code, ' 5.12.270) (Ord. 391, passed - -75)

' 5.12.280 BILLIARDS AND BOWLING; REFERENCE.

For purposes of convenience, the occupations constituting the subject matter of ' ' 5.12.260 through 5.12.340 are hereinafter referred to as billiard halls or bowling alleys.
(>78 Code, ' 5.12.280) (Ord. 391, passed - -75)

' 5.12.290 BILLIARDS AND BOWLING; PREMISES; SANITARY CONDITION.

All billiard halls or bowling alleys shall be kept in a clean, healthful and sanitary condition and shall comply with all provisions of the ordinance codified in this chapter and other ordinances of the city now in force or which shall be hereinafter enacted regulating sanitation.
(>78 Code, ' 5.12.290) (Ord. 391, passed - -75)

' 5.12.300 BILLIARDS AND BOWLING; GAMBLING PROHIBITED; CASH OR MERCHANDISE PRIZES ALLOWED.

No dice shall be shaken for money nor shall any card games or any other games of chance or any form of gambling for money or other valuable return or reward be permitted in any room in which billiard tables or bowling lanes are situated. This section, however, is not to be construed to prohibit the giving of cash or merchandise prizes to players in tournaments or other competition.
(>78 Code, ' 5.12.300) (Ord. 391, passed - -75)

' 5.12.310 BILLIARDS AND BOWLING; LICENSE; REQUIRED.

No person shall maintain or conduct any public place for the playing of billiards, or kindred games on billiard tables, or supply, conduct or offer for the use of the public any ball or bowling alley or lanes without first having obtained a license therefor.
(>78 Code, ' 5.12.310) (Ord. 391, passed - -75)

' 5.12.320 BILLIARDS AND BOWLING; LICENSE; APPLICATION; ISSUANCE; TERMS.

Except as otherwise specifically provided in ' ' 5.12.260 through 5.12.340, payment, conditions, issuance, application for and duration of a license as required by ' ' 5.12.260 through 5.12.340 shall be as provided by ' ' 5.12.500 through 5.12.570.

(>78 Code, ' 5.12.320) (Ord. 391, passed - -75)

' 5.12.330 BILLIARDS AND BOWLING; LICENSE; FEE.

The license fee for a license required by ' ' 5.12.260 through 5.12.340 shall be \$20 per year for each billiard table and each bowling lane operated upon the premises.

(>78 Code, ' 5.12.330) (Ord. 391, passed - -75; Am. Ord. 631, passed - -85)

' 5.12.340 BILLIARDS AND BOWLING; MINORS PROHIBITED FROM BILLIARD HALL; NOTICE TO BE POSTED.

No person under the age of 12 shall be permitted to enter a billiard hall except to use the bowling facilities. No person aged between 12 and 15 shall be permitted to be in a billiards hall after 8:00 p.m. on any night of operation unless accompanied by his parent or legal guardian. The owner of each billiard hall shall post in a conspicuous place, plainly visible to the public, a notice to this effect.

(>78 Code, ' 5.12.340) (Ord. 391, passed - -75; Am. Ord. 1277, passed 2-3-03)

' 5.12.350 CARNIVALS; DEFINED.

CARNIVAL Includes circuses, or any aggregation of attractions, whether shows, acts, games, vending devices or amusement devices, whether conducted under one or more managements or independently, which are temporarily set up or conducted in a public place or upon any private premises accessible to the public, with or without admission fee, and which, from the nature of the aggregation, attracts attendance and causes intermingling of persons.

(>78 Code, ' 5.12.350) (Ord. 391, passed - -75)

' 5.12.360 CARNIVALS; PERMIT; TERMS AND CONDITIONS.

No carnival shall be set up, run, operated or conducted within the city unless a written permit from the City Council or office of the Mayor has been issued, setting forth the conditions under which the carnival shall be operated. The permit shall be granted upon the condition that there shall not be set up or operated any gambling device, lottery, number or paddle wheel, number board, punchboard, or other game of chance, or any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality and on the condition that the provisions of ' ' 5.12.350 through 5.12.420 be observed.

(>78 Code, ' 5.12.360) (Ord. 391, passed - -75)

' 5.12.370 CARNIVALS; PERMIT; APPLICATION.

Application for a permit required by ' 5.12.360 shall be made to the City Clerk on forms provided by him.

(>78 Code, ' 5.12.370) (Ord. 391, passed - -75)

' 5.12.380 CARNIVALS; PERMIT; DUTY OF CITY CLERK.

The City Clerk shall, upon receipt of an application for a permit required by ' 5.12.360, perform the following acts:

(A) Ascertain that the application is in order;

(B) Ascertain that the applicant has paid the appropriate amusement license fee;

(C) Forward one copy of the application to each of the following: the Director of Public Works or his/her designee; the Plumbing Inspector; the Chief of Police; the Chief of the Fire Department; the County Health Officer; the Traffic Engineer; the Director of Utilities; the Liquor Commissioner; and the Law Department;

(D) Retain sufficient copies of the application for use by the office of Mayor and the City Council.

(>78 Code, ' 5.12.380) (Ord. 391, passed - -75; Am. Ord. 1637, passed 8-5-13)

' 5.12.390 CARNIVALS; PERMIT; ACTION UPON.

Upon receipt of a copy of an application for a permit required by ' 5.12.360, the following recipients of the copies shall take the following action expeditiously:

(A) The Director of Public Works or his/her designee shall determine whether the applicant has or will comply with the zoning and setback laws of the city.

(B) The Plumbing Inspector, in cooperation with the County Health Officer, shall determine the necessity and adequacy of sanitary facilities.

(C) The Chief of Police, in cooperation with the Traffic Engineer and the Law Department, shall determine traffic control requirements and shall determine whether the laws of the city relevant to gambling and other laws of the city shall be observed.

(D) The Chief of the Fire Department shall determine whether the applicant does or will conform to the fire prevention laws.

(E) The County Health Officer, in addition to the duties imposed by division (B), shall ascertain that the applicant has made adequate arrangements for the disposal of garbage and refuse and that the disposal conforms to the laws of the city and the county.

(>78 Code, ' 5.12.390) (Ord. 391, passed - -75; Am. Ord. 1637, passed 8-5-13)

' 5.12.400 CARNIVALS; PERMIT; FINDINGS; RECOMMENDATIONS.

After each officer to whom a copy of an application required by ' 5.12.360 has made the findings required by ' 5.12.390, the officer shall make his findings and recommendations in writing to the City Council. In the alternative, the City Clerk may devise checklist forms for the findings and recommendations required by this section, which, when completed, shall be forwarded to the City Council for action.
(>78 Code, ' 5.12.400) (Ord. 391, passed - -75)

' 5.12.410 CARNIVALS; PERMIT; ISSUANCE.

(A) Upon the receipt of all the recommendations and findings required by ' 5.12.400, the office of Mayor shall either grant the permit required by ' 5.12.360 or refuse the application. Reasons for refusing the application shall appear in the City Council records.

(B) The permit required by ' 5.12.360 shall be issued in duplicate, one copy of which shall be retained by the City Clerk and the other copy delivered to the permittee. The copy delivered to the permittee shall be kept in the possession of the manager of the carnival and shall be produced and shown to any sheriff, police officer or citizen, upon request.
(>78 Code, ' 5.12.410) (Ord. 391, passed - -75)

' 5.12.420 CARNIVALS; PERMIT; CONTENT; LIMITATIONS; ACCESS RIGHT OF POLICE.

(A) The permit issued by the office of Mayor shall contain such restrictions as to location, manner of operation, hours of operation, and any other matters as the office of Mayor may prescribe at the time the permit is granted. The expiration date of the permit shall be prescribed by the office of Mayor.

(B) The permit shall also provide that all sheriffs, peace officers and police officers shall have free access to the grounds, and all booths, shows and concessions on the grounds, at all times. It shall be the duty of the law enforcement officers present to enforce the provisions of ' ' 5.12.350 through 5.12.420, and all other laws of the city relevant to carnival operations.
(>78 Code, ' 5.12.420) (Ord. 391, passed - -75)

' 5.12.430 COIN-OPERATED AMUSEMENT DEVICES; DEFINED.

COIN-OPERATED AMUSEMENT DEVICE. Includes without limitation, pinball machines, jukeboxes, shuffle alleys, coin-operated bowling devices, shooting galleries, photographic galleries, games of any kind and rides for children.
(>78 Code, ' 5.12.430) (Ord. 391, passed - -75)

' 5.12.440 COIN-OPERATED AMUSEMENT DEVICES; APPLICABILITY.

Sections 5.12.430 through 5.12.490 shall not apply to any club maintaining coin-operated amusement devices exclusively for the use of members and guests of the club.

(>78 Code, ' 5.12.440) (Ord. 391, passed - -75)

' 5.12.450 COIN-OPERATED AMUSEMENT DEVICES; LICENSE; REQUIRED.

It is unlawful for any person to install, keep, maintain, use or permit the use, upon his premises, of any coin-operated amusement device for which a current license is not first obtained and the license fee paid.

(>78 Code, ' 5.12.450) (Ord. 391, passed - -75)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

' 5.12.460 COIN-OPERATED AMUSEMENT DEVICES; LICENSE; APPLICATION; CONTENTS.

Application for the license required by ' 5.12.450 shall be made in conformity with the general regulations of ' ' 5.12.500 through 5.12.570, relating to applications for licenses. In addition, the application shall set forth a description of the coin-operated amusement device for which a license is sought, which description shall contain the manufacturer=s name, the make of the device, the factory number thereof, if any, and any other identifying numbers, marks or symbols. The applicant shall also set forth the exact address of the premises upon which the coin-operated amusement device is to be installed, kept, maintained or used.

(>78 Code, ' 5.12.460) (Ord. 391, passed - -75)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

' 5.12.470 COIN-OPERATED AMUSEMENT DEVICES; LICENSE; FEE.

An annual license fee is imposed upon each coin-operated amusement device within this city. The formula for the license fee is the same as in ' 5.40.030 of this code, and all fees for coin-operated amusement devices shall be imposed in accordance with that section.

(>78 Code, ' 5.12.470) (Ord. 391, passed - -75; Am. Ord. 565, passed - -82)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

' 5.12.480 COIN-OPERATED AMUSEMENT DEVICES; LICENSE; ISSUANCE; TERM.

Upon the payment of the license fee established in ' 5.12.470, the City Clerk shall issue a license in the name of the owner of the device as licensee, authorizing the use of the device for the license period ending on December 31 following the issuance of the license.

(>78 Code, ' 5.12.480) (Ord. 391, passed - -75)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

' 5.12.490 COIN-OPERATED AMUSEMENT DEVICES; TRANSFER OF LOCATION OR OWNERSHIP.

It is unlawful to transfer a coin-operated amusement device from one location to another, or to sell, give away or to transfer in any way the ownership of the device without notifying the office of the City Clerk.

(>78 Code, ' 5.12.490) (Ord. 391, passed - -75)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

' 5.12.500 APPLICATION FOR LICENSES; INFORMATION REQUIRED.

Applications for all licenses and permits required by ordinance shall be made in writing to the City Clerk in the absence of provision to the contrary. Each application shall contain the name of the applicant, the permit or license required, the location to be used, if any, the time covered, and the fee to be paid. Each application also shall contain the number of the certificate of registration required under the Retailers= Occupation Tax Act Ch. 65, Act 5, ' 8-11-1, Service Occupation Tax Act Ch. 65, Act 5, ' 8-11-5, and/or Use Tax Act Ch. 65, Act 5, ' 8--11-6, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the city officials in the issuing of the license or permit applied for.

(>78 Code, ' 5.12.500) (Ord. 391, passed - -75)

' 5.12.510 PERSON SUBJECT TO LICENSE.

Whenever in this chapter, or in any city ordinance, 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 part of such business, activity, or occupation in the city.

(>78 Code, ' 5.12.510) (Ord. 391, passed - -75)

' 5.12.520 LICENSE AND PERMIT FORMS; SIGNATURE.

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the City Clerk. Each license or permit issued shall bear the signature of the Mayor and the City Clerk in the absence of any provisions to the contrary.

(>78 Code, ' 5.12.520) (Ord. 391, passed - -75)

' 5.12.530 FEES.

In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the City Clerk in the amounts prescribed in the schedule set forth in ' ' 5.12.120 through 5.12.250. When an applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, be reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

(>78 Code, ' 5.12.530) (Ord. 391, passed - -75)

' 5.12.540 TERMINATION OF LICENSES.

(A) All annual licenses shall be operative and the license year for the city shall commence on January 1 of each year and shall terminate on December 31 of that year where no provision to the contrary is made.

(B) The City Clerk shall notify all licensees of the city of the time of expiration of the license held by the licensee (if an annual) three weeks prior to the date of such expiration. However, a failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

(>78 Code, ' 5.12.540) (Ord. 391, passed - -75)

' 5.12.550 CHANGE OF LOCATION; NOTICE REQUIRED.

The location of any licensed business or occupation, or the location of any permitted act, may be changed; provided, that ten day=s notice thereof is given to the City Clerk in the absence of any provision to the contrary. However, all applicable ordinances and regulations of the city shall be complied with.

(>78 Code, ' 5.12.550) (Ord. 391, passed - -75)

' 5.12.560 LICENSE NOT TO PERMIT BUSINESS IN MORE THAN ONE LOCATION.

No license for the operation of a business or establishment in the city shall be construed to permit the operation of a licensed business or establishment in more than one location in the city; a separate license shall be required for each location of a licensed establishment. For the purposes of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification. (>78 Code, ' 5.12.560) (Ord. 391, passed - -75)

' 5.12.565 PROCEDURE AND GROUNDS FOR REVOCATION OR SUSPENSION OF ENTERTAINMENT LICENSE.

(A) Prior to revocation or suspension of a class ten amusement license, the Mayor or the City Council=s designee shall investigate whether cause for revocation or suspension exists, and grant such licensee the opportunity to appear before the Mayor or City Council=s designee at a time and place specified within such notice. Such hearing shall be held not less than 15 days after the notice is given where the licensee holds a yearly license, but no more than three business days after the notice is given where the license is a daily license. Hearings shall be conducted under rules issued by the Mayor. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel. If, after the hearing, the Mayor or City Council=s designee finds that the license should be revoked or suspended, the Mayor or the City Council=s designee shall issue a written order revoking or suspending such license which shall be effective on the third day after notice is given to the owner or operator.

(B) Grounds for revocation or suspension of an entertainment license shall include but not be limited to the following:

(1) When a class ten daily license is issued, any repeated loud or obnoxious noise which tends to disturb the repose or peaceful enjoyment of the area in which the noise occurs, whether or not the license holder abates the noise. Where a police officer witnesses the noise, the Police Department shall refer the officer=s report of violation to the Mayor for a hearing, to take place before the Mayor or City Council=s designee under the provisions of division (A) above.

(2) For yearly class ten licenses, repeated violations within one year by the license holder of the provisions of division (B)(1) above may be grounds for suspension or revocation of the license after a hearing is conducted under division (A) above. **REPEATED VIOLATIONS** shall include loud and obnoxious noise as in division (B)(1) above, or any repeated violation of any provisions of this code amounting to a public nuisance.

(3) Any violation by the license holder or its employee or agent of either state or local liquor laws, codes and ordinances.

(4) Violation by any patron or employee of the business establishment of any state or local liquor laws or drug laws, including but not limited to controlled substances violations, both state and local.
(Ord. 1272, passed 11-18-02)

' 5.12.570 POSTING OF LICENSE.

It shall be the duty of every person conducting a licensed business in the city to keep his license posted in a prominent place on the premises used for such business at all times.
(>78 Code, ' 5.12.570) (Ord. 391, passed - -75)

CHAPTER 5.14: CLOTHES MODELING ESTABLISHMENTS

Section

- 5.14.010 Intent of chapter
- 5.14.020 Definitions
- 5.14.030 License; required
- 5.14.040 License; application
- 5.14.050 License; fee
- 5.14.060 License; issuance
- 5.14.070 Revocation of license
- 5.14.080 Prohibited conduct
- 5.14.090 Conduct
- 5.14.100 Penalties

' 5.14.010 INTENT OF CHAPTER.

It is the intent of this chapter to provide for an effective means to monitor and regulate clothes modeling establishments and to prevent the use of such establishments as a pretext for lewd or indecent behavior by employees or independent contractors of such establishments, or by members of the general public who purchase the services of such establishments.

(>78 Code, ' 5.14.010) (Ord. 658, passed - -86)

' 5.14.020 DEFINITIONS.

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

CLOTHES MODELING ESTABLISHMENT. Any establishment wherein, as a regular part of its business, persons are employed to model clothes for the general public. The **GENERAL PUBLIC** means any number of persons, including only one person, who is physically present at the establishment for any purpose. The word **CLOTHES** includes any article or item of clothing, outer-garment, under-garment, sleep-wear, or any item designed or fashioned to be worn on a human being. For purposes of this chapter, jewelry shall be considered an item of clothing.

NUDITY. The exposure of any of the following parts of the human body to any person: female breasts, male or female genitalia, anus or anal cleavage.

SEXUAL CONTACT. The touching of female breasts, male or female genitalia, anus or anal cleavage, by any person, for the purpose of sexually arousing any person, whether male or female, whether the person touching or the person touched. **SEXUAL CONTACT** shall include any act of autoeroticism such as masturbation.

SEXUAL CONDUCT. Any conduct by a person intended to induce any person to engage in any act of sexual contact, including sexual intercourse, oral or anal intercourse, or masturbation.
(>78 Code, ' 5.14.020) (Ord. 658, passed - -86)

' 5.14.030 LICENSE; REQUIRED.

It is unlawful for any person, including any corporation, joint venture, or partnership, to own or engage in the business of operating a clothes modeling establishment without having first obtained a license therefor. A new license must be obtained for each new calendar year.
(>78 Code, ' 5.14.030) (Ord. 658, passed - -86)

' 5.14.040 LICENSE; APPLICATION.

Application for such license shall be made to the City Clerk. The application shall contain the following:

(A) Name of the person, joint venture, partnership, or corporation making the application.

(B) The name of the owner of the property on which the business will be operated, and the name, business and telephone number of the person, including the corporate officer, responsible for operation of the business.

(C) The address where the business will be operated, including the location of the clothes modeling establishment.

(D) A statement as to whether the application is for an existing business or a new business.

(E) A specification of what kinds of clothes will be modeled at the facility and the number of employees anticipated to be working there.
(>78 Code, ' 5.14.040) (Ord. 658, passed - -86)

' 5.14.050 LICENSE; FEE.

The applicant shall pay an annual fee of \$1,200 when the application is submitted. Such fee shall be due on or before the first day of January of each year. Any applicant who makes application after January 1 for the year in question shall be required to pay the entire fee, no matter when in the year he makes application.
(>78 Code, ' 5.14.050) (Ord. 658, passed - -86)

' 5.14.060 LICENSE; ISSUANCE.

Upon receipt of the application fee and the application, the City Clerk shall issue the license to the applicant if the business is already in operation as of the effective date of the passage of the ordinance codified in this chapter, or if the applicant has already obtained a license for a clothes modeling establishment for the prior year. When the application is not for renewal, but for a new license, and the business was not in operation before the effective date of the ordinance codified in this chapter, the City

Clerk shall refer the application to the Mayor of the city, who shall make inquiry into whether the applicant or the manager of the establishment, or any employees of the establishment have ever been convicted of a felony or theft under the laws of the state of Illinois or other jurisdiction. If no such convictions are disclosed in the Mayor=s investigation, he shall issue the license within one month after it was submitted to the City Clerk.

(>78 Code, ' 5.14.060) (Ord. 658, passed - -86)

' 5.14.070 REVOCATION OF LICENSE.

(A) All persons operating or owning a clothes modeling establishment within the city will comply with all federal, state and local laws, which in any manner relate to the operation or ownership of the establishment. In particular, licensee and its agents or employees shall not violate any of the provisions prohibiting nudity, sexual contact, or sexual conduct as set out in this chapter.

(B) When any city officer or employee becomes aware that a clothes modeling establishment has violated any city ordinance or other local, state, or federal law, he shall forthwith inform the Mayor of the violation. At his discretion, the Mayor may call a hearing to determine whether the license of the establishment should be established or revoked. If the Mayor decides to call such a hearing, he will act as hearing officer. The person named as owner or manager of the establishment in the license application form shall be notified by certified mail, return receipt requested or by personal service, of the date that the hearing is set for and the nature of the charges lodged against the establishment, its agents or employees. In no event shall the hearing date be less than seven days after service of such notice upon the owner or manager of the establishment. At the hearing the city and the owner or manager may present evidence relating to and relevant to the question as to whether a violation has occurred. All evidence shall be present in accordance with the rules of evidence as set out by the Illinois Administrative Review Act. If the city proves by a preponderance of the evidence that the charged violation or violations took place, the Mayor shall determine whether the license should be suspended or revoked.

(C) If the Mayor revokes a license, the licensee may file a written appeal with the Plan Commission. The appeal shall be filed with the City Clerk within 30 days after the Mayor sends notice of his decision of revocation or suspension to the owner or manager of the establishment. The City Clerk shall forward the appeal to the Plan Commission. The licensee may appear before the commission to present his reasons why his license should not be revoked or suspended. Upon hearing all the evidence, the Plan Commission shall forward to the City Council its findings, recommending approval or disapproval of the revocation of suspension, as the case may be. If the City Council, by majority vote, approves the revocation, the license shall remain revoked as of the date of the Mayor=s action. If the Council disapproves the revocation, the license shall be reinstated as of the date of the Council=s action. The Council shall act within 45 days of the Plan Commissioner=s recommendation as to whether or not to approve the revocation or suspension.

(>78 Code, ' 5.14.070) (Ord. 658, passed - -86)

' 5.14.080 PROHIBITED CONDUCT.

No employee, agent or independent contract of a clothes modeling establishment shall appear nude before any person within a clothes modeling establishment. No employee, agent or independent contractor of a modeling establishment shall participate in any sexual contact, whether he or she comes in contact with any other person or any other person comes in contact with him or her. No employee,

agent or independent contractor of a clothes modeling establishment shall engage in sexual conduct of any type with or in the presence of any other person; nor shall such employee, agent or independent contractor by any means stimulate or induce any other person to engage in sexual conduct or sexual contact within the establishment.

(>78 Code, ' 5.14.080) (Ord. 658, passed - -86)

' 5.14.090 CONDUCT.

It is unlawful for any owner or manager of such an establishment to knowingly allow any nudity, sexual contact or sexual conduct to occur within the establishment.

(>78 Code, ' 5.14.090) (Ord. 658, passed - -86)

' 5.14.100 PENALTIES.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$150, but no more than \$750 for each offense.

(>78 Code, ' 5.14.100) (Ord. 658, passed - -86; Am. Ord. 998, passed 7-1-96)

CHAPTER 5.16: FOOD DELIVERY

Section

- 5.16.010 License; required
- 5.16.020 License; application; fees
- 5.16.030 License; fee exemption
- 5.16.040 Vehicle regulations
- 5.16.050 Inspections

' 5.16.010 LICENSE; REQUIRED.

It is unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by human power for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products or any other provisions intended for human consumption, including beverages, in the city for the purpose of delivering any such foodstuffs to any place in the city for use and consumption at wholesale or retail unless a license for such vehicle is first secured and the provisions of this chapter are fully complied with.

(>78 Code, ' 5.16.010) (Ord. 36, passed - -61)

' 5.16.020 LICENSE; APPLICATION; FEES.

(A) Applications for such licenses shall be made to the City Clerk, and shall recite the name and address of the owner of the vehicle, the name or names of the persons from whom such deliveries are made, and the nature of the goods carried. The City Clerk shall issue such licenses, and shall give to the Mayor a list of all such licenses issued.

(B) The annual fee for such licenses shall be \$50 for each vehicle, up to \$300, and shall be issued for one year.

(C) A seasonal license may be issued for the purposes mentioned under this chapter which license will be valid for a five month consecutive period in any one year. The fee for such seasonal license shall be \$30. (>78 Code, ' 5.16.020) (Ord. 36, passed - -61; Am. Ord. 631, passed - -85; Am. Ord. 886, passed 7-19-93)

' 5.16.030 LICENSE; FEE EXEMPTION.

No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the city; but all provisions of this chapter, other than that providing for the payment of a fee, shall be complied with in connection with such vehicles.

(>78 Code, ' 5.16.030) (Ord. 36, passed - -61)

' 5.16.040 VEHICLE REGULATIONS.

(A) All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are used. It is unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.

(B) If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

(>78 Code, ' 5.16.040) (Ord. 36, passed - -61)

' 5.16.050 INSPECTIONS.

It shall be the duty of the Mayor to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this chapter.

(>78 Code, ' 5.16.050) (Ord. 36, passed - -61)

CHAPTER 5.20: HAWKERS AND PEDDLERS¹

Section

- 5.20.010 License; required
- 5.20.020 License; application
- 5.20.030 License; fee
- 5.20.040 Penalty for fraud
- 5.20.050 Restrictions on use of streets

' 5.20.010 LICENSE; REQUIRED.

It is unlawful for any person to engage in the business of hawker or peddler of any merchandise, article or thing without having first obtained a license therefor.
(>78 Code, ' 5.20.010) (Ord. 37, passed - -61)

' 5.20.020 LICENSE; APPLICATION.

Applications for such license shall be made to the City Clerk, and shall state thereon the number of vehicles, if any, intended to be operated, the kind of article or merchandise to be peddled and the permanent address of the peddler.
(>78 Code, ' 5.20.020) (Ord. 37, passed - -61)

' 5.20.030 LICENSE; FEE.

The fee for a hawker=s and peddler=s license shall be \$150 annually in accordance with the provisions of Chapter 5.04. Churches and all not-for-profit charitable organizations shall not be required to pay said fee, but shall be required to obtain a hawker=s and peddler=s license if they engage in the practice of hawking or peddling within the city limits. Payment of the above fee will be waived by the City Clerk or his assistant upon proof of the religious or not-for-profit nature of the entity applying for the license.
(>78 Code, ' 5.20.030) (Ord. 37, passed - -61; Am. Ord. 493, passed - -79; Am. Ord. 631, passed - -85; Am. Ord. 886, passed 7-19-93; Am. Ord. 1570, passed 7-18-11)

¹For statutory provisions regulating transient merchants, see ILCS Ch. 225, Act 465, ' 1 et seq.

' 5.20.040 PENALTY FOR FRAUD.

Any licensed peddler or hawker who is guilty of any fraud, cheating or misrepresentation, whether through himself or through any employee, while acting as a peddler in the city or who barter, sells or peddles any goods, wares or merchandise other than those specified in his application for a license, shall be fined not less than \$100, but not more than \$750 for each such offense, and the Mayor may revoke his license for such offense.

(>78 Code, ' 5.20.040) (Ord. 37, passed - -61; Am. Ord. 998, passed 7-1-96)

' 5.20.050 RESTRICTIONS ON USE OF STREETS.

No hawker or peddler shall have any exclusive right to any location in the city nor shall any hawker or peddler be permitted a stationary location in the city nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.

(Ord. 1574, passed 9-6-11)

CHAPTER 5.21: JUNK PEDDLERS AND SECONDHAND DEALERS

Section

5.21.010 License required

5.21.020 Location permit prerequisite to license, location restrictions; consent of property owner; investigation; issuance of permit

5.21.030 License classifications.

5.21.100 Records required; form, contents

5.21.110 License fee

5.21.120 Penalties

' 5.21.010 LICENSE REQUIRED.

No person shall engage in the business of operating a secondhand store or dealing in scrap paper, bags or any secondhand articles whatsoever within the city without first obtaining a license therefor. (>78 Code, ' 5.21.010) (Ord. 679, passed - -87)

' 5.21.020 LOCATION PERMIT PREREQUISITE TO LICENSE, LOCATION RESTRICTIONS; CONSENT OF PROPERTY OWNER; INVESTIGATION; ISSUANCE OF PERMIT.

(A) It is unlawful for any person to locate, establish, conduct or maintain any secondhand store or yard within 400 feet of a church, hospital, public or parochial school; the distance is to be measured by the shortest straight line between the secondhand shop sought to be located, established, conducted and maintained and any such building used for the purpose of a church, hospital, public or parochial school.

(B) It is unlawful for any person to locate, establish, conduct or maintain any secondhand store in any block in which two-thirds of the buildings on both sides of such street are used exclusively for residences or residence and wholesale or retail store purposes in any block without the written consent of a majority of the property owners according to frontage on both sides of the street; in determining whether two-thirds of the buildings on both sides of such street in any same block are used exclusively for residence or residence and wholesale or retail store purposes or used exclusively for wholesale or retail store purposes, any business fronting upon another street and located upon the corner lots shall not be considered, and the word **BLOCK** as used in this section shall not be held to mean a square, but shall be held to embrace only that part of the street in question which lies between the two nearest intersecting streets on either side of the lot on which such secondhand streets on either side of the lot on which such secondhand store is to be located, established, conducted or maintained.

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(C) Written consents of the property owners required by the preceding division shall be filed with the City Clerk, who shall cause an inspection of the premises to be made and shall cause a verification of the written consent of the property owners to be made and if, upon inspection and verification, the code and other ordinances of the city in respect to buildings have been complied with, he shall issue a permit for the location, establishment, conduct and maintenance of such secondhand store.

(D) In all cases where this section shall apply, the permit herein provided for shall be procured before a license shall be issued. However, nothing herein contained shall apply to or be construed to apply to any junk yard now located or established.

(>78 Code, ' 5.21.020) (Ord. 679, passed - -87)

' 5.21.030 LICENSE CLASSIFICATIONS.

For the purpose of determining license fees in accordance with this chapter, applicants for such licenses shall be classified as:

(A) AJunk dealers@ which includes every person who shall in the city engage in the retail or wholesale junk business for the collection, receiving, buying, selling or bartering of any articles commonly described as Ajunk@ and maintain a yard, building or other place for storage of same. Said persons shall be licensed and fall within the ambit of Chapter 5.22 of this Code.

(B) AJunk peddlers@ which includes all who engage in the business of a junk dealer, but maintain no yard, building or other place for storage of junk. Said person shall be licensed under Chapter 5.21 of this Code.

(C) ASecondhand dealers@ which includes all whose primary business includes the wholesale or retail purchasing, selling or bartering of any secondhand articles, where these secondhand articles are not limited to any one type or line of article, but include a wide variety of different types or lines of articles. Used cars, trucks, buses, motorcycles, watercraft or aircraft shall not be deemed secondhand articles under this chapter, and used car dealers shall not be classified as secondhand dealers if their only business consists of the buying, trading and selling of used cars.

(>78 Code, ' 5.21.030) (Ord. 679, passed - -87)

' 5.21.100 RECORDS REQUIRED; FORM, CONTENTS.

Every licensee under this chapter shall keep a record in book form setting forth in plain terms a memorandum of each purchase and sale made, except purchases or sales of rags, paper or bottles. However, the licensee shall not be required to keep a record of any purchase or sale of any item where the purchase or sale price of the item was less than \$50. The record shall contain a description of each article, including the brand name and serial number if available, the date of the transaction, the amount of money or property exchange therefor, and the name, age, address and driver=s license number of the person selling or purchasing the article. if the person does not have a driver=s license, some other identification bearing the photograph of the seller or purchaser must be substituted therefor. Records of each transaction shall be preserved for a period of three years.

(>78 Code, ' 5.21.100) (Ord. 679, passed - -87)

' 5.21.110 LICENSE FEE.

Each licensee who is licensed under this chapter shall pay a license fee of \$100 annually. The fee for licensees shall be collected and due in accordance with the provisions of Chapter 5.04.
(>78 Code, ' 5.21.110) (Ord. 679, passed - -87; Am. Ord. 886, passed 7-19-93; Am. Ord. 1570, passed 7-18-11)

' 5.21.120 PENALTIES.

Any person or corporation found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$100, but no more than \$750 for each offense.
(>78 Code, ' 5.21.120) (Ord. 679, passed - -87; Am. Ord. 998, passed 7-1-96)

