

## CHAPTER 5.22: JUNKYARDS AND SCRAP PROCESSING FACILITIES

### Section

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- 5.22.090 Noxious odors
- 5.22.100 Storing junk on private property
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### § 5.22.010 INTENT OF CHAPTER.

It is the intent of this chapter to provide for an effective means for the city to license and regulate junkyards and scrap processing facilities within the city and to monitor effectively whether such junkyards are in compliance with all federal, state and local law regulating their operation. ('78 Code, § 5.22.010) (Ord. 531, passed - -81)

### § 5.22.020 DEFINITIONS.

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

**JUNK.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**JUNKYARD.** An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of motor vehicle graveyard, and the term shall include garbage dumps and sanitary fills.

**MOTOR VEHICLE GRAVEYARD.** Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

**SCRAP PROCESSING FACILITY.** Any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

('78 Code, § 5.22.020) (Ord. 531, passed - -81)

#### **§ 5.22.030 LICENSE; REQUIRED.**

It is unlawful for any person, including any corporation, joint venture, or partnerships, to own or engage in the business of operating a junkyard or scrap processing facility without having first obtained a license therefor in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.22.030) (Ord. 531, passed - -81; Am. Ord. 1570, passed 7-18-11)

#### **§ 5.22.040 LICENSE; APPLICATION.**

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

(A) The 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 to the junkyard or scrap processing facilities;

(D) Whether the application is for an existing facility or for a new facility; and

(E) A specification of what type of business will be operated on the facility (such as, general scrap yard, motor vehicle salvage yard, motor vehicle graveyard, scrap processing facility, and the like).

('78 Code, § 5.22.040) (Ord. 531, passed - -81)

#### **§ 5.22.050 LICENSE; FEE.**

Each applicant shall pay an annual fee of \$1,200. Such \$1,200 fee shall be due in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.22.050) (Ord. 531, passed - -81; Am. Ord. 1570, passed 7-18-11)

**§ 5.22.060 LICENSE; ISSUANCE.**

(A) Except as provided in § 5.22.080, when the junkyard or scrap processing facility has been in existence for one full year or more prior to submission of the application, the City Clerk, upon receipt of the license fee and properly completed application, shall issue a license to the applicant.

(B) When it appears to the City Clerk that an applicant is beginning a new operation as a junkyard or scrap processing facility at the location specified in the application, the City Clerk shall not issue a license, but shall forward the application to the Plan Commission and inform the applicant of the date, time and place of the next regularly scheduled Plan Commission meeting. The application shall be presented at such meeting, and the applicant shall be granted the right to attend in order to present his reasons why the application should be granted. The Plan Commission shall consider the application and shall forward same to the City Council, recommending approval or disapproval, as the case may be. If the City Council by majority vote approves the application, it shall instruct the City Clerk to issue the license forthwith.

(C) Nothing in this section shall be construed to impose a new zoning classification or grant an existing zoning classification for any junkyard or scrap processing facility.  
(‘78 Code, § 5.22.060) (Ord. 531, passed - -81)

**§ 5.22.070 LICENSE; REVOCATION.**

(A) All persons operating or owning a junkyard or scrap processing facility within the city shall comply with all federal, state and local laws, including city ordinances, which in any manner relate to operation or ownership of such junkyard or facility. These laws include but are not limited to the Copper Purchase Registration Law (ILCS Ch. 815, Act 325 § 1), the Abandoned Vehicles Recycling Law (ILCS Ch. 625, Act 5 § 4-300 et seq.) and the Junkyard Act (ILCS Ch. 415, Act. 95 § 1).

(B) When any city officer or employee becomes aware that a junkyard or scrap processing facility is in violation of any law or ordinance, he shall forthwith inform the Mayor of the violation. The Mayor shall take any step he deems necessary to remedy the situation and secure abatement of the alleged violation, including informal contact between himself and the owner or operator, designation of the Building Commissioner or other responsible officer, as the case may be, to inspect the premises and investigate the alleged violation and revocation of the license.

(C) If the Mayor revokes a license, the licensee may stay the revocation by filing a written appeal with the Crest Hill Plan Commission. The appeal shall be filed with the City Clerk, who shall forward it to the Crest Hill Plan Commission. The licensee may appear before the commission to present his reasons why the license should not be revoked. Upon hearing all evidence, the Commission shall forward to the City Council its findings, recommending approval or disapproval of the revocation, as the case may be. If the City Council, by majority vote, approves the revocation, the license shall be revoked as of the date of the Council’s action. If the Council disapproves the revocation, the license shall be reinstated as of the date of the Council’s action.

(‘78 Code, § 5.22.070) (Ord. 531, passed - -81)

**§ 5.22.080 FENCING OR SCREEN PLANTING REQUIRED.**

All perimeters around the premises where the junkyard is located shall be fenced by the owner or proprietor of the junkyard to a height of at least eight feet, or shall be planted with evergreen vegetation to a height of at least eight feet so that the junkyard itself shall not be visible to the naked eye from ground level.

('78 Code, § 5.22.080) (Ord. 531, passed - -81)

**§ 5.22.090 NOXIOUS ODORS.**

No owner or proprietor of a junkyard or scrap processing facility shall cause any noxious odors, smokes, fumes or vapors to escape the premises of the facility.

('78 Code, § 5.22.090) (Ord. 531, passed - -81)

**§ 5.22.100 STORING JUNK ON PRIVATE PROPERTY.**

The storing of junk, rubbish and refuse on private property within the city is forbidden and is declared a nuisance.

('78 Code, § 5.22.100) (Ord. 531, passed - -81)

**§ 5.22.110 PENALTIES.**

Any person 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. Each day the violation exists shall constitute a separate offense.

('78 Code, § 5.22.110) (Ord. 531, passed - -81; Am. Ord. 998, passed 7-1-96)

## CHAPTER 5.23: SLAG OR FLYASH RECOVERY OR PROCESSING FACILITIES

### Section

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- 5.23.040 License; application
- 5.23.050 License; fee
- 5.23.060 License; issuance
- 5.23.070 Revocation of license
- 5.23.080 Termination of license
- 5.23.090 Fencing or screen planting required
- 5.23.100 Noxious odors and fires
- 5.23.110 Storing junk on private property
- 5.23.115 Hours of operation
- 5.23.120 Penalties

### § 5.23.010 INTENT OF CHAPTER.

It is the intent of this chapter to provide for an effective means for the city to license and regulate slag and flyash recovery and processing facilities within the city and to monitor effectively whether such junkyards are in compliance with all federal, state and local laws regulating their operation. ('78 Code, § 5.23.010) (Ord. 608, passed - -84)

### § 5.23.020 DEFINITIONS.

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

**FLYASH.** The carbonaceous residue from the process of melting metals or ores, but also includes cinders composed of any element or compound.

**RECOVERY.** The repossession and reclamation of a material deposited on real property by human design or action as opposed to the operation of nature. **RECOVERY** excludes the mining of raw materials or ores deposited not by human design or action, but by operation of nature.

**SLAG.** The dross or refuse from the melting of metals or ores, specifically, iron or copper ores.

**SLAG OR FLYASH RECOVERY OR PROCESSING FACILITY.** Any establishment having facilities for recovering or processing iron, steel, cupric or carbonaceous wastes, or cinders for sale or exchange. ('78 Code, § 5.23.020) (Ord. 608, passed - -84)

**§ 5.23.030 LICENSE; REQUIRED.**

It is unlawful for any person, including any corporation, joint venture, or partnerships, to own or engage in the business of operating a slag or flyash recovery or processing facility without having first obtained a license therefor in accordance with the provisions of Chapter 5.04. ('78 Code, § 5.23.030) (Ord. 608, passed - -84; Am. Ord. 1570, passed 7-18-11)

**§ 5.23.040 LICENSE; APPLICATION.**

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

(A) The 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 junkyard or scrap processing facilities.

(D) Whether the application is for an existing facility or a new facility.

(E) A specification of what type of business will be operated on the facility.

(F) A commitment that the licensee shall pay for the costs of any water, firefighting or ambulance services extended by the city or the applicable fire protection district if a fire is caused because of flammable materials having been used as landfill.

('78 Code, § 5.23.040) (Ord. 608, passed - -84)

**§ 5.23.050 LICENSE; FEE.**

Each applicant shall pay an annual fee of \$1,500. The \$1,500 fee shall be due in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.23.050) (Ord. 608, passed - -84; Am. Ord. 886, passed 7-19-93; Am. Ord. 1570, passed 7-18-11)

**§ 5.23.060 LICENSE; ISSUANCE.**

(A) Except as provided in § 5.22.080, when the slag or flyash recovery or processing facility has been in existence for one full year or more prior to submission of the application, the City Clerk, upon receipt of the license fee and properly completed application, shall issue a license to the applicant.

(B) When it appears to the City Clerk that an applicant is beginning a new operation as a slag or flyash recovery or processing facility at the location specified in the application, the City Clerk shall not issue a license, but shall forward the application to the Plan Commission and inform the applicant of the

date, time and place of the next regularly scheduled Plan Commission meeting. The application shall be presented at the meeting, and the applicant shall be granted the right to attend in order to present his reasons why the application should be granted. The Plan Commission shall consider the application and forward same to the City Council, recommending approval or disapproval, as the case may be. If the City Council by majority vote approves the application, it shall instruct the City Clerk to issue the license forthwith.

(C) Nothing in this section shall be construed to impose a new zoning classification or grant an existing zoning classification for any slag or flyash recovery or processing facility.  
(‘78 Code, § 5.23.060) (Ord. 608, passed - -84)

#### **§ 5.23.070 REVOCATION OF LICENSE.**

(A) All persons operating or owning a slag or flyash recovery or processing facility within the city shall comply with all federal, state and local laws, including state and federal environmental protection agency regulations and city ordinances, which in any manner relate to operating or ownership of the facility. In particular, the licensee and his agents and employees shall not use for landfill any flammable material, including lumber or any hazardous waste material.

(B) When any city officer or employee becomes aware that a slag or flyash recovery or processing facility is in violation of any law or ordinance, he shall forthwith inform the Mayor of the violation, including informal contact between himself and other owner or operator, designation of the Building Commissioner, City Engineer or other responsible officer, as the case may be, to inspect the premises and investigate the alleged violation. The Mayor may also revoke the license in his discretion, subject to the provisions of division (C) of this section.

(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, who shall forward it to the Plan Commission. The licensee may appear before the Plan Commission to present his reasons why the license should not be revoked. Upon hearing all evidence, the Commission shall forward to the City Council its findings, recommending approval or disapproval of the revocation, 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 revoking the license. 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 Commission’s recommendations as to whether or not to approve the revocation.  
(‘78 Code, § 5.23.070) (Ord. 608, passed - -84)

#### **§ 5.23.080 TERMINATION OF LICENSE.**

The license shall terminate five years from July 1 following the year of its initial issuance. This does not relieve the licensee of his obligation to renew the license each year. At the end of five years, the licensee may apply for a four-year extension of the license period; each application shall be referred to the Plan Commission for recommendation. The City Council shall vote on the Plan Commission’s recommendation and approve or disapprove the requested extension within 45 days of the Plan Commission’s recommendation.  
(‘78 Code, § 5.23.080) (Ord. 608, passed - -84; Am. Ord. 1570, passed 7-18-11)

**§ 5.23.090 FENCING OR SCREEN PLANTING REQUIRED.**

All perimeters around the premises where the slag or flyash recovery or processing facility is located shall be fenced by the owner or proprietor of the facility to a height of at least six feet so that the facility to a height of at least six feet so that the facility itself shall not be visible to the naked eye from ground level.

('78 Code, § 5.23.090) (Ord. 608, passed - -84)

**§ 5.23.100 NOXIOUS ODORS AND FIRES.**

No owner or proprietor of a slag or flyash recovery or processing facility shall cause any noxious odors, smoke, fumes or vapors to escape the premises of the facility. If any fire starts on the property by reason of the slag or flyash recovery process, or by reason of flammable materials having been used as landfill all costs of water and fire fighting and ambulance services shall be borne by the licensee or owner of the business operating the facility. The licensee shall sign a commitment to pay the costs when he signs his application form.

('78 Code, § 5.23.100) (Ord. 608, passed - -84)

**§ 5.23.110 STORING JUNK ON PRIVATE PROPERTY.**

The storing of junk, rubbish and refuse on private property within the city is forbidden and is declared a nuisance. Slag or flyash recovered on the property may be stored on the property pending removal, but no slag or flyash may be moved to the property from another location for storage.

('78 Code, § 5.23.110) (Ord. 608, passed - -84)

**§ 5.23.115 HOURS OF OPERATION.**

It is unlawful and shall constitute a nuisance for any person or other entity, whether licensed under this chapter, or not, to engage in the operation, in any manner, of a slag or flyash recovery processing facility prior to 6:00 a.m. on any day or after 6:00 p.m. on any day.

(Ord. 965, passed 10-16-95)

**§ 5.23.120 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. Each day a violation exists shall be a separate offense.

('78 Code, § 5.23.120) (Ord. 608, passed - -84; Am. Ord. 998, passed 7-1-96)



## **CHAPTER 5.24: PERSONAL PROPERTY SALES**

### Section

- 5.24.010 Intent of chapter
- 5.24.020 Permit; required
- 5.24.030 Permit; term
- 5.24.040 Permit; application
- 5.24.050 Permit; fee
- 5.24.060 Permit; validity; conditions
- 5.24.070 Right of entry; inspection; violation of chapter

### **§ 5.24.010 INTENT OF CHAPTER.**

It is the intent of these regulations to prohibit the infringement of any businesses in any established residential areas and in so doing to regulate the term and frequency of personal property sales (commonly known as garage sales, porch sales, basement sales, yard sales and other similar types of sales) so as not to disturb or disrupt the residential environment of the area. It is not the intent of this chapter to seek control of sales by individuals selling a few of their household or personal items.  
(‘78 Code, § 5.24.010) (Ord. 347, passed - -73)

### **§ 5.24.020 PERMIT; REQUIRED.**

Any person desiring to hold a sale of personal property (including but not limited to garage sale, basement sale, porch sale or yard sale) or the resale of used household, clothing or other personal property shall first obtain a permit therefor from the Building Commissioner or the City Clerk.  
(‘78 Code, § 5.24.020) (Ord. 347, passed - -73)

### **§ 5.24.030 PERMIT; TERM.**

(A) Any such permit issued shall be for a period not exceeding four consecutive days.

(B) Annual permits shall be limited to two for each residential dwelling in the city; however, the applicant shall not be allowed to take out permits allowing two consecutive sales in such manner that the same residential dwelling would be the location of a sale for more than four consecutive days.

(C) All not-for-profit corporations or organizations shall be exempt from the provisions of this chapter.  
(‘78 Code, § 5.24.030) (Ord. 347, passed - -73; Am. Ord. 566, passed - -82)

**§ 5.24.040 PERMIT; APPLICATION.**

Application for permit shall be made to the Zoning Officer or City Clerk upon the forms furnished by the City Clerk.

('78 Code, § 5.24.040) (Ord. 347, passed - -73)

**§ 5.24.050 PERMIT; FEE.**

The permit fee for each sale shall be \$5.

('78 Code, § 5.24.050) (Ord. 347, passed - -73; Am. Ord. 631, passed - -85)

**§ 5.24.060 PERMIT; VALIDITY; CONDITIONS.**

(A) The permit will be valid only upon a proper showing and finding by the city that proper safety and environmental precautions have been taken for the public.

(B) The permit shall be posted on the premises in a conspicuous place so as to be seen by the public and city inspectors.

('78 Code, § 5.24.060) (Ord. 347, passed - -73)

**§ 5.24.070 RIGHT OF ENTRY; INSPECTION; VIOLATION OF CHAPTER.**

A police officer or any other official designated by any city ordinance to make inspection under the licensing or regulation ordinance or to enforce the same shall have the right of entry, in accordance with the provisions of Chapter 1.16, to any premises showing evidence of a personal property sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any person who violates the provisions of this chapter.

('78 Code, § 5.24.070) (Ord. 347, passed - -73)

## CHAPTER 5.25: CONCRETE RECYCLING OR PROCESSING FACILITIES

### Section

- 5.25.010 Intent of chapter
- 5.25.020 Definitions
- 5.25.030 License; required
- 5.25.040 License; application
- 5.25.050 License; fee
- 5.25.060 License; issuance
- 5.25.070 Revocation of license
- 5.25.080 Termination of license
- 5.25.090 Fencing or screen planting required
- 5.25.100 Noxious odors and fires
- 5.25.110 Storing junk on private property
- 5.25.115 Hours of operation
- 5.25.120 Penalties

### § 5.25.010 INTENT OF CHAPTER.

It is the intent of this chapter to provide for an effective means for the city to license and regulate concrete recycling and processing facilities within the city and to monitor effectively whether the facilities are in compliance with all federal, state and local laws regulating their operation.  
(Ord. 964, passed 10-16-95)

### § 5.25.020 DEFINITIONS.

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

**CONCRETE.** A construction material consisting of conglomerate gravel, pebbles, broken stone, or slag in a mortar or cement matrix in its hardened state. Additionally, the term concrete as used herein shall include asphalt, a construction material that is a brownish-black or black solid or semi-solid mixture of bitumens used in paving, roofing and waterproofing.

**RECYCLING.** The process of extracting useful materials from or converting to a new use from waste materials.

**CONCRETE RECYCLING OR PROCESSING FACILITY.** The recycling or processing of concrete waste products into a new form for sale or exchange.  
(Ord. 964, passed 10-16-95)

**§ 5.25.030 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 concrete recycling or processing facility without having first obtained a license therefor in accordance with the provisions of Chapter 5.04.  
(Ord. 964, passed 10-16-95; Am. Ord. 1570, passed 7-18-11)

**§ 5.25.040 LICENSE; APPLICATION.**

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

(A) The 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 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 processing facilities.

(D) Whether the application is for an existing facility or a new facility.

(E) A commitment that the license shall pay for the costs of any water, firefighting or ambulance services extended by the city or the applicable fire protection district if a fire is caused because of flammable materials having been used.

(Ord. 964, passed 10-16-95)

**§ 5.25.050 LICENSE; FEE.**

Each applicant shall pay an annual fee of \$1,500. The \$1,500 fee shall be due in accordance with the provisions of Chapter 5.04.

(Ord. 964, passed 10-16-95; Am. Ord. 1570, passed 7-18-11)

**§ 5.25.060 LICENSE; ISSUANCE.**

(A) Except as provided in § 5.22.080, when the concrete recycling or processing facility has been in existence for one full year or more prior to submission of the application, the City Clerk, upon receipt of the license fee and properly completed application, shall issue a license to the applicant.

(B) When it appears to the City Clerk that an applicant is beginning a new operation as a concrete recycling or processing facility at the location specified in the application, the City Clerk shall not issue a license, but shall forward the application to the Plan Commission and inform the applicant of the date,

time and place of the next regularly scheduled Plan Commission meeting. The application shall be presented at the meeting, and the applicant shall be granted the right to attend in order to present his reasons why the application should be granted. The Plan Commission shall consider the application and forward the same to the City Council, recommending approval or disapproval, as the case may be. If the City Council by majority vote approves the application, it shall instruct the City Clerk to issue the license forthwith.

(C) Nothing in this section shall be construed to impose a new zoning classification or grant an existing zoning classification for any concrete recycling or processing facility.  
(Ord. 964, passed 10-16-95)

#### **§ 5.25.070 REVOCATION OF LICENSE.**

(A) All persons operating or owning a concrete recycling or processing facility within the city shall comply with all federal, state and local laws, including state and federal environmental protection agency regulations and city ordinances, which in any manner relate to operating or ownership of the facility. In particular, the licensee and his agents and employees shall not use for landfill any flammable material, including lumber or any hazardous waste material.

(B) When any city officer or employee becomes aware that a concrete recycling or processing facility is in violation of any law or ordinance, he shall forthwith inform the Mayor of the violation, including informal contact between himself and other owner or operator, designation of the Building Commissioner, City Engineer or other responsible officer, as the case may be, to inspect the premises and investigate the alleged violation. The Mayor may also revoke the license in his discretion, subject to the provisions of division (C) of this section.

(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, who shall forward it to the Plan Commission. The licensee may appear before the Plan Commission to present his reasons why the license should not be revoked. Upon hearing all evidence, the Commission shall forward to the City Council its findings, recommending approval or disapproval of the revocation, 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 revoking the license. 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 Commission's recommendations as to whether or not to approve the revocation.  
(Ord. 964, passed 10-16-95)

#### **§ 5.25.080 TERMINATION OF LICENSE.**

The license shall terminate five years from July 1 following the year of its initial issuance. This does not relieve the licensee of his obligation to renew the license each and every year. At the end of five years, the licensee may apply for a four-year extension of the license period; each application shall be referred to the Plan Commission for recommendation. The City Council shall vote on the Plan Commissioner's recommendation and approve or disapprove the requested extension within 45 days of the Plan Commission's recommendation.  
(Ord. 964, passed 10-16-95; Am. Ord. 1570, passed 7-18-11)

**§ 5.25.090 FENCING OR SCREEN PLANTING REQUIRED.**

All perimeters around the premises where the concrete recycling or processing facility is located shall be fenced by the owner or proprietor of the facility to a height of at least six feet so that the facility itself shall not be visible to the naked eye from ground level.

(Ord. 964, passed 10-16-95)

**§ 5.25.100 NOXIOUS ODORS AND FIRES.**

No owner or proprietor of a concrete recycling or processing facility shall cause any noxious odors, smoke, fumes or vapors to escape the premises of the facility. If any fire starts on the property by reason of concrete recycling, or by reason of flammable materials having been used, all costs of water and fire fighting and ambulance services shall be borne by the licensee or owner of the business operating the facility. The licensee shall sign a commitment to pay the costs when he signs his application form.

(Ord. 964, passed 10-16-95)

**§ 5.25.110 STORING JUNK ON PRIVATE PROPERTY.**

The storing of junk, rubbish and refuse on private property within the city is forbidden and is declared a nuisance. Concrete to be recycled or that has been recycled on the property may be stored on the property pending removal, but no such concrete may be moved to the property from another location for storage.

(Ord. 964, passed 10-16-95)

**§ 5.25.115 HOURS OF OPERATION.**

It is unlawful and shall constitute a nuisance for any person or other entity, whether licensed under this chapter, or not, to engage in the operation, in any manner, of a concrete recycling or processing facility prior to 6:00 a.m. on any day or after 6:00 p.m. on any day.

(Ord. 964, passed 10-16-95)

**§ 5.25.120 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. Each day a violation exists shall be a separate offense.

(Ord. 964, passed 10-16-95; Am. Ord. 998, passed 7-1-96)

## CHAPTER 5.28: RESTAURANTS<sup>1</sup>

### Section

#### 5.28.010 License; requirements

#### **§ 5.28.010 LICENSE; REQUIREMENTS.**

(A) It is unlawful for any person, including any corporation, joint venture, or partnerships, to own or operate a restaurant in this city without first having obtained a license in accordance with the provisions of Chapter 5.04.

(B) If said restaurant owner or operator holds a liquor license, the annual fee in § 5.04.020 shall be in addition to any fees paid for the liquor license.

(C) License applications shall be in accordance with the provisions of Chapter 5.04. All applications for a license to conduct a restaurant shall be referred to the Health Officer who shall make or cause to be made an investigation of the premises to be used and report his findings thereon, recommending or advising for or against the issuance of a license.

('78 Code, § 5.28.010) (Ord. 100, passed - -63; Am. Ord. 179, passed - -67; Am. Ord. 631, passed - -85; Am. Ord. 755, passed - -90; Am. Ord. 1570, passed 7-18-11; Am. Ord. 1762, passed 12-18-17)

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<sup>1</sup>For statutory provisions authorizing municipalities to license, tax and regulate all places for eating, see ILCS Ch. 65, Act 5, § 11-42-5.





## CHAPTER 5.29: HOTELS AND MOTELS

### Section

- 5.29.010 Definitions
- 5.29.020 License required
- 5.29.030 License applications
- 5.29.040 Issuance or denial of license
- 5.29.050 Transfer of license prohibited
- 5.29.060 Revocation or suspension of license
- 5.29.070 Inspections
- 5.29.080 License for existing businesses
- 5.29.090 Eligibility after revocation
- 5.29.100 Criminal activity on premises
- 5.29.110 Guest register
- 5.29.120 Administrative regulations
- 5.29.130 Responsibility of owners
- 5.29.140 Other license provisions
- 5.29.150 Furnishing room to minor prohibited
- 5.29.160 Allowable time of stay for lodgers

### § 5.29.010 DEFINITIONS.

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

**APPLICANT.** The applicant for a license shall be the owner, or shall be the intended operator of the business as agent for the owner.

**HOTEL.** A facility offering transient lodging accommodations to the general public. It may or may not provide additional services such as restaurants, meeting rooms, and recreation facilities.

**MOTEL.** An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**OPERATOR.** The manager or other natural person principally in charge of the licensed business.

**OWNER.** The proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors and persons holding 10% or more of the outstanding shares if a corporation.

**PERSON.** Any individual, partnership, corporation, association, proprietorship or other legal entity.

***TRANSIENT LODGING ACCOMMODATIONS.*** Any lodging accommodations intended to house on a temporary basis of no more than 28 days a person, persons, family or families, dependent upon the number of units in the facility. It is the intent of this definition to preclude the continued use of any unit or room in a hotel or motel by any person for more than 28 days within any 90-day calendar period, whether or not that person is the named occupant of or the renter of the room or unit. This definition shall not be construed to prohibit one apartment within a hotel or motel to be used as a permanent residence by a hotel or motel manager and his or her family.  
(Ord. 1206, passed 9-17-01)

#### **§ 5.29.020 LICENSE REQUIRED.**

(A) It is unlawful for any person, including any corporation, joint venture, or partnerships, to own or operate a hotel business or motel business within this city without having first obtained a license therefor in accordance with the provisions of Chapter 5.04.

(B) A license may be issued for only one hotel business located at a fixed and certain place. Any person who desires to operate more than one hotel business must have a license for each location.

(C) The license must be conspicuously posted at or near the principal public entrance to the business or at the registration desk.

(Ord. 1206, passed 9-17-01; Am. Ord. 1570, passed 7-18-11)

#### **§ 5.29.030 LICENSE APPLICATIONS.**

(A) Original or renewal applications must be made to the City Clerk by the intended operator of the hotel business during normal business hours. The intended operator shall give the following information on the application form:

(1) The name, street address (and mailing address if different), age and driver's license number of the intended operator, and all aliases;

(2) The name and street address (and mailing address, if different) of the owner(s);

(3) The name under which the business is to be operated and a general description of the services to be provided;

(4) The telephone number of the business, including an emergency number where the manager may be reached during non-business hours;

(5) The address and legal description of the parcel of land on which the business is to be located;

(6) The date on which the business began or is to begin operations at the location designated for the license;

(7) Whether the applicant previously operated in this or any other county, city or state under a hotel business license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

(8) Any convictions for felonies or those misdemeanors that involve dishonesty or moral turpitude.

(B) Each applicant shall pay an annual fee of \$1,200. The \$1,200 fee shall be due in accordance with the provisions of Chapter 5.04. The application shall be accompanied by:

(1) Payment of the license fee of \$1,200;

(2) A certified copy of the assumed name certificate if the business is to be operated under an assumed name;

(3) If a corporation, a certified copy of the Articles of Incorporation;

(4) If a limited partnership, a certified copy of the certificate of limited partnership or (if a foreign limited partnership) the qualification documents;

(5) Any of the items in subsections (2), (3) and (4) above shall not be required for a renewal application if the applicant states that the documents previously furnished remain correct and current;

(6) A site plan or diagram of the business operations, including a depiction of the layout of the rooms offered for overnight accommodations.

(C) The application shall contain a statement under oath that the applicant has personal knowledge of the information contained in the application and that the information is true and correct, and that the applicant has read the provisions of this chapter.

(Ord. 1206, passed 9-17-01; Am. Ord. 1570, passed 7-18-11)

**§ 5.29.040 ISSUANCE OR DENIAL OF LICENSE.**

(A) Within 20 days of receipt of any application, either original or renewal, the Mayor or his designee shall grant or deny the requested license and give written notice to the applicant of the decision.

(B) The Mayor or his designee shall issue the license unless one or more of the following conditions exist:

(1) The applicant failed to supply all the information requested on the application;

(2) The applicant gave materially false, fraudulent or untruthful information on the application;

(3) The applicant has not fully complied with this chapter or any other applicable state, federal or local laws affecting the conduct of its business and the health and safety of its patrons;

**Crest Hill - Business Licenses and Regulations**

(4) The applicant or owner has had a license revoked pursuant to this chapter for the same business or type of business;

(5) The applicant is not at least 21 years of age;

(6) The applicant has been convicted of a felony or misdemeanor involving dishonesty or moral turpitude within the last ten years;

(7) The applicant is delinquent on any debt owed to the City of Crest Hill;

(8) The business premises are not in a clean, sanitary, and safe condition as required by applicable laws or by any state administrative regulations;

(9) The applicant knew or should reasonably be held to know that criminal activity was occurring on the premises and failed to take corrective action and failed to contact law enforcement officials.

(C) In the event that the Mayor or his designee determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 20 days of the receipt of its application. An applicant may appeal such denial by filing a written request for a hearing with the Mayor within five days after the applicant is given notice of such denial. The decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the decision on the issuance of a license. The applicant's written request for a hearing shall set forth the grounds on which the denial is challenged. The hearing shall be conducted by the Mayor. At the hearing the Mayor shall receive oral and written testimony regarding the application.

(D) The Mayor shall conduct the hearing within 21 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The Mayor shall render a written decision and issue notice thereof to the applicant within five days after the conclusion of the hearing. The written decision of the Mayor shall be final.

(Ord. 1206, passed 9-17-01)

**§ 5.29.050 TRANSFER OF LICENSE PROHIBITED.**

A license issued under this chapter is personal to the owner of a hotel or motel business and may not be transferred or otherwise conveyed to a third party. The transfer of a license or any interest therein shall automatically and immediately revoke the license.

(Ord. 1206, passed 9-17-01)

**§ 5.29.060 REVOCATION OR SUSPENSION OF LICENSE.**

(A) The Mayor or his designee shall have the authority to revoke or suspend a license for any one or more of the following reasons:

(1) The licensee makes any statement, commits any act or is subject to any penalty that, if committed or if known at the time he or she originally applied for the license, would have entitled the Mayor or his designee to deny the person a license when the original or renewal application was made;

(2) The applicant has not fully complied with this chapter or any other applicable state, federal or local laws or regulations affecting the conduct of its business and the health and safety of its patrons;

(3) The business has been closed for a period of 30 consecutive days;

(4) The owner or operator becomes ineligible to obtain or hold a license;

(5) The owner or operator has engaged in any other act or omission which consistently demonstrates the owner or operator's inability or refusal to operate the business in accordance with applicable law;

(6) The owner has, after having been ordered to cease and desist by the Mayor or his designee, persists in committing zoning violations or violations of any Crest Hill building or BOCA Code provisions;

(7) The owner or operator consistently fails or refuses to pay the proper hotel and motel tax under the Crest Hill Municipal Code;

(8) The owner or operator, after having been notified to cure by the Mayor or his designee, fails or refuses to maintain the subject property in a safe and habitable state to the extent that the property becomes a danger or health hazard to its occupants.

(B) Prior to revocation or suspension of a license, the Mayor or his designee shall investigate whether probable cause for revocation or suspension may exist and if so, shall notify the licensee in writing of reasons for the proposed revocation or suspension and grant such licensee the opportunity to appear before the Mayor or his designee at a time and place specified within such notice. Such hearing shall be held not less than ten days after the notice is received by the licensee. If, after the hearing, the Mayor or his designee finds that the license should be revoked or suspended, the Mayor or his designee shall issue a written order revoking or suspending such license.

(C) In cases of suspension, the written order shall specify the period of suspension or the condition on which the suspension order shall be lifted upon remedial action taken by the owner or operator.  
(Ord. 1206, passed 9-17-01)

**§ 5.29.070 INSPECTIONS.**

In addition to any other inspection required by law, all hotel businesses shall be open to inspection at all reasonable times by the City of Crest Hill or such persons as the Mayor may designate.  
(Ord. 1206, passed 9-17-01)

**§ 5.29.080 LICENSE FOR EXISTING BUSINESSES.**

Any business in existence on the date of the approval of this chapter shall have 30 days within which to file an application for a license.  
(Ord. 1206, passed 9-17-01)

**§ 5.29.090 ELIGIBILITY AFTER REVOCATION.**

Any owner or operator whose license is revoked shall not be eligible to receive a license for five years from the date of revocation.

(Ord. 1206, passed 9-17-01)

**§ 5.29.100 CRIMINAL ACTIVITY ON PREMISES.**

The owner or operator shall not permit criminal activity to occur on the premises without taking corrective action or contacting law enforcement officials.

(Ord. 1206, passed 9-17-01)

**§ 5.29.110 GUEST REGISTER.**

The operator of a hotel business shall maintain a guest register and shall make the register available for inspection when inspection is necessary to enforce this article or in the investigation of a crime by the police. The register shall include the name and address of the guest, occupant or customer, as well as his or her vehicle license number and drivers license number, the date on which the guest, occupant or customer checked in and the date on which the guest, occupant or customer checked out. The content of the register shall remain confidential unless disclosure to the general public is required by law.

(Ord. 1206, passed 9-17-01)

**§ 5.29.120 ADMINISTRATIVE REGULATIONS.**

The Mayor is authorized to promulgate administrative regulations consistent with the provisions of this chapter to establish standards that are designed to ensure that licensed premises are maintained in a clean, sanitary and safe condition.

(Ord. 1206, passed 9-17-01)

**§ 5.29.130 RESPONSIBILITY OF OWNERS.**

An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(Ord. 1206, passed 9-17-01)

**§ 5.29.140 OTHER LICENSE PROVISIONS.**

(A) A license is valid only at the location for which it is issued.

(B) It shall be unlawful for any person to counterfeit, forge, change, deface or alter a license.

(C) A license may be canceled upon written request of the owner or operator and surrender of the license itself to the City Clerk.

(Ord. 1206, passed 9-17-01)

**§ 5.29.150 FURNISHING ROOM TO MINOR PROHIBITED.**

It shall be unlawful for a licensee to lease, rent or otherwise furnish a room to a person under 21 years of age.

(Ord. 1206, passed 9-17-01)

**§ 5.29.160 ALLOWABLE TIME OF STAY FOR LODGERS.**

No owner or operator may allow any lodger or customer to stay on the premises of any lodging accommodation within the hotel or motel for more than 28 consecutive calendar days. Once any lodger or customer has remained in the facility for 28 days, he may not be allowed to re-rent lodging within the facility for the following 90 days.

(Ord. 1206, passed 9-17-01)





## CHAPTER 5.32: SCAVENGERS<sup>1</sup>

### Section

- 5.32.010 Definitions
- 5.32.020 License; required; penalty for violation
- 5.32.030 License; application
- 5.32.040 License; issuance
- 5.32.050 License; term
- 5.32.060 License; fee
- 5.32.070 Bond
- 5.32.080 Insurance coverage required
- 5.32.090 Licensee; duties
- 5.32.100 Refuse vehicle regulations
- 5.32.110 Disposal of garbage, refuse and ashes

### § 5.32.010 DEFINITIONS.

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

**GARBAGE, REFUSE** and **ASHES**. Shall have the meanings respectively ascribed to such terms as set forth in ILCS Ch. 65, Act 5, § 11-19-2; provided, that **GARBAGE** includes all rejected organic matter of whatever kind.

**SCAVENGER**. Any person engaged in the collection, removal and disposal of garbage, refuse and ashes.  
(‘78 Code, § 5.32.010) (Ord. 113, passed - -64)

### § 5.32.020 LICENSE; REQUIRED; PENALTY FOR VIOLATION.

No person shall engage in the business of scavenger or shall be permitted to collect, remove and dispose of any garbage, refuse or ashes without first having obtained a license to do so. Any person 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. Each day a violation exists shall be deemed a separate offense.  
(‘78 Code, § 5.32.020) (Ord. 113, passed - -64; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For statutory provisions regarding the regulation of the disposal of refuse and garbage by municipalities, see ILCS Ch. 65, Act 5, § 11-19-1 et seq.

**§ 5.32.030 LICENSE; APPLICATION.**

(A) Every application for a license under this chapter shall be made in writing to the City Clerk on a form provided for that purpose. Such application shall contain the name of the person desiring the license and the place of business of the applicant. If the applicant is a partnership or firm, the application shall contain the names and addresses of each of its members; if a limited partnership, the names and residence addresses of each general partner thereof; and if a corporation, the names and addresses of its officers, directors and shareholders.

(B) The application shall also state the number and description of vehicles which the applicant intends to use or operate in the business and the method of disposal, the place where the applicant intends to dispose of such garbage, refuse and ashes and a written authorization to use such facilities by the owner thereof; provided, that such facility is licensed by the State EPA for use as a sanitary landfill and shall furnish the City Clerk with a schedule of fees to be charged for garbage removal service.

('78 Code, § 5.32.030) (Ord. 113, passed - -64)

**§ 5.32.040 LICENSE; ISSUANCE.**

(A) Every application under this chapter shall be transmitted by the City Clerk to the City Council. No license shall be granted to any applicant therefor except upon approval of the City Council.

(B) Every license so approved shall be issued by the City Clerk and shall be made subject expressly to all the provisions of this chapter and such additional requirements as the City Council may impose.

('78 Code, § 5.32.040) (Ord. 113, passed - -64)

**§ 5.32.050 LICENSE; TERM.**

Every license granted under this chapter shall be in force for the term of one year, beginning on February 1 and continuing to January 31 of the following year. The annual fees provided in § 5.32.060 shall be paid irrespective of when the license is issued, and no such fees shall be prorated or refunded.

('78 Code, § 5.32.050) (Ord. 113, passed - -64)

**§ 5.32.060 LICENSE; FEE.**

The annual fee for any license issued under this chapter shall be \$200.

('78 Code, § 5.32.060) (Ord. 113, passed - -64; Am. Ord. 631, passed - -85; Am. Ord. 886, passed 7-19-93)

**§ 5.32.070 BOND.**

Every licensee under this chapter shall execute a bond to the city with good and sufficient sureties thereon as may be approved by the City Council, in the penal sum of \$5,000, or such other sum as the City Council may from time to time prescribe, for the term of the license issued under this chapter, or any renewal thereof, conditioned upon the faithful performance by the licensee of all duties imposed by law or under any agreement made with the city. In lieu of the bond required by this section, the licensee

may deposit cash or direct general obligation securities of the United States of America with the city treasurer, such deposit to be refunded upon full compliance by the licensee with the conditions aforementioned. However, the contractor who is currently serving the city and has furnished the city with a surety bond heretofore shall not be required to furnish another bond as required in this section. ('78 Code, § 5.32.070) (Ord. 113, passed - -64)

#### **§ 5.32.080 INSURANCE COVERAGE REQUIRED.**

(A) Every applicant under this chapter shall submit satisfactory proof in the form of a certificate or certificates of insurance issued by an insurer authorized to transact business in the state showing that the applicant has procured comprehensive public liability insurance fully protecting the city against any loss, damage or liability that may result from the applicant's proposed operations in the city. Such insurance shall provide for limits of coverage of not less than \$500,000 for bodily injury to any one person; not less than \$1,000,000 for bodily injury to any group of persons resulting from any one accident; and not less than \$500,000 for injuries to property resulting from any one accident.

(B) The applicant shall also furnish proper proof in the form of a certificate or certificates of insurance issued by an insurer authorized to transact business in the state, evidencing that the applicant has obtained workmen's compensation and occupational disease insurance fully protecting the city against any and all claims of employee subcontractors, and other persons, by reason of bodily injury, or death, that may result from the applicant's proposed operations in the city.

(C) The applicant shall also furnish evidence of the expiration dates of the insurance coverages required under this chapter and shall duly certify that such coverages shall not be canceled or modified except upon ten days' prior written notice given to the city. Upon the cancellation, expiration or modification of any coverages required under this chapter without prior consent of the city, any license issued under this chapter to the applicant shall become void. ('78 Code, § 5.32.080) (Ord. 113, passed - -64)

#### **§ 5.32.090 LICENSE; DUTIES.**

It shall be the duty of the licensee to comply fully with the provisions of this chapter and the terms and conditions of any agreement made by the licensee with the city respecting the collection, removal and disposal of garbage, refuse and ashes as defined in § 5.32.010. ('78 Code, § 5.32.090) (Ord. 113, passed - -64)

#### **§ 5.32.100 REFUSE VEHICLE REGULATIONS.**

(A) Any person owning or controlling any vehicle used for the collection and removal of garbage, refuse and ashes in the city shall cause all such vehicles, and all implements used in connection with the loading and unloading thereof, when not in use, to be stored and kept in such place or places and in such manner as not to create a nuisance; and shall cause all such vehicles and implements to be thoroughly disinfected and put in an inoffensive condition when so stored and not in use.

(B) Vehicles used for the collection of garbage, refuse and ashes must be of the all-metal and totally enclosed type.

(C) Such vehicles and implements shall be thoroughly disinfected at least once each week, whether in use or not, unless the same has not been used since the last disinfection thereof.

(D) No person owning or controlling any vehicle used for the collection and removal of garbage, refuse and ashes shall cause or permit any such vehicle to be so loaded; to be in such defective condition; to be so out of repair; to be of such faulty construction; or to be so improperly driven or managed that any garbage, refuse or ashes (with which such vehicle is loaded) drops or falls out on any public way or other place in the city. Such vehicle, and any box, can or other receptacle carried therein or thereon, shall be so constructed as to be strong and virtually air-tight and water-tight so as to prevent any such garbage, refuse or ashes from emitting any odor and so as to prevent any part of the contents or load thereof from falling, leaking or spilling therefrom. It shall be the duty of every person in possession or control of any such vehicle to replace at once on or in such vehicle any part of the contents thereof which shall or may have fallen, dropped or spilled from such vehicle, or from any box or receptacle conveyed thereon, upon any public way or other place whatever.

('78 Code, § 5.32.100) (Ord. 113, passed - -64)

#### **§ 5.32.110 DISPOSAL OF GARBAGE, REFUSE AND ASHES.**

The garbage, refuse or ashes collected and removed by any scavenger licensed under this chapter shall under no circumstances be disposed of in any place in the city, or within one mile of the corporate limits thereof, excepting by approval of the City Council and subject to all applicable requirements of the ordinances, rules and regulations of the city, and the agencies and instrumentalities thereof.

('78 Code, § 5.32.110) (Ord. 113, passed - -64)

## **CHAPTER 5.36: SOLICITORS<sup>1</sup>**

### Section

#### ***General Soliciting Provisions***

- 5.36.010 Definitions
- 5.36.020 Certificate of registration; required
- 5.36.030 Certificate of registration; application
- 5.36.035 License; fee
- 5.36.040 Certificate of registration; issuance
- 5.36.050 Certificate of registration; revocation
- 5.36.060 Municipal policy on soliciting; registration not required when
- 5.36.070 Notice regulating soliciting
- 5.36.080 Solicitors; duty
- 5.36.090 Uninvited soliciting prohibited
- 5.36.100 Time limit on soliciting
- 5.36.105 Definition of premises

#### ***Charitable Organizations Soliciting Funds***

- 5.36.200 Preamble
- 5.36.210 Definitions
- 5.36.220 Street solicitation permit required
- 5.36.230 Tag days
- 5.36.240 Issuance
- 5.36.250 Fraud
- 5.36.260 Conduct
- 5.36.270 Signs at city limits
- 5.36.280 Proof of permit
- 5.36.290 Revocation
- 5.36.300 Penalty

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<sup>1</sup>For statutory provisions authorizing municipalities to license, tax, regulate, or prohibit itinerant merchants and transient vendors, see ILCS Ch. 65, Act 5, § 11-42-5.

Persons standing on highway for purpose of soliciting contributions from occupant of vehicle, expressly permitted by municipal ordinance, see ILCS Ch. 625, Act 5, § 11-1006.

**GENERAL SOLICITING PROVISIONS****§ 5.36.010 DEFINITIONS.**

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

**REGISTERED SOLICITOR.** Any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**RESIDENCE.** Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING.** Any one or more of the following activities:

(1) Seeking to obtain orders for the purpose of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever;

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or

(4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project. ('78 Code, § 5.36.010) (Ord. 269, passed - -70)

**§ 5.36.020 CERTIFICATE OF REGISTRATION; REQUIRED.**

Any person desiring to engage in soliciting as defined in § 5.36.010 from persons in residences within this municipality is required to make written application for a certificate of registration as provided in § 5.36.030.

('78 Code, § 5.36.020) (Ord. 269, passed - -70)

**§ 5.36.030 CERTIFICATE OF REGISTRATION; APPLICATION.**

(A) Application for a certificate of registration shall be made upon a form provided by the Chief of Police of this municipality and filed with the Chief of Police. The applicant shall truthfully state in full the information requested on the application:

(1) Name and address of present place of residence and length of residence at such address; also business address if other than residence address; also Social Security number;

(2) Address of place of residence during the past three years if other than present address;

(3) Age of applicant and marital status; and if married, the name of Spouse;

(4) Physical description of the applicant;

(5) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;

(6) Name and address of employer during the past three years if other than the present employer;

(7) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;

(8) Period of time for which the Certificate is applied for;

(9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any;

(10) Has a certificate of registration issued to the applicant under this chapter ever been revoked;

(11) Has the applicant ever been convicted of a violation of any of the provisions of this chapter or the ordinance of any other Illinois municipality regulating soliciting;

(12) Has the applicant ever been convicted of the commission of a felony under the state or federal law of the United States; and

(13) Also such additional information as the Chief of Police may deem necessary to process the application.

(B) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(C) The Chief of Police shall require every applicant to submit to fingerprinting by the Police Department of this municipality in connection with the application for certificate.

(D) The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining there to and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

(E) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state, or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued under this chapter has previously been revoked as provided herein.  
(‘78 Code, § 5.36.030) (Ord. 269, passed - -70)

**§ 5.36.035 LICENSE; FEE.**

The applicant shall pay a fee of \$10 when the application is submitted. The fee shall be required for each application made for a solicitor's license. All not-for-profit corporations or organizations located in the city shall be exempt from the provisions of this section.

(Ord. 942, passed 12-19-94)

**§ 5.36.040 CERTIFICATE OF REGISTRATION; ISSUANCE.**

The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as required in this chapter, and that the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

('78 Code, § 5.36.040) (Ord. 269, passed - -70)

**§ 5.36.050 CERTIFICATE OF REGISTRATION; REVOCATION.**

(A) Any certificate of registration issued under this chapter shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualification for the issuance of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the certificate in person or by certified U.S. mail addressed to his or her residence address set forth in the application.

(B) Immediately upon the giving of such notice, the certificate of registration shall become null and void.

(C) The certificate of registration shall expire ten days after the date of its issuance.

('78 Code, § 5.36.050) (Ord. 269, passed - -70; Am. Ord. 942, passed 12-19-94)

**§ 5.36.060 MUNICIPAL POLICY ON SOLICITING; REGISTRATION NOT REQUIRED WHEN.**

It is the policy of the governing body of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence. If no determination is made as is provided in § 5.36.070, then in that event, registration is not required.

('78 Code, § 5.36.060) (Ord. 269, passed - -70)

**§ 5.36.070 NOTICE REGULATING SOLICITING.**

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions: notice of the



determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the following manner:

(A) A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“ONLY SOLICITORS REGISTERED IN CREST HILL INVITED”

OR

“NO SOLICITORS INVITED”

(B) The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.  
(‘78 Code, § 5.36.070) (Ord. 269, passed - -70)

#### **§ 5.36.080 SOLICITORS; DUTY.**

(A) It shall be the duty of every solicitor upon going onto any premises in the municipality, whether the premises is residential, commercial or industrial in nature, to first examine the notice provided for in § 5.36.070, if any is attached, and be governed by the statement contained on the notice. If the notice states “ONLY SOLICITORS REGISTERED IN CREST HILL INVITED,” then the solicitor not possessing a valid certificate of registration as provided in this chapter shall immediately and peacefully depart from the premises; and if the notice states “NO SOLICITORS INVITED,” “NO SOLICITORS ALLOWED,” “NO SOLICITING,” or any other language that clearly indicates that any person soliciting or attempting to sell goods or services door-to-door are not wanted in the premises then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.  
(‘78 Code, § 5.36.080) (Ord. 269, passed - -70; Am. Ord. 764, passed - -90)

#### **§ 5.36.090 UNINVITED SOLICITING PROHIBITED.**

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such premises, for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in § 5.36.010, in defiance of the notice exhibited at the residence in accordance with the provisions of § 5.36.070.

(‘78 Code, § 5.36.090) (Ord. 269, passed - -70; Am. Ord. 764, passed - -90)

**§ 5.36.100 TIME LIMIT ON SOLICITING.**

It is unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a premises located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such premises for the purpose of securing an audience with the occupant thereof and engage in soliciting as defined in § 5.36.010, prior to 9:00 a.m. or after 7:00 p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.

('78 Code, § 5.36.100) (Ord. 269, passed - -70; Am. Ord. 764, passed - -90; Am. Ord. 942, passed 12-19-94)

**§ 5.36.105 DEFINITION OF PREMISES.**

For purposes of this chapter, **PREMISES** means not only the interior of any residence, business or manufacturing entity, but also any porch, stoop, sidewalk, driveway or parking lot owned or controlled in whole or in part by the owner or occupant of the residence, business or manufacturing entity and servicing the residence, business or manufacturing entity.

('78 Code, § 5.36.110) (Ord. 764, passed - -90)

**CHARITABLE ORGANIZATIONS SOLICITING FUNDS****§ 5.36.200 PREAMBLE.**

(A) The City of Crest Hill desires to protect its citizens from fraudulent activity; and

(B) The city endeavors to maintain equitable opportunity for charitable organizations to solicit funds throughout the city; and

(C) Pursuant to the Illinois Vehicle Code (the "Code"), ILCS Ch. 65, Act 5, § 11-1006, no person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance; and

(D) Pursuant to the Code, the city in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists; and

(E) Pursuant to the Code, the decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices; and

(F) The Mayor and City Council have determined that it is in the best interest of the city to enact regulations regarding solicitation within the city.

(G) Now, therefore, be it ordained by the City Council of the City of Crest Hill, Illinois, as follows in this subchapter.

(Ord. 1575, passed 9-6-11)

**§ 5.36.210 DEFINITIONS.**

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

**CHARITABLE ORGANIZATION.** Any patriotic, philanthropic, social service, welfare, athletic, political, benevolent, educational, civic or fraternal organization that was organized and exists as a not-for-profit entity.

**CITY.** The City of Crest Hill, Will County, Illinois.

**LEG.** That part of a street/high way/roadway approaching a signalized intersection, regardless of the number of lanes. For example, the intersection Weber Road and Division Street has four legs:

- (1) Westbound Division Street approaching Weber Road;
- (2) Northbound Weber Road approaching Division Street;
- (3) Eastbound Division Street approaching Weber Road; and
- (4) Southbound Weber Road approaching Division Street.

**PUBLIC WAYS.** All streets, highways and/or roadways within the city, which shall include the entire right-of-way.

**SOLICITATION.** The method by which any person, business entity, firm or corporation requests contributions or donations within the city whether or not by means of distributing emblems, flowers, edible items, tags, or any other items, to persons who make a contribution to such charitable organization.

**STREET SOLICITATION.** A day or days upon which a charitable organization may conduct solicitation upon public ways within the city.

**TAG DAY.** A day or days upon which a charitable organization may conduct solicitation in the city at locations other than on public ways.  
(Ord. 1575, passed 9-6-11)

**§ 5.36.220 STREET SOLICITATION PERMIT REQUIRED.**

Any charitable organization that desires to conduct street solicitation within the city shall make application for a "street solicitation" permit on a form provided by the city. Street solicitation days may be conducted subject to the following regulations:

- (A) No street solicitation may be conducted without having first obtained a street solicitation permit.
- (B) Any soliciting agency shall be, pursuant to Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 11-1006:

**Crest Hill - Business Licenses and Regulations**

(1) A charitable organization registered with the Office of the Attorney General of the State of Illinois pursuant to "The Solicitation for Charity Act," ILCS Ch. 225, Act 460, § 0.01, et seq.; and

(2) Engaged in a statewide fund raising activity; and

(3) Liable for any injuries to any person or property during the solicitation that is causally related to an act of ordinary negligence of the soliciting agent.

(C) Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high visibility vest.

(D) Street solicitation applications shall specify a maximum of two intersections where street solicitations are sought to be conducted. A street solicitation permit will be issued for a maximum of two intersections. No street solicitation may be conducted at a location not approved in the street solicitation permit.

(E) Not more than one street solicitation permit may be issued for a given location on any given day.

(F) Street solicitation permits may be requested not more than 364 days prior to the first day in which a street solicitation permit is sought.

(G) If multiple charitable organizations file for street solicitation permit for the same location on the same day, preference shall be given to the applicant first applying.

(H) Street solicitations are prohibited between dusk and dawn.

(I) No charitable organization may receive more than two street solicitation permits in a calendar year.

(J) Each permit issued under this subchapter shall be valid for two consecutive days.

(K) Street solicitors may not solicit from occupant(s) of any vehicle that has a green light.

(L) All charitable organizations must provide proof of insurance before a permit will be issued.

(M) All charitable organizations must provide proof of registration with the Illinois Attorney General pursuant to the "Solicitation for Charity Act", ILCS Ch. 225, Act 460, § 0.01, et seq., before a permit will be issued.

(N) Street solicitation shall be allowed only at intersections where all traffic is required to come to a complete stop.

(O) There shall be no street solicitation at the following locations in the City of Crest Hill:

(1) The intersection of Weber Road and Renwick Road;

(2) The intersection of Gaylord Road, Caton Farm Road and Plainfield Road/Route 30.

(P) Only two persons shall be permitted at the leg of an intersection at any one time, including the public way of an intersection. At a standard intersection with four legs, a maximum of eight persons would be permitted under the terms of this division (P).

(Q) A copy of the street solicitation permit shall be kept at each leg of the intersection and available for inspection.

(Ord. 1575, passed 9-6-11; Am. Ord. 1711, passed 6-6-16)

#### **§ 5.36.230 TAG DAYS.**

Any charitable organization that desires to conduct a tag day within the city shall make application to the City Clerk for a tag day permit on a form provided by the city. Tag days may be conducted subject to the following regulations:

(A) No tag day may be conducted without first having obtained a tag day permit.

(B) Tag day permits shall only be issued to charitable organizations.

(C) A tag day permit shall be valid for not more than 60 days from the date of issuance.

(D) Tag day permits may be requested not more than 364 days prior to the first day in which a tag day permit is sought.

(E) All charitable organizations must provide proof of permission from the business at which the tag day is sought to be conducted specifying the dates the charitable organization will be allowed to conduct a tag day before a permit will be issued.

(Ord. 1575, passed 9-6-11)

#### **§ 5.36.240 ISSUANCE.**

All permits issued by this subchapter shall be issued by the City Clerk or designee.

(Ord. 1575, passed 9-6-11)

#### **§ 5.36.250 FRAUD.**

It shall be unlawful for any solicitor to cheat, deceive or fraudulently misrepresent, whether through himself or through an employee or agent, while acting as solicitor in the city, or to solicit funds other than those specified in his application for a permit.

(Ord. 1575, passed 9-6-11)

**§ 5.36.260 CONDUCT.**

Any permit holder must conduct solicitation in a reasonably courteous manner at all times, must immediately cease solicitation efforts if requested to do so, and must not engage in offensive, obscene, or abusive language. Nor may the permit holder make any untrue statements to the people contacted regarding the purpose of the solicitation and must be otherwise law abiding.  
(Ord. 1575, passed 9-6-11)

**§ 5.36.270 SIGNS AT CITY LIMITS.**

The Street Department is directed to post and maintain appropriate signs at the limits of the city with the following language:

"SOLICITORS MUST OBTAIN PERMIT FROM THE CREST HILL CITY HALL"

(Ord. 1575, passed 9-6-11)

**§ 5.36.280 PROOF OF PERMIT.**

A copy of any permit issued pursuant to this subchapter shall be carried at each location in which the registrant is engaged in solicitation within the city.  
(Ord. 1575, passed 9-6-11)

**§ 5.36.290 REVOCATION.**

(A) Any permit issued under this subchapter may be revoked by the Mayor because of any violation of this subchapter, or whenever the registrant shall cease to possess the qualifications required in this subchapter for the original permit.

(B) (1) Upon receipt of information that the grantee has violated this subchapter or no longer possesses the requisite qualifications to be permitted hereunder, the Mayor shall immediately suspend the permit and give the grantee written notice by certified mail of such suspension. The notice shall contain a statement of the facts upon which the Mayor has acted in suspending the permit.

(2) The grantee shall have the right to demand a hearing to be held within five business days of the city's receipt of the grantee's demand for hearing. Upon the filing of such a demand with the City Clerk, the Mayor shall affix a time and place for hearing. At the hearing, the grantee and any other interested person shall have the right to present evidence as to the facts upon which the Mayor based the suspension of the permit, and any other facts that may aid the Mayor in determining whether this subchapter has been violated.

(3) If, after such hearing, the Mayor finds that this subchapter has been violated, or the information set forth in the application has been misrepresented, he shall within two days after the hearing file with the City Clerk for public inspection and serve upon the grantee, and all interested persons participating in the hearing, a written statement of the facts upon which he bases such finding and shall

immediately revoke the permit. If, after such hearing the Mayor finds that this subchapter has not been violated or the information has not been misrepresented, he shall within two days after the hearing give to the grantee a written statement cancelling the suspension of the permit.  
(Ord. 1575, passed 9-6-11)

**§ 5.36.300 PENALTY.**

Any person, business entity, firm or corporation violating the provisions of this subchapter shall be fined not less than \$50 nor more than \$750 for each violation, and each day such violation shall continue shall be deemed a separate offense.  
(Ord. 1575, passed 9-6-11)





## CHAPTER 5.40: VENDING MACHINES AND SALES

### Section

- 5.40.010 License; required
- 5.40.020 License; application
- 5.40.030 License; fee
- 5.40.040 Inspection and analysis of food and drink
- 5.40.050 Charitable organization exception

#### **Cross-reference:**

*Coin operated amusement devices, see §§ 5.12.430 through 5.12.490*

### **§ 5.40.010 LICENSE; REQUIRED.**

No individual, partnership or corporation shall use, operate or maintain in the city for business or for the use of the public any vending machine for the sale of food, beverages, candy, peanuts, soft drinks, ice cream, popcorn, gum, or any other consumer goods, billiard or pool tables, pinball machines, or coin-in-the-slot operated amusement devices which return to the player no money or property or right to receive money or property, coin-operated music machines or juke boxes, or any coin-operated scales or any other device in which money is paid in exchange for the purchase or rental of any items held in the device without first having obtained a license for each of the automatic vending machines and scales in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.40.010) (Ord. 99, passed - -63; Am. Ord. 470, passed - -78; Am. Ord. 1457, passed 7-7-08; Am. Ord. 1570, passed 7-18-11)

### **§ 5.40.020 LICENSE; APPLICATION.**

Applications for such licenses shall be made to the City Clerk and shall state the full name of the applicant and the number of the machines for which the applicant desires licenses. Such application shall be accompanied by evidence that the applicant, if an individual, or the person or persons in charge of the business, if a firm or corporation, is or are responsible persons of good character and reputation, and if the City Clerk is satisfied that such persons are of good character and reputation, he shall cause a license or licenses to be issued upon the payment of the license fees set forth in § 5.40.030.

('78 Code, § 5.40.020) (Ord. 99, passed - -63)

**§ 5.40.030 LICENSE; FEE.**

(A) The annual fee for each machine or scale shall be based upon the amount of coin or coins used in said machine or scale and computed upon the following specified rates:

| <i>Amount of Coins</i> | <i>Fee</i> |
|------------------------|------------|
| 0.01 - 0.25            | \$ 25      |
| 0.26 - 0.50            | 50         |
| 0.51 - 0.99            | 75         |
| 1.00 and above         | 100        |

(B) No fee shall be charged with reference to any vending machine or scale owned, operated and serviced by a charitable organization, provided that the name of the organization must be clearly set out on the machine, and a current copy of the organization's not-for-profit certification from the Illinois Secretary of State must be presented to the City Clerk each year.  
(‘78 Code, § 5.40.030) (Ord. 99, passed - -63; Am. Ord. 470, passed - -78; Am. Ord. 631, passed - -85; Am. Ord. 826, passed - -91)

**§ 5.40.040 INSPECTION AND ANALYSIS OF FOOD AND DRINK.**

It shall be the duty of the Chief of Police, and he is authorized and empowered, to inspect and examine all food or drink being offered for sale by means of an automatic vending machine for the purpose of ascertaining whether the laws of the state and of the city in relation to sales for vending machines are complied with and that the food and drink so offered for sale has been kept fresh, clean and wholesome; and it shall be the duty of all persons operating vending machines, upon the demand of the Chief of Police, to furnish to him for his inspection samples of all food and drink, which samples may be analyzed by or under the direction of the Chief of Police, and a record of such analysis shall be made and kept in his office for the inspection of the public.  
(‘78 Code, § 5.40.040) (Ord. 99, passed - -63)

**§ 5.40.050 CHARITABLE ORGANIZATION EXCEPTION.**

(A) License fees shall not be required under this chapter where machines are placed or operated within the corporate limits of the city by recognized charitable organizations. For the purpose of determining what constitutes a recognized charity, a charter issued by the state, or by any other state in the United States, shall show the chartered organization to be existing as a not-for-profit corporation. Also included in the definition of “charitable organizations” for purposes of this chapter are all school-directed activities, whether public, parochial, or private.

(B) Charitable organizations shall be subject to all other sections of this chapter.  
(‘78 Code, § 5.40.050) (Ord. 148, passed - -63)

## CHAPTER 5.44: WEAPONS DEALERS<sup>1</sup>

### Section

- 5.44.010 License; required
- 5.44.020 License; annual fee
- 5.44.030 Sales to minors unlawful
- 5.44.040 Permit required for concealable weapons; application; contents; ineligible applicants
- 5.44.050 Registration of sales; reports; contents

### **§ 5.44.010 LICENSE; REQUIRED.**

It is unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, Bowie knife, dagger, or other weapons of like character without first obtaining a license to do so in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.44.010) (Ord. 267, passed - -70; Am. Ord. 1570, passed 7-18-11)

### **§ 5.44.020 LICENSE; ANNUAL FEE.**

The fee for a license required by this chapter shall be \$100 per year.

('78 Code, § 5.44.020) (Ord. 267, passed - -70; Am. Ord. 631, passed - -85; Am. Ord. 886, passed 7-19-93; Am. Ord. 962, passed 9-18-95)

### **§ 5.44.030 SALES TO MINORS UNLAWFUL.**

None of the articles governed by this chapter or of like character shall be sold to any minor.

('78 Code, § 5.44.030) (Ord. 267, passed - -70)

### **§ 5.44.040 PERMIT REQUIRED FOR CONCEALABLE WEAPONS; APPLICATION; CONTENTS; INELIGIBLE APPLICANTS.**

(A) No sale of any revolver, pistol, derringer, or other hand gun which can be concealed on the person shall be made by any licensee under this chapter to any purchaser unless he shall first exhibit to the licensee a permit for the purchase thereof, issued by the Chief of Police of the city.

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<sup>1</sup>For state laws relating to the sale and possession of deadly weapons, see ILCS Ch. 720, Act 5, § 24-1 et seq., 1974 supp.; for state laws relating to the acquisition, possession and transfer of firearms, see ILCS Ch. 430, Act 65, § 1

(B) Before any permit required by this section is granted, an application in writing shall be made to the Chief of Police, setting forth in the application the name, address, height, weight, complexion, nationality and any other information the Chief of Police may deem necessary to each applicant and the applicant shall further present to the Chief of Police such further evidence of good character and reputation as a law-abiding citizen as the Chief of Police shall require. It shall be the duty of the Chief of Police to refuse the permit to all minors or persons having been convicted of any felony crime or persons having a history of multiple misdemeanor convictions.

(C) Before any permit required by this section is granted, a criminal conviction information investigation shall be made to the Illinois State Police Bureau of Identification by the Chief of Police.

(1) The request shall be for a nonfingerprint based report. The fee for the report is \$14 and shall be paid by the person seeking a permit.

(2) In the event an inconclusive report is received from the Bureau of Identification, a fingerprint based search shall be conducted. The fee for this report is \$24 and shall be paid by the person seeking a permit.

('78 Code, § 5.44.040) (Ord. 267, passed - -70; Am. Ord. 802, passed - -91)

#### **§ 5.44.050 REGISTRATION OF SALES; REPORTS; CONTENTS.**

(A) Every licensee under this chapter shall keep a register in which shall be recorded each sale, delivery or repair of any of the items governed by this chapter. The register shall further set forth the name of the purchaser, his address, a complete description of the article sold, including:

(1) Factory serial number;

(2) Bore or caliber; and

(3) In case of concealable weapons, the number of the permit required by this chapter.

(B) The licensee shall, at the commencement of each business day, report to the Chief of Police of the city all such items sold on the previous business day, together with the information required by this section.

('78 Code, § 5.44.050) (Ord. 267, passed - -70)

## **CHAPTER 5.48: AUTOMATIC AND MANUAL BURGLAR AND FIRE ALARMS**

Section

### ***I. General Provisions***

- 5.48.010 Definitions
- 5.48.020 Annual permit
- 5.48.030 False alarms
- 5.48.040 Liability of city; limited

### ***II. Automatic Protection Devices***

- 5.48.050 Permit required
- 5.48.060 Application for permit by user
- 5.48.070 Reserved
- 5.48.080 Approval of applications for permits
- 5.48.090 Right of inspection
- 5.48.100 Restricted numbers
- 5.48.110 Contents of recorded messages
- 5.48.120 Revocation

### ***III. Signaling Devices***

- 5.48.130 Monitoring system
- 5.48.140 Permit required
- 5.48.150 Application for permit by users
- 5.48.160 Reserved
- 5.48.170 Approval of application for permits
- 5.48.180 Right of inspection
- 5.48.190 Revocation
- 5.48.200 Subscription charges

## ***I. GENERAL PROVISIONS***

### **§ 5.48.010 DEFINITIONS.**

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

**ALARM EQUIPMENT SUPPLIERS.** Any person, firm or corporation that sells, leases or installs automatic protection devices or signaling devices which transmit alarms upon receipt of stimulus from a detection apparatus or a manually operated system.

**AUTOMATIC PROTECTION DEVICES.**

(1) An electrically operated instrument which automatically sends a voice alarm over regular public telephone lines upon detection of a fire or unauthorized intrusion; or

(2) An electronically operated system that sends a signal to a receiving center where the alarm is verified and then a call is made to the local police to respond to the alarm.

**SIGNALING DEVICES.** An electrically operated instrument which automatically sends visual and audible signals over a signal line to be registered by indicators at a monitor panel at the receiving terminal.

('78 Code, § 5.48.010) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91)

**§ 5.48.020 ANNUAL PERMIT.**

All permit holders shall be required to renew their permit each year by filling out the appropriate forms as supplied by the City Clerk and paying a \$20 renewal permit fee to the city on or before January 1 of each year. It is the intent of this section that each alarm equipment installing company shall pay only one \$20 renewal permit fee per year, regardless of how many alarms and signaling devices it has installed and has operating within the city during that year.

('78 Code, § 5.48.020) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91)

**§ 5.48.030 FALSE ALARMS.**

(A) Each person, firm or corporation holding a permit for the operation or maintenance of an automatic protection device or signaling device shall be responsible for any false alarms transmitted by the device which they operate or maintain. The Chief of Police or his designee shall maintain a record of all false alarms transmitted and pursuant to the required notice and opportunity to be heard, may revoke or suspend the permit for the operation of an automatic protection device or signaling device involved in the transmission of four false alarms in any one year or may make reasonable charges therefor.

(B) The Chief of Police shall charge a user permit holder a fee of \$10 for the first false alarm in excess of one in any three month period transmitted by any automatic protection device or signaling device. For each subsequent false alarm thereafter, the Chief of Police shall charge a user permit holder a fee of \$25. Such charges shall be remitted to the city by such user permit holder upon receipt of a statement of such charge. If the user permit holder does not pay said fee or fees within 30 days of the assessment thereof, the Chief of Police shall have the right to suspend the license of the permit holder until such time as the fee is paid.

(C) Whenever a user permit holder is charged a fee by the Chief of Police, the user permit holder may within seven days of the issuance of the fee submit a written appeal to the Chief of Police requesting that the fee be waived for the particular violation involved. This appeal shall specify the reasons why the user permit holder believes that the fee should be waived for the particular circumstances involved. The Chief of Police may, at his sole discretion, waive the fee or decide to impose the fee.  
(‘78 Code, § 5.48.030) (Ord. 522, passed - -81)

**§ 5.48.040 LIABILITY OF CITY; LIMITED.**

The city shall take every reasonable precaution to assure that alarm signals and prerecorded alarm messages received by the city are given appropriate attention and are acted upon with dispatch. Nevertheless, the city shall not be liable for any defects in operation of automatic protection devices and signal device systems, for any failure or neglect to respond or neglect of any person in connection with the installation and operation of equipment, the transmission of alarm signals and prerecorded alarm messages or the relaying on such signals and messages. In the event that the city finds it necessary to disconnect a defective automatic protection device or signaling device, the city shall incur no liability by such action.  
(‘78 Code, § 5.48.040) (Ord. 522, passed - -81)

***II. AUTOMATIC PROTECTION DEVICES***

**§ 5.48.050 PERMIT REQUIRED.**

No person shall operate or maintain any automatic protection device which automatically transmits a signal, message or warning to the Police Department telephone line, or a signal which once verified by a central receiving unit results in a call to the Police Department without first obtaining a permit as required by this subchapter.  
(‘78 Code, § 5.48.050) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91)

**§ 5.48.060 APPLICATION FOR PERMIT BY USER.**

Applications for permits to maintain and operate an automatic protection device shall be filed with the Chief of Police on forms supplied by the city with an application fee of \$50 payable to the City Clerk. The application shall include the following:

(A) Name, address and telephone number of the applicant; the name, address and telephone number of the location where the alarm is to be installed, and a list of names and telephone numbers for persons who can be contacted for after hours emergencies.

(B) Name, address and telephone number of the alarm equipment installing company and type of business organization (individual, partnership, corporation); if a partnership, names and addresses of the partners; if a corporation, the names and addresses of the principal officers and the state where incorporated.

(C) A description of, and operational specifications for the automatic protection device or devices offered to the public, together with a statement that the equipment does comply with the standards of the Underwriters' Laboratories, the National Fire Protection Association, Factory Mutual or equal.

(D) A statement that all installations shall comply with the City Electrical Code and the National Code. ('78 Code, § 5.48.060) (Ord. 522, passed - -81; Am. Ord. 631, passed - -85; Am. Ord. 798, passed - -91; Am. Ord. 979, passed 2-19-96)

#### **§ 5.48.070 RESERVED.**

#### **§ 5.48.080 APPROVAL OF APPLICATIONS FOR PERMITS.**

The Chief of Police or his designee shall approve such application if he finds that:

(A) The use of the automatic protection device to transmit a signal message or warning or telephone call to a designated Police Department or Fire Department telephone line will not interfere with the orderly conduct of city business.

(B) The Chief of Police may impose reasonable conditions on the issuance and exercise of the permit. ('78 Code, § 5.48.080) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91)

#### **§ 5.48.090 RIGHT OF INSPECTION.**

The Chief of Police or his designee shall have the right to inspect any automatic protection device on the premises where it is installed to be used, both prior and subsequent to the issuance of a permit, at a reasonable time, to determine whether a permit should be granted or whether it is being used in conformity with the terms of the permit and the provisions of this chapter. ('78 Code, § 5.48.090) (Ord. 522, passed - -81)

#### **§ 5.48.100 RESTRICTED NUMBERS.**

It shall be unlawful for any person, firm or corporation to install, maintain, or operate an automatic protection device except to such telephone numbers as designated by the permit issued under the provisions of this chapter. ('78 Code, § 5.48.100) (Ord. 522, passed - -81)

#### **§ 5.48.110 CONTENTS OF RECORDED MESSAGES.**

(A) All messages received by the Police Department which have their origin with (from) an automatic protection device shall be in a recorded form.



(B) The content and the type of recorded message to be transmitted by such automatic protection device must be intelligible and in a format approved by the Chief of the Department concerned as appropriate for the nature of the alarm.

(C) The length of time for transmitting the recorded message must not exceed 15 seconds per message with a maximum of two transmissions.  
(‘78 Code, § 5.48.110) (Ord. 522, passed - -81)

**§ 5.48.120 REVOCATION.**

The Chief of Police or his designee may revoke or suspend any permit issued pursuant to the provisions of this chapter, after giving written notice to the permit holder and an opportunity for the permit holder to effect compliance in ten days or less, if he determines that the automatic protection device under said permit has been installed, maintained, or operated in violation of the provisions of this chapter or of any term or condition of the permit or for failure to pay the annual permit fee specified in § 5.48.020.  
(‘78 Code, § 5.48.120) (Ord. 522, passed - -81)

***III. SIGNALING DEVICES***

**§ 5.48.130 MONITORING SYSTEM.**

The Police Department is authorized to contract for the installation of a uniform monitoring system to receive visual and audible signals over a signal line or lines, at a central location. This system shall have a capacity to meet present needs and the ability to expand for future needs, and shall be available to any subscriber who meets the requirements for a permit for connection.  
(‘78 Code, § 5.48.130) (Ord. 522, passed - -81)

**§ 5.48.140 PERMIT REQUIRED.**

No person shall install, operate or maintain a signaling device over a signal line to the Police Department without first obtaining a permit as required by this section.  
(‘78 Code, § 5.48.140) (Ord. 522, passed - -81)

**§ 5.48.150 APPLICATION FOR PERMIT BY USERS.**

Applications for permits by users to install, maintain, and operate a signaling device shall be filed with the Chief of Police on forms supplied by the city with an application fee of \$50 payable to the City Clerk. The application shall include the following:

(A) Name, address and telephone number of the applicant; the name, address and telephone number of the location where the alarm is to be installed, and a list of names and telephone numbers for persons who can be contacted for after hours emergencies;

(B) Name, address and telephone number of the alarm equipment installing company and type of business organization (individual, partnership, corporation); if a partnership, names and addresses of the partners; if a corporation, the names and addresses of the principal officers and the state where incorporated;

(C) A description of, and operational specifications for the signaling device or devices offered to the public, together with a statement that the equipment does comply with the standards of the Underwriters' Laboratories, the National Fire Protection Association, Factory Mutual or equal;

(D) A statement that all installations shall comply with the City Electrical Code and the National Electrical Code.

('78 Code, § 5.48.150) (Ord. 522, passed - -81; Am. Ord. 979, passed 2-19-96)

#### **§ 5.48.160 RESERVED.**

#### **§ 5.48.170 APPROVAL OF APPLICATIONS FOR PERMITS.**

The Chief of Police or his designee shall approve such application if he finds that:

(A) A statement that the equipment does comply with the standards of the Underwriters' Laboratories, the National Fire Protection Association Factory Mutual or equals, and also with the standards of the City Electrical Code and the National Electrical Code.

(B) The Chief of Police or his designee may impose reasonable conditions on the issuance and exercise of said permit.

('78 Code, § 5.48.170) (Ord. 522, passed - -81; Am. Ord. 798, passed - -91)

#### **§ 5.48.180 RIGHT OF INSPECTION.**

The Chief of Police or his designee shall have the right to inspect any signaling device on the premises where it is intended to be used both prior to and subsequent to the issuance of a permit, at reasonable times, to determine whether a permit should be granted and whether it is being used in conformity with the terms of the permit and the provisions of this chapter.

('78 Code, § 5.48.180) (Ord. 522, passed - -81)

#### **§ 5.48.190 REVOCATION.**

The Chief of Police or his designee may revoke or suspend any permit issued pursuant to the provisions of this chapter after giving written notice to the permit holder and an opportunity for the permit holder to effect compliance within ten days or less, if he determines that the signaling device under the permit has been installed, maintained, or operated in violation of the provisions of this chapter or of any term or condition of the permit or for failure to pay the annual permit fee as specified in § 5.48.020.

('78 Code, § 5.48.190) (Ord. 522, passed - -81)

**§ 5.48.200 SUBSCRIPTION CHARGES.**

The user permit holder shall pay the alarm equipment supplier for all equipment at their location and connection fees to the monitoring system and maintenance charges necessitated by the installation, operation and maintenance of the signaling devices in the monitoring system. The company supplying and maintaining the monitoring system shall have the right to charge subscribers or their alarm equipment supplier a reasonable fee for connection to and maintenance of the system.  
(‘78 Code, § 5.48.200) (Ord. 522, passed - -81)



## CHAPTER 5.52: BATHHOUSES

### Section

- 5.52.010 Definition
- 5.52.020 License required
- 5.52.030 Application for license
- 5.52.040 License fee
- 5.52.050 Duties of Clerk
- 5.52.060 Plan Commission determination
- 5.52.070 Restrictions in operation
- 5.52.080 Penalties

### § 5.52.010 DEFINITION.

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

***BATHHOUSE.*** A commercial business which offers to the purchasing public at a fee or price facilities for taking a regular bath, shower, steam bath, sauna bath or hot tub bath. Any business concern that offers any of these services at a price shall be regarded for purposes of this chapter as a bathhouse, whether or not the business carries on any other kind of business within its premises. However, if the bath services are not submitted to the purchasing public for a price but are merely offered as an adjunct of other services, which other services are paid for by the purchasing public, the business entity shall not be deemed a bathhouse for purposes of this chapter.

('78 Code, § 5.52.010) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97)

### § 5.52.020 LICENSE REQUIRED.

No person shall operate a bathhouse in the city without a valid license issued in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.52.020) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97; Am. Ord. 1570, passed 7-18-11)

**§ 5.52.030 APPLICATION FOR LICENSE.**

All applicants for a license under this chapter must submit their application for the license with the requisite license fee, payable in advance to the City Clerk. The City Clerk shall provide the applicant with an application form. This application form shall require the following information:

(A) The name and address of the person making the application and executing it;

(B) The name and address of the owner or owners of the business to be licensed. If the business is a corporation, the form should provide space for the corporate address, as well as the addresses and names of the president, secretary and treasurer of the corporation and all persons employed by the corporation who operate the facility;

(C) The address of the facility where the bathhouse is to be operated;

(D) The number of employees expected to be employed by the facility;

(E) A statement by the applicant that he has read the data he placed in the application and that the data is true and correct, along with a space for his signature and the signature of a notary public. ('78 Code, § 5.52.030) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97)

**§ 5.52.040 LICENSE FEE.**

Each applicant shall pay an annual fee of \$1,200. The \$1,200 fee shall be due in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.52.040) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97; Am. Ord. 1570, passed 7-18-11)

**§ 5.52.050 DUTIES OF CLERK.**

Upon receipt of the license fee and application, the City Clerk shall direct the applicant to make arrangements with the Chief of the Police Department to have his fingerprints taken and the fingerprints of all managing officers or employees of the business entity. The City Clerk shall forward a copy of the application to the Chief of Police for him to conduct the tests and make his own investigation into any prior criminal history or background of the applicant or any other person whose name appears on the application form. The City Clerk shall also forward a copy of the application to the Plan Commission and shall put the application on the agenda for the first practicable Plan Commission meeting. The City Clerk shall further inform the applicant of the date and time of this meeting.

('78 Code, § 5.52.050) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97)

**§ 5.52.060 PLAN COMMISSION DETERMINATION.**

The Plan Commission shall conduct a hearing in the ordinary course of its business to determine whether the applicant should be so licensed, and shall make its decision within 60 days after its meeting and hearing. Upon making its determination, this determination shall be forwarded to the City Council at its next regular scheduled meeting for the Council's determination to agree with or reject the Plan Commission's recommendation, as the case may be. The City Council's decision shall be made within 60 days after having received the Plan Commission's recommendation, and this decision shall be final. ('78 Code, § 5.52.060) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97)

**§ 5.52.070 RESTRICTIONS IN OPERATION.**

No female employee of a bathhouse shall appear in the presence of a nude male patron, nor shall any female employee appear nude before any male patron, clothed or unclothed. Likewise, no male employee of a bathhouse shall appear before a nude female patron, nor shall any male employee appear nude before any female patron, whether she is clothed or unclothed. ('78 Code, § 5.52.080) (Ord. 571, passed - -82; Am. Ord. 1038, passed 9-15-97)

**§ 5.52.080 PENALTIES.**

Any person violating the provisions of this chapter shall be subject to a fine not to exceed \$750, and shall further be subject to having the license of the bathhouse revoked. In any event, if the city contemplates revocation or suspension of the license, the city shall conduct a hearing to determine whether the license should be revoked or suspended. The Mayor shall be the hearing officer at the hearing and shall have the power to make rulings on law and the evidence and the power to decide the case. The Mayor's decision will be final other than any court remedies the applicant may have as provided by law. ('78 Code, § 5.52.090) (Ord. 571, passed - -82; Am. Ord. 998, passed 7-1-96; Am. Ord. 1038, passed 9-15-97)





**CHAPTER 5.53 (RESERVED)**

[Text continues on Page 86I]



## CHAPTER 5.54: SEXUALLY ORIENTED BUSINESSES

### Section

- 5.54.010 Definitions
- 5.54.020 Sexually oriented business license
- 5.54.030 License applications
- 5.54.040 Issuance or denial of license
- 5.54.050 License fee
- 5.54.060 Transfer of license prohibited
- 5.54.070 Revocation or suspension of license
- 5.54.080 Hours of operation; inspections
- 5.54.090 No minors allowed on premises
- 5.54.100 License for existing businesses
- 5.54.110 No alcoholic beverages
- 5.54.120 Certain conduct prohibited
- 5.54.130 Eligibility for license
- 5.54.140 Responsibility of the operator
- 5.54.150 Other license provisions
- 5.54.160 Penalty

### § 5.54.010 DEFINITIONS.

For the purpose of this section, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

**ADULT BOOKSTORE.** An establishment having either (1) more than 10% of its stock and trade in or 15% of its square footage devoted to, books, films, video cassettes (whether for viewing off premises or on premises), or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, or (2) more than 15% of the square footage of the total area open to the public, on which the above books, films, video cassettes, magazines and other periodicals are displayed.

**ADULT CABARET.** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

**ADULT ENTERTAINMENT.** Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, whether by way of pantomime or modeling.

**ADULT MINI-MOTION PICTURE THEATER.** An enclosed building with a capacity of less than 50 persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

**ADULT MOTION PICTURE THEATER.** An enclosed building with a capacity of 50 or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

**ADULT SEXUAL TOY AND NOVELTY STORE.** Any establishment containing more than 10% of its stock and trade in, or 15% of that part of its square footage open to the public for sale of any item of personal property designed or intended to heighten or enhance the gratification of any participant during any aspect of the act of sexual intercourse, masturbation, oral intercourse, or anal intercourse. Condoms are not "adult sex toys and novelties" as that term is used in this chapter.

**APPLICANT.** The applicant for a license shall be the intended operator of the business.

**CONDUCT ANY BUSINESS.** Any person who does any one or more of the following shall be deemed to be conducting business in a sexually oriented business:

(1) Operates a cash register, cash drawer, or other depository on the enterprise premises where cash funds or records or credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;

(2) Displays or takes orders from any customer for any merchandise, goods, entertainment, or other services offered on the premises;

(3) Delivers or provides to any customer any merchandise, goods, entertainment, or other services offered on the premises;

(4) Acts as a door attendant to regulate entry of customers or other persons into the premises; or

(5) Supervises or manages other persons in the performance of any of the foregoing activities on the enterprise premises.

**CUSTOMER.** Any person who:

(1) Is allowed to enter a licensed business in return for the payment of an admission fee or any other form of consideration or gratuity;

(2) Enters a licensed business and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment, or other services offered therein; or

(3) Is a member of and on the premises of a licensed business operating as a private club.

**EMPLOYEE.** Any person who renders any service whatsoever to the customers of a licensed business or who works in or about a licensed business and who receives compensation for such service or work from the operator or owner of the licensed business or from the customers therein.

**LICENSED BUSINESS.** Any sexually oriented business licensed under this chapter.

**OPERATOR.** The manager or other natural person principally in charge of a licensed business.

**OWNER.** The proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding 10% or more of the outstanding shares if a corporation.



**PERSONS.** Any individual, partnership, corporation, association, proprietorship, or other legal entity.

**RELIGIOUS INSTITUTION.** A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

**SEXUALLY ORIENTED BUSINESSES.** Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted operated or maintained for a profit, direct or indirect. A “sexually oriented business” further includes, without being limited to, any adult bookstores, adult motion picture theaters, a business offering for sale or use on the premises adult sexual toys or novelties, adult mini-motion picture establishments, adult cabarets, adult entertainment studios or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of the like import, as well as any establishment regulated but not prohibited by this chapter.

***SPECIFIED ANATOMICAL AREAS.***

- (1) Less than completely and opaquely covered;
  - (a) Human genitals, pubic region, or buttocks;
  - (b) Female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

***SPECIFIED SEXUAL ACTIVITIES.***

- (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human masturbation, sexual intercourse, bestiality or sodomy;
  - (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.
- (Ord. 1192, passed 4-16-01)

**§ 5.54.020 SEXUALLY ORIENTED BUSINESS LICENSE.**

No person shall own, operate, or conduct any sexually oriented business located within the city unless he has a valid current license for the business issued by the City Clerk.  
(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.030 LICENSE APPLICATIONS.**

(A) Applications for a license, whether original or renewal, must be made to the Mayor or City Council’s designee by the intended operator of the sexually oriented business. Applications must be submitted during regular working hours. Application forms shall be supplied by the city. The intended operator shall be required to give the following information on the application form:



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(1) (a) The name, date of birth, street address (and mailing address if different), and driver's license number of the intended operator, including any and all aliases;

(b) The name, date of birth, street address (and mailing address if different), and drivers license number of the owner(s), including any and all aliases;

(2) The name under which the business is to be operated and a general description of the services to be provided;

(3) The telephone number of the business;

(4) The address and legal description of the parcel of land on which the business is to be located;

(5) The date on which the owner (s) acquired the business for which the license is sought, and the date on which the business began or is to begin operations as an enterprise at the location for which the permit is sought;

(6) A list of all employees or contractors involved in providing the services to be furnished by the business, including the full name, date of birth, and address of each;

(7) Whether the applicant previously operated a sexually oriented business in this or any other county, city or state under a sexually oriented business license or any business license; whether the applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

(8) Whether the applicant has been convicted of any felony within the last ten years or any criminal offense involving controlled substances, moral turpitude, prostitution, obscenity, or other crime of a sexual nature; and

(9) The percentage of ownership the applicant shall maintain in the business, and, if his or her ownership is less than 50%, the name and address of the person with the highest percentage of ownership in the business, specifying that percentage of ownership.

(B) The application shall be accompanied by the following:

(1) A certified copy of the assumed name certificate if the business is to be operated under an assumed name;

(2) If the business is a state corporation, a certified copy of the articles of incorporation, together with all amendments thereto;

(3) If the business is a foreign corporation, a certified copy of the certificate of authorization to transact business in this state, together with all amendments thereto;

(4) If the business is a limited partnership formed under the laws of the state, a certified copy of the certificate of limited partnership, together with all amendments thereof;

(5) If the enterprise is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;

(6) Any of items (1) through (5), above shall not be required for a renewal application if the applicant states that the documents previously furnished with the original application or previous



renewals thereof remain correct and current;

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(7) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(C) The application shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct; and,

(2) The applicant has read the provisions of this chapter.  
(Ord. 1192, passed 4-16-01)

**§ 5.54.040 ISSUANCE OR DENIAL OF LICENSE.**

(A) Within 30 days of receipt of any application, either original or renewal, the Mayor or the City Council's designee shall grant or deny the requested license and give written notice to the applicant as to the decision.

(B) The Mayor or the City Council's designee shall issue the license to the applicant unless one or more of the following conditions exist:

(1) The applicant failed to supply all of the information requested on the application;

(2) The applicant gave materially false, fraudulent, or untruthful information on the application;

(3) The applicant's business is not in compliance with any provision of the Zoning Ordinance;

(4) The application or the business does not meet any other requirement of this chapter;

(5) The applicant has not fully complied with all state, federal, and local laws or regulations affecting the conduct of its business;

(6) The applicant or owner has had a license revoked for the same business or same type of business;

(7) The applicant is not at least 18 years of age;

(8) The applicant has been convicted of a felony within the last ten years or any criminal offense involving controlled substances, moral turpitude, prostitution, obscenity, or other crimes of sexual nature. Whenever either the application form or any other information gleaned by the city or its agents indicates that such a conviction may have occurred, the city and the Police Department shall be allowed an additional 90 days to conduct further background check of the applicant, including a check of fingerprints, to confirm or exclude whether a conviction of the applicant has been imposed. In the case of a corporation, partnership, or joint venture, any officer, director, stockholder, or other person controlling 25% or more of the corporate stock or partnership assets shall be deemed to be an applicant.

(C) In the event that the Mayor or City Council's designee determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 30 days of the receipt of the application. An applicant, may appeal such denial by filing a written request for a hearing with the Mayor within five business days after the applicant is given notice of such denial. The decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the decision on the issuance of a license. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged. The hearing shall be conducted by the Mayor. At the hearing, the Mayor shall receive oral and written testimony regarding the application. Hearings shall be

conducted under rules issued by the Mayor, which 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.

(D) The Mayor shall conduct the hearing within 15 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The Mayor shall render a written decision and issue notice thereof to the applicant within five business days after the conclusion of the hearing. The written decision of the Mayor shall be final.

(E) Failure of the Mayor to give timely notice of action on an application, or failure of the Mayor to timely conduct or give notice of the Mayor's decision on an appeal within the limitations of time specified above shall entitle the applicant to the issuance of temporary license upon written demand therefore filed by the applicant with the Mayor. Such a temporary license shall only be valid until the third day after the Mayor gives notice of action on the application or gives notice of this decision on the appeal.

(Ord. 1192, passed 4-16-01)

#### **§ 5.54.050 LICENSE FEE.**

Each applicant shall pay an annual fee of \$1,200. The \$1,200 fee shall be due in accordance with the provisions of Chapter 5.04. However, a purchaser acquiring a first-time license on or after January 1 of the calendar year shall pay only one-half of the license fee for that year. Other than this provision for half payment, there shall be no proration of the license fee. The license must be renewed in accordance with the provisions of Chapter 5.04.

(Ord. 1192, passed 4-16-01; Am. Ord. 1570, passed 7-18-11)

#### **§ 5.54.060 TRANSFER OF LICENSE PROHIBITED.**

A license issued under this chapter is personal to the owner and operator of a sexually oriented business and may not be transferred or otherwise conveyed to a third party. Any transfer or conveyance of the business shall require the transferee to apply and otherwise qualify for the issuance of a new license. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

#### **§ 5.54.070 REVOCATION OR SUSPENSION OF LICENSE.**

(A) The Mayor or the City Council's designee shall have the authority to revoke a license for any one or more of the following reasons:

(1) The owner, operator or employee, of the licensed business knowingly allowed a person under 18 years of age to enter the business;

(2) The licensed business does not conform to the provisions of this chapter or is in violation of any other applicable federal, state, or local law or regulations;

(3) The owner or operator of the licensed business gave materially false, fraudulent, or untruthful information on the original or renewal application form;

(4) The business has been closed for business for a period of 30 consecutive days, unless such closure is due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to re-open the business;

(5) The operator or owner becomes ineligible to obtain a license;

(6) Any cost, bill, or fee required to be paid by this chapter or any other city ordinance is not paid;

(7) Any alcoholic beverage is served or consumed on the premises of the sexually oriented business;

(8) Any other act or omission which demonstrates the owner or operator's inability to operate the sexually oriented business in accordance with applicable law.

(B) Prior to revocation or suspension of a license, the Mayor or the City Council's designee shall investigate whether probable cause for revocation or suspension exists, and grant such licensee the opportunity to appear before the Mayor or the 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. 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 Mayor's designee shall issue a written order revoking or suspending such license which shall be effective on the third day after notice thereof is given to the owner or operator.

(Ord. 1192, passed 4-16-01)

**§ 5.54.080 HOURS OF OPERATION; INSPECTIONS.**

(A) No sexually oriented business shall be open between the hours of 2:00 a.m. and 9:59 a.m.

(B) All sexually oriented businesses shall be open to inspection at all reasonable times by the city or such other persons as the Mayor may designate.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.090 NO MINORS ALLOWED ON PREMISES.**

No person under the age of 18 years shall be allowed on or to enter the premises of a sexually oriented business. A sign indicating the prohibition against the entry of minors shall be posted in a conspicuous place at all public entrances to the sexually oriented business.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.100 LICENSE FOR EXISTING BUSINESSES.**

Any sexually oriented business in existence on the date of the approval of this chapter shall have 60 days within which to file an application for a license.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

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**§ 5.54.110 NO ALCOHOLIC BEVERAGES.**

The consumption or sale of alcoholic beverages on the premises of the licensed business is prohibited. No sexually oriented business shall be located on the premises for which a license to sell alcoholic beverages has been issued.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.120 CERTAIN CONDUCT PROHIBITED.**

No owner, operator, employee of an operator, or customer shall on the premises, engage in or permit the occurrence of acts of human masturbation, sexual intercourse, sodomy, or other contact stimulation of the genitalia, or engage in or permit the occurrence of any act constituting the offense of obscenity under the State Criminal Code.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.130 ELIGIBILITY FOR LICENSE.**

Any owner or operator whose license is revoked shall not be eligible to receive a license for five years from the date of revocation. No location or premises for which a license has been issued shall be used as a sexually oriented business two years from the date of revocation of the license.

(Ord. 1192, passed 4-16-01)

**§ 5.54.140 RESPONSIBILITY OF THE OPERATOR.**

(A) The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security Number, date of employment and termination, and duties of each employee and such other information as may be required by the Mayor. The above information on each employee shall be maintained in the register on the premises for a period of three years following termination.

(B) The operator shall make the register of employees available immediately for inspection by police upon demand of the city at all reasonable times.

(C) Every act or omission by an employee, agent, or independent contractor constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. It shall be no defense for the operator to maintain that his or her independent contractor had been granted full discretion as to the manner of operation of the premises.

(D) An operator shall be responsible for the conduct of all employees, agents, or independent contractors providing services at the operator's request while on the licensed premises. Any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act of the operator, warranting suspension or revocation of the license.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.150 OTHER LICENSE PROVISIONS.**

(A) A license is valid only at the location for which it is issued.

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(B) It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a license.

(C) A license may be canceled upon written request of the owner or operator and surrender of the license itself to the Mayor.

(Ord. 1192, passed 4-16-01) Penalty, see § 5.54.160

**§ 5.54.160 PENALTY.**

Any person who shall be convicted of a violation of this chapter shall be fined not less than \$100 nor more than \$750 and a separate offense shall be deemed committed for each day any such violation shall continue.

(Ord. 1192, passed 4-16-01)



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## CHAPTER 5.56: OUTDOOR GENERAL STORAGE FACILITIES

### Section

- 5.56.010 Intent of chapter
- 5.56.020 Definition
- 5.56.030 License; required
- 5.56.040 License; application
- 5.56.050 License; fee
- 5.56.060 License; issuance
- 5.56.070 License; revocation
- 5.56.080 Fencing or screen planting required
- 5.56.090 Compliance with statutes and codes
- 5.56.100 Hazardous or toxic waste products prohibited
- 5.56.110 Size and weight of stored products
- 5.56.120 Storage of junk prohibited
- 5.56.130 Termination of license and restoration of land
- 5.56.140 Penalties

### § 5.56.010 INTENT OF CHAPTER.

It is the intent of this chapter to provide for an effective means for the city to license and regulate outdoor general storage facilities within the city and to monitor effectively whether such storage facilities are in compliance with all federal, state and local law regulating their operation.  
(‘78 Code, § 5.56.010) (Ord. 640, passed - -82)

### § 5.56.020 DEFINITION.

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

**OUTDOOR GENERAL STORAGE FACILITY.** A contiguous parcel of land used, either in whole or in part, by the owner or occupier of the land for the storage of the personal property of another person not the owner or occupier of the land, where said storage is in any manner paid for by the owner or user of the property being stored. This definition applies only to storage of personal property outdoors and not to personal property being stored in warehouses or other buildings where the property stored is enclosed by a structure firmly affixed to the land. However, this definition does apply to any container and its contents not permanently affixed or attached to the land as real property.

**STORAGE.** The safe keeping of any physical personal property (as opposed to bank drafts, stocks, bonds, bills, notes, certificates of deposit, instruments of indebtedness, deeds, documents of title, or any

other papers or writings which in any way signify ownership of personal property of any sort described within the document or writing).

('78 Code, § 5.56.020) (Ord. 640, passed - -82)

#### **§ 5.56.030 LICENSE; REQUIRED.**

It is unlawful for any person, including any corporation, joint venture, or partnership to own or engage in the business of operating an outdoor general storage facility without having first obtained a license in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.56.030) (Ord. 640, passed - -82; Am. Ord. 1570, passed 7-18-11)

#### **§ 5.56.040 LICENSE; APPLICATION.**

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

(A) The 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 address and telephone number of the person, including the corporate officer responsible for the operation of the business.

(C) The address where the business will be operated, including the location of the outdoor general storage facility.

(D) Whether the application is for an existing facility or a new facility.

(E) A specification in general terms of the type of personal property to be stored on the facility.  
( '78 Code, § 5.56.040) (Ord. 640, passed - -82)

#### **§ 5.56.050 LICENSE; FEE.**

Each applicant shall pay an annual fee of \$250. The \$250 fee shall be due in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.56.050) (Ord. 640, passed - -82; Am. Ord. 886, passed 7-19-93; Am. Ord. 1570, passed 7-18-11)

#### **§ 5.56.060 LICENSE; ISSUANCE.**

(A) When it appears to the City Clerk that an applicant is beginning a new operation as an outdoor general storage facility, at the location specified in the application, the City Clerk shall not issue a license, but shall forward the application to the Crest Hill Plan Commission and inform the applicant of the date, time and place of the next regularly scheduled Plan Commission meeting. The application shall be presented at such meeting and the applicant shall be granted the right to attend the meeting in order to present his or her reasons why the application should be granted. The Plan Commission shall

consider the application and shall forward the same to the City Council of the city, recommending approval or disapproval, as the case may be. If the parcel of land on which the facility is to be operated is not zoned M-1 or M-2, the applicant must further make application to the Plan Commission for a rezoning of the subject property to either M-1 or M-2. The Plan Commission shall consider the application for rezoning and shall forward same to the Crest Hill City Council along with the recommendation concerning the issuance of the license. If the City Council by majority vote approves the application for license, it shall instruct the City Clerk to issue the license forthwith. Where a petition for rezoning is also included, the City Council must first act on the petition for rezoning. If the petition is denied, the application for license must also be denied.

(B) Applications for renewal of an already existing outdoor general storage license may be granted by the City Clerk upon payment of the proper fee without reference of the application to the Plan Commission or the City Council.  
(‘78 Code, § 5.56.060) (Ord. 640, passed - -82)

**§ 5.56.070 LICENSE; REVOCATION.**

(A) When any city officer or employee becomes aware that an outdoor general storage facility is in violation of any law, ordinance or code, he shall forthwith inform the Mayor of the violation. The Mayor shall take any steps he deems necessary to remedy the situation and secure abatement of the alleged violation, including but not limited to the following:

(1) Informal contact between himself and the owner or operator;

(2) Designation of Building Commissioner or other responsible officer or agent, as the case may be, to inspect the premises and investigate the alleged violation;

(3) Revocation of the license.

(B) If the Mayor revokes the license, the licensee may stay the revocation by filing a written appeal with the Plan Commission. The appeal shall be filed with the City Clerk, who shall forward it to the Plan Commission. The licensee may appear before the commission to present his reasons why the license should not be revoked. Upon hearing all evidence, the commission shall forward to the City Council its finding, recommending approval or disapproval of the revocation, as the case may be. If the City Council, by majority vote, approves revocation, the licensee shall be revoked as of the date of the Mayor’s action. If the council disapproves the revocation, the licensee shall be reinstated effective as of the date of the Mayor’s action.  
(‘78 Code, § 5.56.070) (Ord. 640, passed - -82)

**§ 5.56.080 FENCING OR SCREEN PLANTING REQUIRED.**

All perimeters around the premises where the outdoor general storage facility is located shall be fenced by the owner or proprietor of the facility to a height of at least eight feet, or shall be planted with evergreen vegetation to a height of at least eight feet so that the facility itself shall not be visible to the naked eye from ground level.  
(‘78 Code, § 5.56.080) (Ord. 640, passed - -82)

**§ 5.56.090 COMPLIANCE WITH STATUTES AND CODES.**

(A) The owner and operator of the outdoor general storage facility shall comply with all national fire protection association codes, along with any revisions or updates of the codes that may be from time to time promulgated by the National Fire Protection Association.

(B) The owner and operator of a facility shall further comply with all rules and regulations promulgated by the United States Environmental Protection Agency and the Illinois Environmental Protection Agency that may relate in any way to the storage of personal property on an outdoor general storage facility. The owner and operator shall further comply with all state and federal statutes and regulations dealing in any way with the storage of personal property at an outdoor general storage facility or with the storage of any waste products at any location.  
(‘78 Code, § 5.56.090) (Ord. 640, passed - -82)

**§ 5.56.100 HAZARDOUS OR TOXIC WASTE PRODUCTS PROHIBITED.**

(A) No waste, hazardous waste, or industrial process waste, as those terms are defined in ILCS Ch. 415, Act 5 §§ 5.220, 5.235 and 5.535 shall be stored or deemed to be stored on the premises of any outdoor general storage facility. In determining whether a specific substance is a waste, hazardous waste or industrial process waste, the provisions of Title 35, Subtitle G, Ch. I of the Regulations of the Illinois Environmental Protection Agency shall be the controlling, except that any other product listed and identified as a hazardous waste by the administrator of the Federal Environmental Protection Agency under 42 U.S.C. 6921 shall also be deemed to be a hazardous waste.

(B) To enforce the provisions of this section and § 5.56.090, the city, by its authorized officers, employees or agents, may inspect all personal property in the storage area, including the contents of any enclosed containers, upon delivery of written notice of inspection to the landowner and the license holder at least 48 hours prior to the date of inspection. The city shall have the right to call in experts of various scientific classifications in order to conduct the inspection. The license holder shall have the duty to notify in writing every property owner storing property on the premises of the provisions of this section at the time the personal property is stored on the premises.  
(‘78 Code, § 5.56.100) (Ord. 640, passed - -82)

**§ 5.56.110 SIZE AND WEIGHT OF STORED PRODUCTS.**

No product and no container holding any product shall, when stored, have a height in excess of 17 feet above ground level. No stored item shall be of such excessive weight that it cannot be removed from the premises of the outdoor general storage facility by a tractor and trailer of combination of 18 wheels.  
(‘78 Code, § 5.56.120) (Ord. 640, passed - -82)

**§ 5.56.120 STORAGE OF JUNK PROHIBITED.**

Nothing in this chapter shall be deemed to allow or sanction the storage of junk on the premises in derogation of the provisions of Chapter 5.22 of this Code.  
(‘78 Code, § 5.56.130) (Ord. 640, passed - -82)

**§ 5.56.130 TERMINATION OF LICENSE AND RESTORATION OF LAND.**

If the owner or occupier of the premises does not renew and abandon the license for outdoor general storage facilities, or if the owner or operator of the facility terminates the use of the land for an outdoor general storage facility, the individual shall restore the land to a condition serviceable for any use allowed under any of the zoning classifications of the city Zoning Ordinance. Neither the owner nor the occupier shall leave the land in a state where it has been chemically polluted by any hazardous or toxic waste products, as set out in § 5.56.100 of this chapter. The land shall be restored to serviceable condition within 60 days of termination of use as an outdoor general storage facility.

('78 Code, § 5.56.140) (Ord. 640, passed - -82)

**§ 5.56.140 PENALTIES.**

Any person 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, § 5.56.150) (Ord. 640, passed - -82; Am. Ord. 998, passed 7-1-96)





## **CHAPTER 5.58: SNOW PLOW SERVICE; STORAGE OF DEICING MATERIALS**

### Section

- 5.58.010 Findings
- 5.58.020 Compliance with regulations required
- 5.58.030 Storage
- 5.58.040 Bulk deicing chemical storage
- 5.58.050 Handling
- 5.58.060 Permit required
- 5.58.070 Violation and penalties

### **§ 5.58.010 FINDINGS.**

(A) The removal of snow and ice from roadways is essential to both public safety and to the local economy and in order to protect the public safety, during winter storm events, the use of pavement deicing chemicals is a widely accepted means of keeping roadways passable; and

(B) Pavement deicing is typically accomplished through the use of road salts which can be corrosive to vehicles, roadway surfaces, and bridges and has been found to have adverse effects on the ground water and to environmentally sensitive areas; and

(C) The restoration of ground water quality and ecosystems in such areas can be very difficult and costly, if not impossible to rehabilitate, once the events of contamination occur; and

(D) Proper utilization and management of deicing materials is critical to ensure that the environmental impacts of related practices are reduced to the maximum extent possible; and

(E) Negative environmental impacts may occur when salt is not properly stored or transported, and there is precipitation from storm events causing salt-laden runoff resulting in the disbursement of chloride and sodium ions causing a negative impact on the adjacent environment and water resources; and

(F) A primary source of salt entering the ground water is salt spillage that is either plowed or washed from maintenance yard, unloading, and loading areas and that it is necessary to regulate all persons engaged in such businesses in order that they comply with the specifications contained herein regulating the storing and use of bulk deicing materials on their property and elsewhere in order to reduce the costly impacts of such use to the surrounding vegetation, service water and ground water; and

(G) The Mayor and members of the City Council believe that it is in the best interest of the city to regulate and require the permitting of such business under the terms and provisions as established herein.

(Ord. 1581, passed 10-17-11)

### **§ 5.58.020 COMPLIANCE WITH REGULATIONS REQUIRED.**

No person shall engage in the operation of a business for the private operation of a snowplowing service or the storage of salt or other deicing materials, or to assist others in the same for the purpose of

alleviating ice and snow from private roadways, parking areas and sidewalks and on commercial, industrial, institutional, office, multi-family and private single family residential dwellings without being in compliance with the terms and provisions of this chapter.

(Ord. 1581, passed 10-17-11)

### **§ 5.58.030 STORAGE.**

(A) The following sections apply to all indoor and outdoor facilities, (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials:

(1) Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form (or 1,000 gallons in liquid form). Commercially bagged salt or salt used for manufacturing is specifically excluded from this definition.

(2) Storage of bulk deicing materials as an accessory use shall only be permitted in zoning districts B-2, B-3, M-1 and M-2. Storage of deicing materials shall not be permitted in any other zoning districts.

(3) Indoor operations for the storage of deicing materials shall be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.

(4) Deicing materials, subject to the regulation of this chapter, shall not be utilized for any purpose other than as discussed herein.

(5) Although not a primary consideration, aesthetics should be considered in the design of storage facilities, especially when the location of such storage facilities is in close proximity to residential buildings or is highly visible to members of the general public. The location of the storage facilities shall be reviewed by the Building Commissioner, or his designee, prior to the commencement of the operation of such storage facilities and in conformity with this chapter.

(B) Facility location. The following factors shall be considered by the Building Commissioner in determining whether such storage facility shall be approved:

(1) The facility shall be in close proximity to the area in which the deicing materials are to be used, if practical.

(2) Each facility shall be located outside of floodplains and away from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and agricultural properties and any other areas likely to absorb runoff as determined by the Building Commissioner. A facility shall not be located in close proximity to surface water features, water supplies, wells or drywells.

(3) A facility shall be located on impermeable surfaces on top of relatively improved impermeable soil.

(4) The property slope shall be away from the facility's salt/sand storage area. The applicant shall identify the highest point on the property where the material will be stored. In the event that the applicant deems the highest point on the property as impractical or unreasonable for storage, he shall submit an explanation and documentation of the proposed location along with the permit application to the Building Commissioner for approval.

(5) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they can not be avoided, specific measures should be instituted to protect vulnerable areas. Salt vulnerable/intolerable natural areas include, but are not limited to:

- (a) Areas with salt sensitive vegetation and agricultural operations;
- (b) Areas with a source of drinking water (surface water and ground water);
- (c) Areas with bodies of water with low dilution, low volume or salt sensitive species;
- (d) Areas associated with ground water recharge zones or shallow water table, with medium to high permeable soils.

(C) Base/pad/floor specifications.

(1) The base upon which deicing material is stored shall be constructed of low permeability waterproof materials capable of containing deicing agents (bituminous or high quality concrete; air-entrained and sealed). Materials must be capable of preventing leachate from entering adjacent soil, surface water or ground water.

(2) The base shall slope between 2% and 5% to allow moisture to drain into the collection sump or run-off pond.

(3) The base shall be inspected annually by the owner for cracks and repaired/rescaled as required. The city may inspect the facilities periodically to ensure compliance.

(4) In salt vulnerable/tolerate natural areas, a plastic liner must be installed beneath the storage and loading area to insure spilled salt does not migrate to nearby ground water.

(5) Storage area should be bordered by a barrier on at least three sides to insure the pile is contained and less likely to be impacted by surface runoff. The barrier shall be curb, concrete blocks with a liner, a double row of concrete blocks staggered to minimize gaps or other items as deemed appropriate.

(D) Cover/roof specifications.

(1) All salt, sand and other deicing materials shall be covered at all times to prevent dispersion by runoff and to control wind dispersal.

(2) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles (to protect against precipitation and surface water runoff). The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and coverage as necessary to prevent leaching.

(3) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs shall be completed prior to the next winter season.

(E) Site drainage.

(1) In order to drain runoff away from storage facilities and to provide for the interception and management of salt impacted drainage, the site shall be graded to direct surface drainage away from the storage facilities and loading areas and to the extent possible, away from any ground water or salt vulnerable areas. In no case shall the surface drainage be allowed to flow through the base of the storage piles.

(2) Drainage may be accomplished through the use of tile, ditches or pipes to a collection area, preferably a specially designed catch basin, sump area, holding tank or runoff storage pond with a liner if possible or a Best Management Practice (“BMP”) with a controlled restrictor to control or restrict discharge downstream. This drainage area should be designed such that salt laden runoff is not directed to storm sewers, into salt vulnerable water courses, or directly to the ground through poorly sealed sumps.

(3) Salt-laden water should be collected and properly managed. All residues left on the floor of the facility at the end of the season shall be rinsed into the drain where it will travel to the designated holding facility. When appropriate, the interception areas shall be emptied and material disposed of according to applicable federal, state and local regulations.

(4) Snow plowed from the site shall be directed in such a manner that the melt water will drain away from the salt storage facilities and loading areas and to the extent possible, away from any ground water or salt vulnerable areas.

(F) Liquid chemicals.

(1) Owners or applicants applying for an accessory use in which liquid chemicals are a component should provide information to the Building Commissioner at the time of the submission of an accessory use application regarding siting and containment requirements for storage facilities.

(2) Determine the freezing point of the liquid chemical, which will determine whether it can be stored outside or if it must be stored inside.

(3) All tanks containing liquid chemicals must be labeled indicating the contents thereof.

(4) Where practical, provide the design plan for secondary containment through double-walled tanks or containment dikes.

(5) Periodic inspection by the owner or designee of tanks, pumps, pipes and hoses is required so that any leaks should be repaired immediately.

(G) Snow piles.

(1) Snow shall be located downslope from salt and sand storage to prevent the snow melt from flowing through salt and sand storage areas and carrying it to the nearest draining system.

(2) Owners of accessory use permits for such facilities shall not push snow into lakes, ponds, wetlands, rivers or other natural areas to reduce chemical contamination and increase the amount of solids that can be recovered after the melt.

(Ord. 1581, passed 10-17-11)

**§ 5.58.040 BULK DEICING CHEMICAL STORAGE.**

(A) Designs of storage structures include domes, rectangular sheds, barns, high-arch structures and elevated silos. In addition to the criteria established in all sections of this deicing materials ordinance, the following factors should be taken into consideration when storing pavement deicing chemicals indoors in bulk (whether they are existing or new facilities).

(B) Facilities specifications.

(1) Prevailing winter wind direction (north-northwest) should be considered when positioning new buildings and doors with regard to sheltering loading operations, minimizing snow drifting around doorways, and keeping precipitation out of the storage area.

(2) Door location and size.

(a) The entrance to the structure should have a door, curtain or other mechanism to prevent precipitation from entering the structure.

(b) To the extent possible, the opening should be high enough to allow a transport trailer to end dump inside the structure.

(3) Special equipment, such as a conveyor system, can be used in order to maximize storage due to its top-loading capacity. Such equipment is recommended to improve traffic flow by separating loading/unloading operations which can reduce the amount of salt waste from unloading operations. The area where extra equipment is utilized for operations relating to deicing materials is subject to all other requirements in this chapter.

(4) Structured floors, loading pads and base pad inside the facility shall comply with § 5.58.030(C). In addition:

(a) Floor and base pad should be sloped away from the center of the storage area for drainage purposes;

(b) Floor material should be sealed to minimize infiltration.

(5) Roof and exterior of the storage structure:

(a) Shall be constructed of materials which prevent precipitation and moisture from entering the building;

(b) Shall be constructed of non-corrosive materials which will not interact with deicing agents placed in the facility;

(c) Shall be free of gaps that would allow salt or salt impacted drainage to escape.

(d) Shall be constructed to prevent dissolved deicing agents from entering soil, surface water or ground water.

(Ord. 1581, passed 10-17-11)

**§ 5.58.050 HANDLING.**

Those persons owning accessory use permits must establish procedures and processes to minimize spillage and to clean up spilled salt in order to reduce costly losses and impacts to the surrounding vegetation, surface water and ground water.

(A) Facility maintenance.

(1) All areas surrounding the storage facility (including the loading/unloading pad) shall be routinely inspected by accessory use owner to determine whether there is a release of the deicing agents. Spilled and scattered materials shall be swept up and returned to the facility in a timely manner.

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(2) Following the completion of a storm event, storage facilities shall be inspected and remedied, if necessary, as soon as possible.

(3) The integrity of the storage facility and loading pad shall be maintained.

(B) Loading and unloading.

(1) Where practical to do so, spreaders should be loaded inside the storage structure. If inside loading is impossible, care should be taken to minimize spillage of salt on to the loading pad, and shall utilize other systems as may be needed to recover salt spills that occur during loading.

(2) Promptly clean-up all spills and scattered salt and other materials after loading and unloading. The loading areas shall be swept back into piles in order to reduce leaching.

(C) Pavement deicing transport vehicles. Vehicles used for transporting deicing materials shall comply with the following standards:

(1) Loading and hauling.

(a) Set up and load on a level surface;

(b) Loading areas shall be kept clear and smooth;

(c) Do not overload vehicles, avoid spillage on units;

(d) Remove loose materials from the exterior of the vehicle, fill in side gaps, tailgates or equipment with spill shields in order to prevent materials from escaping and spilling out of the vehicle.

(2) Washing.

(a) Prior to washing, the trucks/spreaders shall be swept to remove residual solids, thereby minimizing the amount of dissolved salt and solids in the wash water;

(b) All trucks/spreaders shall be washed at a location where the wash water can be properly diluted, disposed and stored for reuse. Wash water may only be disposed of in accordance with the Clean Water Act, as amended.

(D) Drainage.

(1) In order to prevent toxicity to aquatic life in receiving waters, no accessory use owner shall unfreeze or melt open frozen storm drains with high doses of salt. Other methods shall be utilized in order to open such drains.

(2) Procedures shall be utilized in order to capture any solids before they enter the storm drain systems.

(Ord. 1581, passed 10-17-11)

**§ 5.58.060 PERMIT REQUIRED.**

(A) A permit is required for bulk storage of deicing materials by commercial entities within the city.

(1) No person or business shall store bulk pavement deicing materials without first having obtained a deicing storage permit from the Building Department. State, county and other governmental agencies are exempt from this chapter.

(2) An application for a deicing storage permit shall be made by the owner of the property or his authorized agent to the office of the Building Commissioner on a form furnished for that purpose (a copy of the approved form is attached to Ord. 1581 as Exhibit "A"). Each application shall be complete and accompanied by a filing fee of \$300. Each permit is valid for a three-year period. If the applicant terminates the permit within the three-year period, no refund will be issued to applicant.

(3) Prior to issuance of an approved deicing storage permit, the property owner shall reimburse the city for any and all consultant fees incurred for the review of the application and inspection of the facilities, which invoice shall reflect fees paid on an hourly basis, in an amount not to exceed \$1,000 dollars per application.

(4) Annual renewal of the deicing storage permit is required. The form utilized for such purpose shall be a copy of the approved form attached to Ord. 1581 as Exhibit "A." There is no fee for the annual renewal for the permit.

(5) The Building Department may waive specific requirements for the content of submissions upon a finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this chapter.

(6) Each application for a deicing storage permit will be reviewed within 30 days by the office of the Building Commissioner.

(B) Submittal requirements. Each application for a deicing storage permit shall be accompanied by the following information:

(1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, including the boundary line of the premises for which the permit is sought and the approximate location(s) of storage.

(2) A development plan of the storage facility showing existing topography of the site, particularly in the vicinity of the storage area, and in sufficient detail to verify the proper location of the facility. Such development plan shall include flow arrows to designate the direction of runoff.

(3) The location of existing buildings, structures, utilities, lakes, streams, floodplains, wetlands, and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or manmade features on the site and adjacent land.

(4) A general description of the predominate soil types on the site, their location and their limitations for the proposed use.

(5) The proposed storage facility and interception facility's location, size, configuration and orientation.

(6) Cut sheets, details and/or specifications for materials for the storage facilities, including roofs, covers, barriers, walls, interception facilities and other items required in this chapter.

(7) These submissions shall be prepared in accordance with the requirements of this chapter and the standards set forth by the Illinois Environmental Protection Agency. (Ord. 1581, passed 10-17-11)

**§ 5.58.070 VIOLATION AND PENALTIES.**

(A) No person shall construct or enlarge any deicing storage facilities, or cause the same to be constructed or operated, contrary to or in violation to the terms of this chapter. Any person violating any

of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued or permitted shall constitute a separate offense. Upon conviction for any such violation, such person, partnership, corporation or other entity shall be punished by a fine of not more than \$750 for each offense.

(B) In addition to the penalties authorized by this section:

(1) Any person, partnership or corporation convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to the commission of the violation, or to bear the expense of such restoration.

(2) Any person, partnership, corporation or other entity convicted of violating any of the provisions of this chapter shall restore any and all downstream impacted properties to the condition existing prior to the commission of the violation, or to bear such expense of such restoration.  
(Ord. 1581, passed 10-17-11)



## **CHAPTER 5.60: CONTRACTOR LICENSING**

### Section

- 5.60.010 Intent of chapter
- 5.60.020 Definitions
- 5.60.030 License; required
- 5.60.040 License; application
- 5.60.050 License; fee
- 5.60.060 License; issuance
- 5.60.070 License; revocation
- 5.60.075 Equipment identification
- 5.60.080 Penalties

### **§ 5.60.010 INTENT OF CHAPTER.**

It is in the intent of this chapter to provide for an effective means for the city to license and regulate contractors who operate within the city and to monitor effectively whether such contractors are in compliance with all federal, state and local law regulating their operation.  
(Ord. 932, passed 10-17-92)

### **§ 5.60.020 DEFINITIONS.**

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

**CONTRACTOR.** Any person, partnership, or corporation who acts as a general contractor, a contractor or a subcontractor who performs only the type of work that is classified as a trade, including (whether or not the type of work qualifies as a trade) the following: carpenter, cement/asphalt contractor, electrical contractor, electrician entering into any kind of electrical construction contract with a Crest Hill resident or business, lumber, heating and air conditioning contractor, masonry contractor, siding contractor, swimming pool contractor or installer, elevator contractor or installer, remodeling contractor, roofing contractor, garage contractor, excavator, demolition contractor, landscaper, sign installer and fencing installer.

(Ord. 932, passed 10-17-92; Am. Ord. 938, passed 12-5-94; Am. Ord. 1222, passed 12-3-01)

### **§ 5.60.030 LICENSE; REQUIRED.**

It is unlawful for any person, including any corporation, joint venture, or partnership to own or engage in the business of operating an outdoor general storage facility without having first obtained a license in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.56.030) (Ord. 640, passed - -82; Am. Ord. 1570, passed 7-18-11)

**§ 5.60.040 LICENSE; APPLICATION.**

(A) Application for such license shall be made to the Building Department, and such application shall contain the following:

(1) Name of person, joint venture, partnership, corporation or limited liability company making the application;

(2) Address of the applicant, the telephone number of the applicant, and if a corporation or limited liability company, the name of the corporate officer or member or manager, respectively, responsible for the daily operation of the business;

(3) A statement whether the applicant is a contractor or primarily a subcontractor, and if the latter, where applicable, the trade or trades involved;

(4) A statement that the applicant is familiar with all the pertinent City of Crest Hill Ordinances, Codes and Regulations, including building codes, applicable to the business that the applicant is engaged in, and that the applicant agrees to fully comply with the same;

(5) Proof of insurance in the following amounts:

|                                       |   |
|---------------------------------------|---|
| Bodily injury liability.. . . . .     | \$1,000,000   |
| Property injury liability. . . . .    | \$500,000   |
| Workers compensation.. . . . .        | As required by the Illinois Workers<br>Compensation Act and the Illinois<br>Industrial Commission |
| Business auto bodily injury.. . . . . | \$300,000   |
| Auto property damage. . . . .         | \$100,000   |

(6) The social security number or employer identification number and photograph of the applicant, or, if the applicant is a corporation or limited liability company, of an officer of the corporation or member or manager of the limited liability company.

(B) The certificate of insurance evidencing the insurance required under this Code of Ordinances shall provide that no insurance may be canceled, as set forth in the certificate, may be modified or canceled without 30 days' prior written notice delivered personally or by certified mail, return receipt requested to the City Building and Zoning Officer. If insurance expires, is cancelled or otherwise lapses during the term of the license, a renewal certificate must be mailed to the City Building and Zoning Officer, or the license will be suspended. Any and all insurance companies used by contractors or subcontractors in order to comply with the provisions of this chapter must maintain a minimum Best A rating.

(Ord. 932, passed 10-17-92; Am. Ord. 1222, passed 12-3-01; Am. Ord. 1275, passed 1-6-03; Am. Ord. 1287, passed 5-19-03; Am. Ord. 1470, passed 12-15-08)

**§ 5.60.050 LICENSE; FEE.**

Each applicant shall pay an annual fee of \$100. The fee shall be due in accordance with the provisions of Chapter 5.04.

(Ord. 932, passed 10-17-92; Am. Ord. 1236, passed 3-18-02; Am. Ord. 1470, passed 12-15-08; Am. Ord. 1570, passed 7-18-11)

**§ 5.60.060 LICENSE; ISSUANCE.**

When it appears to the City Clerk that an applicant is in compliance with the requirements of § 5.60.040, the City Clerk shall issue the license forthwith. All licenses will expire on December 31 of each calendar year.

(Ord. 932, passed 10-17-92)

**§ 5.60.070 LICENSE; REVOCATION.**

(A) When any City Officer employee becomes aware that a contractor is in violation of any law, ordinance or code, he shall forthwith inform the Mayor of the violation. The Mayor shall take any steps he deems necessary to remedy the situation and secure abatement of the alleged violation, including but not limited to the following; informal contact between himself and/or the Building and Commissioner and the owner or operator;

(B) Designation of the Building Commissioner or other responsible officer or agent; as the case may be, to inspect the premises and investigate the alleged violation;

(C) Revocation of license.

(1) If the Mayor revokes the license, the licensee may stay the revocation of by filing a written appeal with the City Council. The appeal shall be filed with the City Clerk, who shall forward it to the City Council. The licensee may appear before the City Council to present his reasons why the license should not be revoked. Upon hearing all evidence, if the City Council, by majority vote, approves revocation, the licensee shall be revoked as of the date of the Mayor's action. If the Council disapproves the revocation, the licensee shall be reinstated effective the date of the Mayor's action.

(Ord. 932, passed 10-17-92)

**§ 5.60.075 EQUIPMENT IDENTIFICATION.**

All wheeled equipment, whether powered or towed, shall have affixed to it in legible lettering plainly visible from a distance of 100 feet the name, business address and business telephone number of the contractor working at the jobsite. If a contractor rents or borrows equipment from another source, the contractor shall firmly affix on a temporary basis the same information.

(Ord. 1222, passed 12-3-01)

**§ 5.60.080 PENALTIES.**

In addition to license revocation, any person 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.

(Ord. 932, passed 10-17-92; Am. Ord. 998, passed 7-1-96)



## CHAPTER 5.64: PAWNBROKERS

### Section

- 5.64.010 Definition
- 5.64.020 License
- 5.64.030 License fee
- 5.64.040 Signed memorandum, contract or note
- 5.64.050 Record in ink; identification required
- 5.64.060 Inspection
- 5.64.070 Daily report
- 5.64.080 Property from minor
- 5.64.090 Property from intoxicated person or thief; return of stolen property
- 5.64.100 Sale of property

### **§ 5.64.010 DEFINITION.**

Every person or company engaged in the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger, shall be held and is hereby declared and defined to be a pawn broker.

(Ord. 1047, passed 3-2-98)

### **§ 5.64.020 LICENSE.**

It is unlawful to operate a business as a pawn broker in the City without first having obtained a license in accordance with the provisions of Chapter 5.04.

(Ord. 1047, passed 3-2-98; Am. Ord. 1570, passed 7-18-11)

### **§ 5.64.030 LICENSE FEE.**

The applicant shall pay a license fee of \$250. License fees shall be due in accordance with the provisions of Chapter 5.04.

(Ord. 1047, passed 3-2-98; Am. Ord. 1570, passed 7-18-11)

### **§ 5.64.040 SIGNED MEMORANDUM, CONTRACT OR NOTE.**

Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property, a memorandum, contract or note signed by him containing an

accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, value of things loaned thereon, the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees as specified by State law.  
(Ord. 1047, passed 3-2-98)

#### **§ 5.64.050 RECORD IN INK; IDENTIFICATION REQUIRED.**

(A) Every pawn and loan broker shall keep a single record book, in which shall be written in ink, at the time of each and every loan or taking of a pledge, an accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person making such pawn or pledge. Such entry shall include the serial number or identification number of items received which are required to bear such number. Every pawn broker shall also record in his book, an accurate account and description, in the English language, of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, not in the course of a pledge or loan, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles, or other things to the pawnbroker. No entry in such book shall be erased, mutilated or changed.

(B) Every pawn broker shall require two forms of identification to be shown him by each person pledging or pawning any goods, articles or other things to the pawn broker. One of the two forms of identification must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, social security card, utility bill, employee or student identification card, credit card, or a civic, union or professional association membership card.  
(Ord. 1047, passed 3-2-98)

#### **§ 5.64.060 INSPECTION.**

The said book, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection by the Chief of Police or his designee.  
(Ord. 1047, passed 3-2-98)

#### **§ 5.64.070 DAILY REPORT**

It shall be the duty of every pawn broker to prepare and deliver to the Chief of Police, on each day before the hours of 12 o'clock noon, a legible and exact copy from the record book, as required by this chapter, that lists all personal property and other valuable things received on deposit or purchased during the preceding day, together with the exact time when received or purchased, and a description of the person or person by whom left in pledge, or from whom the same were purchased.  
(Ord. 1047, passed 3-2-98)

**§ 5.64.080 PROPERTY FROM MINOR.**

No pawn broker shall take or receive any pawn or pledge for any advancement or loan, any property of any kind from any minor who is under 18 years of age, or the ownership of which is in, or which is claimed by, any such minor, or which may be in the possession or under the control of any such minor. (Ord. 1047, passed 3-2-98)

**§ 5.64.090 PROPERTY FROM INTOXICATED PERSON OR THIEF; RETURN OF STOLEN PROPERTY.**

No pawnbroker shall purchase or take any article in pawn or pledge from any person appearing to be intoxicated, nor from any person known to have been convicted of theft. (Ord. 1047, passed 3-2-98)

**§ 5.64.100 SALE OF PROPERTY.**

No personal property received on deposit or pledge, or purchased by any such pawnbroker, shall be sold or permitted to be redeemed or removed from the place of business of such pawn broker for the space of 24 hours after the delivery of the copy and statement required by § 5.64.070 to be delivered to the Chief of Police; and no personal property pawned or pledged shall be sold or disposed of by any such pawn broker within one year from the time when the pawner or pledger shall make default in the payment of interest on the money so advanced by such pawnbroker, unless by the written consent of such pawner or pledger. (Ord. 1047, passed 3-2-98)





## CHAPTER 5.68: TOWING COMPANIES

### Section

- 5.68.010 Definitions
- 5.68.020 Towing firm application procedures
- 5.68.030 Towing firm equipment and facilities requirements
- 5.68.040 Towing firm performance requirements
- 5.68.050 Towing firm administrative requirements
- 5.68.060 Denial of placement on the towing list
- 5.68.070 Removal from the towing list
- 5.68.080 Application for reinstatement
- 5.68.090 Rotation system
- 5.68.100 Exceptions of towing rotation
- 5.68.110 Fee schedule
- 5.68.120 No contract rights; independent entity
- 5.68.130 Program integrity

### § 5.68.010 DEFINITIONS.

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

**BASIC TOW.** A tow where the vehicle's wheels are on the ground and the vehicle may be readily towed.

**FLOATING.** The ability to tow a vehicle with all of the vehicle's wheels off the ground. This may be done with the use of dollies or a flatbed tow truck.

**POLICE TOW LIST.** A separate list maintained by WESCOM dispatch center for the Crest Hill Police Department, containing the names of those tow operators approved by the City of Crest Hill, to respond to requests by the Crest Hill Police Department for the towing of vehicles:

(1) To tow city-owned police vehicles in need of service to a location designated by the Police Department; and

(2) To tow vehicles impounded by the Police Department for evidentiary/seizure purposes. The tows listed here will be of no charge to the City of Crest Hill or owner of vehicle towed.

**ROTATION TOW LIST.** A primary list maintained by WESCOM dispatch center for the Police Department, containing the names of those tow operators approved by the city, to respond to requests by the Police Department for the towing of vehicles which are disabled where the person in charge of the vehicle has no preference for any particular tow service or is unable to make such a decision.

**TOW FIRM.** A person or operation engaged in the business of, or offering the services of, vehicle towing whereby motor vehicles are or may be towed or otherwise removed from one place to another by use of a tow truck.

**UPRIGHTING.** Bringing a vehicle that is either overturned or on its side to the upright position to tow.

**WINCHING.** Bringing a vehicle that is completely off the road surface onto the road surface for the purpose of towing.  
(Ord. 1487, passed 5-18-09)

#### **§ 5.68.020 TOWING FIRM APPLICATION PROCEDURES.**

(A) A towing firm wishing to participate in the City of Crest Hill Towing Program will obtain an application form from the City of Crest Hill Police Department, 1610 Plainfield Rd., Crest Hill, Illinois, 60403.

(B) A properly completed application form must be submitted by a firm seeking placement on the city tow list. Incomplete forms will not be processed.

(C) The applicant towing firm will provide the name, address, date of birth and driver's license number of each principal and each employee of the firm who will be involved in the towing operation as operators of either trucks or storage facilities.

(D) Principals and employees of the firm may be subjected to a background investigation by the Police Department prior to the firm being approved for participation in the program.

(E) After application, a physical inspection of the business will be conducted by the city to determine that:

(1) Sufficient storage space and security exists;

(2) The equipment used to tow vehicles is sufficient in number, type and condition;

(3) The proposed use of the towing firm's storage site complies with the City of Crest Hill zoning ordinances and all other applicable laws and ordinances; and

(4) The towing firm has all licenses and permits required by law or ordinance to operate a towing and storage facility and all vehicles used in the service.

(F) Each towing firm must provide the Police Department with a certificate of insurance showing:

(1) Liability coverage in at least the minimum amount required by ILCS Ch. 625, Act 5, § 12-606, as amended; and

(2) The city and its officials, agents and employees as additional insured under the liability policy.

(G) If the towing firm meets all requirements, the approved towing firm will be presented with a written agreement outlining all conditions to which the firm and its employees must adhere to participate in the city's towing program.

(H) After the written agreement is executed; the firm will be added to the tow rotation and will be used for calls by the Police Department.

(I) The City of Crest Hill shall amend the written agreement as it deems necessary, however, the tow operators shall provide the following information to the city annually:

- (1) Current insurance policy;
- (2) Updated employee/driver information;
- (3) Current equipment VIN and registration information.

(Ord. 1487, passed 5-18-09)

**§ 5.68.030 TOWING FIRM EQUIPMENT AND FACILITIES REQUIREMENTS.**

(A) The towing firm and all towing vehicles shall comply with all sections of ILCS Ch. 625, Act 5, § 12-606 as amended, to properly remove vehicles from the scene of a crash or abandonment in a professional manner and within a reasonable time span, considering time of day, day of week, and traffic and weather conditions. These requirements include but are not limited to:

- (1) The complete name and address of the company painted on both sides of the truck in letters not less than two inches in height and the width of the brush stroke one-half inch (magnetic signs are prohibited);
- (2) Proper equipment on the truck, including a broom, shovel, dirt, sand, or oil absorbent, five gallon trash can, and fire extinguisher;
- (3) Proof of insurance; and
- (4) Any other equipment required by law.

(B) All towing equipment operated by the towing firm must display current valid Illinois registration as required by ILCS Ch. 625, Act 5, §§ 3-414, 3-707 and 5-202, and a valid City of Crest Hill vehicle license sticker.

(C) The towing firm's equipment must be capable of towing vehicles in a safe manner. No vehicles will be towed with a rope, cable or chain. This does not prohibit winching a vehicle from a ditch or other unusual circumstances.

(D) The towing firm must have the necessary equipment to "float" vehicles. There is no extra charge for this service.

(E) The firm must store all towed vehicles at its principal place of business within the corporate limits of the city. The towing firm must provide adequate storage and security against pilferage, damage, and contamination of any physical evidence contained in the vehicle.

(F) Storage must be convenient to those seeking to retrieve their vehicle. No additional charge will be assessed to vehicle owners for vehicle release or for moving vehicles to a convenient location for release.

(Ord. 1487, passed 5-18-09)

#### **§ 5.68.040 TOWING FIRM PERFORMANCE REQUIREMENTS.**

(A) The towing firm agrees to maintain communication with the Crest Hill Police Department on a 24-hour availability basis. Telephone numbers will be provided to the Police Department for continuous contact.

(B) Service is expected on a 24 hour, seven day a week basis. Failure to verify a call within three minutes or a missed call will result in a "skip" on the basic tow rotation list. In the case of a police tow, a missed call or failure to verify a call shall be considered a refusal.

(C) Upon receiving a call for service, an appropriate vehicle must be dispatched. Handling of other business is prohibited while en route to a city service call.

(D) When contacted for a call for service, the firm will be advised that the tow is a police tow or basic tow. The firm must provide the Police Department with a reasonable estimated time of arrival, considering the time of day, day of week, traffic, weather and driving conditions. However, the response time should be no longer than 25 minutes.

(E) All towing firms will be expected to single source each call for service. For every call for service, crash, etc. only one firm will be called to handle the call. Therefore it is necessary that each firm be able to immediately tow two vehicles from a scene, 24 hours a day, seven days a week. If a third or subsequent vehicle is in need of towing, another towing firm shall be requested. When a towing firm arrives at a scene, the vehicle(s) creating the most significant traffic hazard(s) will be towed first.

(F) Every operator and driver of a tow truck operated by the firm will strictly comply with the provisions set forth in ILCS Ch. 625, Act 5, § 12-606(c) as amended, by removing or causing to be removed in a timely manner all glass and debris deposited upon any street or highway by the disabled vehicle being serviced and/or removed, and will in addition, spread dirt, sand or other material specifically formulated to neutralize oil or grease, upon that portion of any street or highway where such substances have been deposited by the disabled vehicle being serviced or removed.

(G) The firm must maintain a separate log of all personal property that they temporarily remove from towed vehicles for safekeeping. This information may be subject to periodic review by the city.

(H) (1) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under ILCS Ch. 625, Act 5, § 4-203(g)(3) shall likewise be subject to that lien, excepting only: child restraint systems as defined in section 4 of the Child Passenger Protection Act and other child booster seats;

eyeglasses; food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this division if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner.

(2) This division applies only in the case of a vehicle that is towed as a result of being involved in an accident. In addition to the personal property excepted under division (H)(1) of this section, all other personal property in a vehicle subject to a lien under this division is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocater or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this division if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in an accident are exclusive powers and functions of the state. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being in an accident. This division (H)(2) is a denial and limitation of home rule powers and functions under the Illinois Constitution, Article VII, § 6(h).

(I) No vehicle will be released to anyone unless he or she can prove legal ownership and the vehicle is eligible for release according to the Vehicle Tow and Inventory Control Report, or otherwise released by the Police Department.

(J) If a vehicle has been towed and the Vehicle Tow and Inventory Report indicates a "Police Hold" is in effect on the vehicle, the towing firm will only release that vehicle when the legal owner presents a release form from the Police Department or a representative from the Police Department authorizes the release for the vehicle.

(K) The towing firm will tow city vehicles to the Police Department parking lot or the garage located at 1610 Plainfield Rd., at the request of the city. No charge will be assessed to the city. These tows will be requested from the police tow list.

(L) Victim vehicles will be towed at the direction of the city for the purpose of evidence processing with no cost to the vehicle owner or city. These tows will be requested from the police tow list.

(M) In the event of a court ordered release of a vehicle involved in a crime without charges to the owner of the vehicle, the towing firm will waive these costs of towing and storage. These tows will be requested from the police tow list.

(Ord. 1487, passed 5-18-09)

**§ 5.68.050 TOWING FIRM ADMINISTRATIVE REQUIREMENTS.**

(A) The firm must be available to release vehicles to legal owners from 7:00 a.m. to midnight Mondays through Fridays, and from 7:00 a.m. to 12:00 p.m. on Saturdays. Sunday and holiday hours are optional at the firm's discretion. The firm's regular business hours will be posted conspicuously in its business office.

(B) The firm will only charge those rates listed in the fee schedule in § 5.68.110, and will not charge vehicle owners for any other related towing services, unless prior authorization to provide the service is obtained from the vehicle owner. Current service charges will be conspicuously posted in the business office of the firm.

(C) All calls for service will be considered a basic tow under this policy. No separate provisions are made for towing vehicles of low value.

(D) The towing firm shall not transfer a city service call to another towing firm without prior approval of the city or its designee.

(E) A towing firm shall not subcontract city requested tows to any other towing firm.

(F) Each tow truck operator employed by the firm will have a current valid driver's license for the type of vehicle he is operating.

(G) Operators of tow vehicles will observe all state and local traffic laws.

(H) Any required Illinois Commerce Commission permits will be obtained by the firm.

(I) Records will be maintained by the firms at their principal place of business regarding towed or transported vehicles in accordance with ILCS Ch. 625, Act 5, § 5-401.2. These records shall be readily available for weekly review by the Crest Hill Police Department's Vehicle Disposition Officer. (Ord. 1487, passed 5-18-09)

**§ 5.68.060 DENIAL OF PLACEMENT ON THE TOWING LIST.**

Denial of placement on the tow list may occur if:

(A) The towing service has not met the administrative, operational or legal criteria specified in this chapter.

(B) The towing service is a subsidiary of another tow firm that has been removed from the city tow list.

(C) The towing service is a subsidiary of a parent tow firm whose owner(s) or employees have been involved in criminal activity, price gouging, or associations, which would be a source of discredit or embarrassment to the city.

(D) The towing service has been disqualified or rendered ineligible for any reason provided by law. (Ord. 1487, passed 5-18-09)

**§ 5.68.070 REMOVAL FROM THE TOWING LIST.**

(A) A towing firm may be removed from the city tow list for:

- (1) Failure to comply with either the requirements set forth herein or any applicable law;
- (2) Substantiated complaints of excessive charges or charges for other services not authorized by the vehicle owner;
- (3) Failure to respond within 25 minutes, without written justification, when called to provide a service;
- (4) Criminal involvement in stolen vehicles, parts, etc. by employees and/or owners;
- (5) Substantiated complaints of poor service from the city or the public;
- (6) Actions obstructing city legal obligations;





(7) Indemnity bond or insurance policy that is expired or does not comply with applicable law;

(8) Repeated damage as a result of poor performance or judgment in towing, storing, or impounding vehicles;

(9) Offering or giving any type of gratuity to any city employee, any city official or any agent or representative of the city;

(10) The refusal to tow when a request for a police tow is made;

(11) Going out of business, leasing or selling the firm. The city based on the merits of each individual case will decide the status of the firm undergoing any reorganization.

(B) Towing firms will be advised of and may be asked to explain, orally or in writing, the circumstances surrounding complaints regarding their services.

(C) Towing firms found to be in violation of a requirement or found to provide poor service shall be subject to the following penalties.

(1) First violation or sustained complaint shall receive a written warning from the Chief of Police or his designee;

(2) Second violation or sustained complaint shall be removed from the rotation list for 30 days;

(3) Third violation or sustained complaint shall be removed from the rotation list for 12 months. The towing firm must then apply for reinstatement.  
(Ord. 1487, passed 5-18-09)

**§ 5.68.080 APPLICATION FOR REINSTATEMENT.**

(A) Towing firms desiring reinstatement will provide the following:

(1) A newly completed application form;

(2) A written statement providing justification for reinstatement.

(B) The city may restore the towing firm to the tow list when it is satisfied that the firm is in compliance with provisions of this chapter and that compliance will be maintained.

(C) If rejected, the firm will be notified in writing, of the reason(s) for rejection.  
(Ord. 1487, passed 5-18-09)

**§ 5.68.090 ROTATION SYSTEM.**

(A) Each approved towing firm shall be placed on both the basic rotation tow list and police tow list. The placement of each towing firm on the list shall be drawn by lottery every January. The list will rotate with every call for service.

(B) The city will maintain records to indicate the number of calls given each tow firm and the number of times it responds. Turns missed on rotation will not be made up in instances where the operator failed to answer their telephone or were otherwise unable to respond to the call in a timely manner. The refusal to respond, for a police tow, shall be forwarded to the Chief of Police or his designee for review.

(C) The Crest Hill Police Department will make three attempts to contact a towing firm within a three-minute period. If there is no answer or a busy signal, it will be considered a "No Answer/Turn Down", and will constitute a turn in rotation.

(D) If the Police Department is placed on "hold" for an extended period of time, Department members may call another towing firm on the approved list.

(E) Towing firms using an answering service or answering machine must call back immediately to confirm acceptance of a call.

(F) If a firm cannot be of assistance to the Department for any reason, it must notify the Department of its "out of service" status. When back in service, the firm must notify the Department to resume its participation in the program. The firm will not receive "make-up" calls lost while it was out of service.

(G) During the snow season as a matter of public safety the Department monitors the towing of illegally parked vehicles from city streets, which hamper snow removal. The city currently utilizes all of the towing firms that tow vehicles on a rotating basis throughout the year for the removal of these vehicles. If a towing firm is unavailable to assist in the towing of these vehicles (snow removal tows) the firm will lose a turn in the regular tow rotation for each vehicle it is unavailable to tow until the snow towing detail is completed. A towing firm will not be penalized for the vehicles it was unavailable to tow during snow removal until the Chief, or his designee, reviews the snow towing detail report on the next business day. Upon review the Chief of Police, or his designee, will direct WESCOM to cross off the towing firm from the tow rotation sheet for the number of snow tows missed.

(H) The police tow list shall be utilized for any tows that would require the towing company to perform a service at no charge. Should a towing company be either unavailable or refuse a tow of this type they will be left at the top of this rotation list and in addition, will be passed over for their next turn on the regular tow rotation list. Repeated unavailability or refusals shall result in removal from the city tow program.

(Ord. 1487, passed 5-18-09)

**§ 5.68.100 EXCEPTIONS OF TOWING ROTATION.**

(A) Assigned rotation will be followed unless a particular tow firm has special needed equipment and/or skill that the assigned tow firm does not have. The firm with the special equipment/skill will be given the assignment when it is necessary.

(B) The City of Crest Hill reserves the right to deviate from the rotation system under emergency conditions.  
 (Ord. 1487, passed 5-18-09)

**§ 5.68.110 FEE SCHEDULE.**

The fee schedule outlines the fees participating firms shall charge for various services provided for motorists at the request of the city. Fees shall not be increased, and no other charges shall be allowed without prior consent of the city. The city may change the scheduled fees from time to time as may be approved by the City Council.

(A) *Fee schedule.* Effective January 1, 2008 until amended by the City of Crest Hill, the following fee schedule shall be used by all towing firms providing services to persons referred by the city. The following are maximum fees, but are not required to be charged for every service provided.

| <i>Services</i>                        | <i>Fee</i> |
|--|------------|
| Basic tow charge                       | \$150      |
| Winching charge                        | \$60       |
| Storage charge (auto) (per day charge) | \$35       |
| Jump start charge                      | \$60       |
| Tire change charge                     | \$60       |
| Lockout service                        | \$60       |
| Relocation fee                         | \$40       |
| Administrative fee                     | \$35       |

(B) For unusual circumstances, a vehicle owner or insurance company may be charged at the rate of \$50 per hour to cover expenses relating to tow truck and driver fees. However, this must be explained in detail on the service bill and will be reviewed and monitored by the city for reasonableness.

(C) Any fees that are charged for services provided, whether identified above or other charges should be itemized on the tow bill.

(D) Fees will be charged for the type of vehicle towed, rather than the type of equipment used to tow the vehicle. There will be no additional tow fee for the use of a flatbed tow.

(E) Daily storage charges will be assessed for each 24 hour period commencing at the time the vehicle is actually brought to the storage facility.

(F) No additional labor charge will be assessed for any tows. Tows will consist of but not be limited to any and all labor that results from hooking up, hoisting, and towing away any damaged or normally parked vehicle. This includes gaining entry to the vehicle, straightening the front wheel, tying the wheel, releasing the brake and disconnecting the transmission on a rear wheel drive vehicle. No additional fees of any kind will be permitted.

(Ord. 1487, passed 5-18-09)

#### **§ 5.68.120 NO CONTRACT RIGHTS; INDEPENDENT ENTITY.**

Nothing in this chapter shall be construed as creating an entitlement or contractual right to provide towing service under the chapter nor shall any participant in the towing program nor other person or entity be entitled to any hearing regarding the temporary or permanent removal from the towing list, denial of being added to the list, or any grievance that may arise under the policy. All participants in the towing program shall not be deemed to be employees, agents or officials of the city, and they shall act as independent contractors engaged in the provision of services to the persons needing towing assistance. Participation in the towing program shall not be deemed to create any contractual relationship between the City of Crest Hill, any of its departments or any of its employees and the towing firm participant.

(Ord. 1487, passed 5-18-09)

#### **§ 5.68.130 PROGRAM INTEGRITY.**

No principal, employee, agent or representative of a towing firm will offer or give any commissions or gratuities to any city employees, any city official, or any agent or representative of the city.

(Ord. 1487, passed 5-18-09)

**CHAPTER 5.70: UNATTENDED DONATION/COLLECTION BOXES**

Section

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**ARTICLE I: GENERAL PROVISIONS**

**§ 5.70.010 PURPOSE.**

The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended donation/collection boxes (UDCBs). This includes establishing criteria to ensure that material is not allowed to accumulate outside of the UDCBs, the UDCBs remain free of graffiti and blight, UDCBs are maintained in sanitary conditions, and residents and/or users are fully informed of those who operate the UDCBs so that they can be contacted if there are any blight-related questions or concerns. (Ord. 1726, passed 12-19-16)

**§ 5.70.020 CONFLICTING PROVISIONS.**

Where a conflict exists between the regulations or requirements in this chapter and applicable regulations or requirements contained in other chapters of the City of Crest Hill Code of Ordinances, the applicable regulations or requirements of this chapter shall prevail.

(Ord. 1726, passed 12-19-16)

**§ 5.70.030 VIOLATION.**

Failure to comply with any of the provisions of this chapter is declared to be prima facie evidence of an existing violation, a continuing blight and a declared public nuisance and shall be abated by the Building Official in accordance with the provisions of this chapter. Any person in violation will be subject to administrative penalties, citations, civil action and/or other legal remedies.

(Ord. 1726, passed 12-19-16)

**§ 5.70.040 RESPONSIBILITY.**

The parcel owner and the UDCB operator ("operator") have joint and several liability for blight-related conditions and/or compliance with this chapter, including fees, administrative citations, civil actions, and/or legal remedies relating to a UDCB. The parcel owner remains liable for any violation of duties imposed by this chapter even if the parcel owner has, by agreement, imposed on the operator the duty of complying with the provisions of this chapter.

(Ord. 1726, passed 12-19-16)

**§ 5.70.050 DEFINITIONS.**

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

**ACCESSORY ACTIVITY.** An activity that is incidental to, and customarily associated with, a specified principal activity.

**AGENT.** A person who is authorized by the parcel owner to act on their behalf in filling out all required forms of the parcel pursuant to this chapter. A person who is given general authorization to act on the behalf of a parcel owner for various activities and transactions in regards to a property may be considered an agent.

**BLIGHT or NUISANCE.** A UDCB that is dilapidated, physically deteriorating, unsafe, unsanitary, marked with graffiti or generally unkempt as to constitute a threat or nuisance to the public.

**BUILDING OFFICIAL.** The Building Inspector and his or her successor in title and his or her designees.

**CITY.** The City of Crest Hill, Will County, Illinois.

**DONATED/COLLECTED MATERIAL.** Salvageable personal property, such as clothing, shoes, books and household items that are collected for periodic transport off-site for processing or redistribution or both.

**PARCEL OWNER or PROPERTY OWNER.** The owner of real property on which a UDCB is or is proposed to be placed.

**PRINCIPAL ACTIVITY.** An activity that fulfills a primary function of an establishment, institution, household, or other entity.

**PRINCIPAL BUILDING.** A main building that is occupied a principal activity.

**UDCB OPERATOR or OPERATOR.** A person or entity who utilizes or maintains a UDCB to solicit donations/collections of salvageable personal property.

**UDCB PERMIT.** The City of Crest Hill's annually renewable permit required to place, operate, maintain, or allow a UDCB within the city limits.

**UNATTENDED DONATION/COLLECTION BOXES or UDCBs.** Unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling, but shall not include furniture or other items too large to be contained within the UDCB. This term does not include any collection bin that is owned by the property owner and is used in connection with, or is an accessory to, the principal business of that property.

**UNPERMITTED UDCB.** A UDCB established either without a UDCB permit or with a UDCB permit that was issued in error or on the basis of incorrect or incomplete information supplied, or in violation of any law, ordinance, rule, or regulation.  
(Ord. 1726, passed 12-19-16)

## **ARTICLE II: UDCB PERMIT REQUIREMENT AND PROCESS**

### **§ 5.70.060 PERMIT REQUIRED FOR UDCBs.**

(A) It is unlawful to place, operate, maintain or allow a UDCB on any real property unless the parcel owner/agent and/or operator first obtain an UDCB Permit from the city. A separate UDCB permit is required for each UDCB.

(B) The UDCB permit applicant shall be the UDCB operator and the permit may not be transferred, conveyed or otherwise assigned to another person or entity.

(C) Decisions regarding UDCB permit applications shall be made by the Building Official and the Building Official shall be considered the investigating official acting for the City Administrator.  
(Ord. 1726, passed 12-19-16)

### **§ 5.70.070 APPLICATION REQUIREMENTS.**

The UDCB permit application shall be made on a form provided by the city. A copy of the application form is attached to Ordinance 1726 as Exhibit A and incorporated by reference as if fully set forth herein. All applications shall be valid for one calendar year, filed with the Building Department and shall include:

**Crest Hill - Business Licenses and Regulations**

- (A) A signed agreement as provided by the city stating that the operator will abide by all the processes and requirements described in this chapter and an expedited code enforcement process;
- (B) A non-refundable application fee in the amount of \$100;
- (C) A signed authorization from the parcel owner/agent to allow placement of the UDCB on a form provided by the city;
- (D) A signed acknowledgment of responsibility from the parcel owner/agent and the operator for joint and several liability for violations of conditions or regulations, and/or blight relating to the UDCB on a form provided by the city (a copy of which is attached as Exhibit A to Ordinance 1726 and incorporated by reference as if fully set forth herein);
- (E) Proof of general liability insurance of at least \$1,000,000 covering the applicant's UDCB and naming the City of Crest Hill and the parcel owner as additional insureds;
- (F) For nonprofit operators, evidence that the nonprofit has been registered as a non-profit organization with the State of Illinois;
- (G) The name, address, email, website (if available) and telephone number of the UDCB operator and parcel owner, including 24-hour contact information;
- (H) A vicinity map showing:
- (1) The proposed location of the UDCB; and
  - (2) The distance between the site and all existing UDCBs within 1,000 feet of the proposed UDCB location;
- (I) Photographs of the location and adjacent properties;
- (J) A site plan containing:
- (1) Location and dimensions of all parcel boundaries;
  - (2) Location of all buildings;
  - (3) Proposed UDCB location;
  - (4) Distance between the proposed UDCB and parcel lines buildings; and
  - (5) Location and dimension of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/markings;
- (K) Elevations showing the appearance, -materials, and dimensions of the UDCB, including the information required in this chapter to be placed on the UDCB and notice sign;
- (L) A description and/or diagram of the proposed locking mechanism of the UDCB;
- (M) A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the UDCB) that is sufficient to prevent/eliminate blight-related conditions.  
(Ord. 1726, passed 12-19-16)



**§ 5.70.080 UDCB PERMIT EXPIRATION AND RENEWAL.**

(A) Unless renewed as described in division (B) below, each UDCB permit shall expire and become null and void on December 31 of the year of issuance.

(B) A UDCB operator may apply for a permit for the subsequent calendar year by submitting an application to the Building Department by December 1 of the current year. The UDCB permit renewal application shall be made on a form provided by the city. All applications shall be filed with the Building Department and shall include:

(1) A signed agreement stating that the operator will abide by all the processes and requirements described in this chapter and an expedited code enforcement process;

(2) Photographs of the existing UDCB;

(3) A non-refundable \$100 application fee;

(4) A signed authorization from the parcel owner/agent to allow placement of the UDCB;

(5) A signed acknowledgment of responsibility from the parcel owner/agent and the operator for joint and several liability for violations of conditions or regulations, and/or blight relating to the UDCB;

(6) Proof of general liability insurance of at least \$1,000,000 covering the applicant's UDCB and naming the City of Crest Hill and the parcel owner as additional insureds;

(7) For nonprofit operators, evidence that the nonprofit has been registered as a nonprofit organization with the State of Illinois;

(8) Name and telephone number of any entity that may share or profit from items collected via the UDCB;

(9) The name, address, email, website (if available) and telephone number of the UDCB operator and parcel owner, including 24-hour contact information; and

(10) Any other reasonable information regarding time, place, and manner of UDCB operation, placement, and/or maintenance that the Building Official requires to evaluate the proposal consistent with the requirements of this chapter.

(C) The Building Official shall either approve or deny the renewal of a UDCB permit within 30 calendar days of receipt of the complete renewal application and payment of the renewal fee.

(D) The Building Official shall approve the renewal of a UDCB permit if he or she finds that no circumstances existed during the term of the UDCB permit or existed at any time during the review of the application for renewal that are inconsistent with any criteria required for approval of a new UDCB permit as specified in § 5.70.090 or that would justify the revocation of the UDCB permit as specified in § 5.70.170(G).

(E) See § 5.70.110 for the appeal and petition processes for UDCB permit decisions, including decisions regarding renewal.  
(Ord. 1726, passed 12-19-16)

**§ 5.70.090 REQUIREMENTS FOR THE APPROVAL AND RENEWAL OF A UDCB PERMIT.**

The Building Official shall not issue a UDCB permit or renewal unless each of the following is true:

(A) The applicant has submitted a complete and accurate application accompanied by the applicable fee;

(B) There are no open citations, unpaid fines or unresolved violations or complaints related to any UDCB managed by the proposed operator;

(C) Any verified blight on the subject property has been abated and any case of a complaint to the city regarding blighted conditions on the subject property has been closed; and

(D) The proposal is consistent with all the requirements of this chapter.

(E) For renewals, the site does not have a history of being an attractive nuisance even if incidents of blight were abated. For the purpose of this division, **HISTORY OF ATTRACTIVE NUISANCE** means the UDCB received three administrative citations in the previous 12 months.

(Ord. 1726, passed 12-19-16)

**§ 5.70.100 TIME LIMIT FOR FINAL DECISION.**

The Building Official shall provide a written decision regarding the placement of a UDCB within 30 calendar days of the submission of a complete application for a UDCB permit.

(Ord. 1726, passed 12-19-16)

**§ 5.70.110 APPEAL AND PETITION PROCESSES.**

(A) (1) Within 10 calendar days after the date of a decision by the Building Official on an application for a UDCB permit or a renewal of such, an appeal from said decision must be filed by the applicant or any other interested party. The appeal shall be submitted to Building Department at City Hall. In the event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the city and shall be filed with the Building Department. The appeal application must be complete and shall state specifically wherein it is claimed there was an error or abuse of discretion by the Building Official or wherein his or her decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record, which supports the basis of the appeal.

(2) If a hearing is held on the appeal, then during such hearing, the appellant will be limited to issues and/or evidence previously raised in the appeal itself. The appellant shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the appeal process. In considering the appeal, the City Administrator shall determine whether the proposal conforms to the requirements of this chapter, and may grant or deny a permit or require such changes in the proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The written decision of the City Administrator shall be final and shall be made within 60 calendar days of the submission of the appeal.

(B) (1) The applicant seeking placement of a UDCB which would be affected by this chapter and who contends that the ordinance as applied to him or her would be unlawful under and/or conflict with federal,

state, or local law or regulation, must submit a petition to the City Administrator requesting relief from the ordinance. Petitions must be on the appeal form provided by the city and submitted to City Hall. The Petition shall identify the name and address of the applicant and property owner, the affected application number, and shall state specifically and completely how the ordinance as applied to him or her would be unlawful under and/or in conflict with federal, state, or local law or regulation. Failure to raise each and every issue that is contested in the petition and provide appropriate supporting evidence will be grounds to deny the petition.

(2) If a hearing is held on the petition, then during such hearing, the petitioner will be limited to issues and/or evidence previously raised in the petition itself. The petitioner shall not be permitted to present any other issues and/or oral, written and/or documentary evidence during the petition process.

(3) Within 60 calendar days of receipt of the completed petition, the City Administrator, or designee, shall mail to the applicant a written determination accepting or rejecting the petition. The written decision of the City Administrator is final. The City Administrator will utilize reasonable time, place and manner criteria to determine if the petition should be granted or denied consistent with this chapter. If the petition is granted, the city may impose reasonable time, place and manner-related conditions on the UDCB consistent with this chapter.

(Ord. 1726, passed 12-19-16)

### ***ARTICLE III: STANDARDS AND REQUIREMENTS***

#### **§ 5.70.120 LOCATION.**

(A) No more than one UDCB is permitted per parcel. UDCB's placed on separate, adjacent parcels, must be placed at least 500 feet away from the nearest UDCB.

(B) UDCBs are only allowed to be located in the following zones, which are designated in the zoning maps described in the City of Crest Hill Zoning Ordinance:

(1) B-1;

(2) B-2;

(3) B-3.

(C) No UDCBs are permitted in any (R) or (M) zones.

(D) A UDCB is only permitted on a lot that also contains a principal building that contains at least one operating business.

(E) UDCBs are prohibited within any of the following locations:

(1) The public right-of-way;

(2) Five feet from any property line; or

(3) Landscaping.

(F) UDCBs cannot block or impede access to:

- (1) Required parking or driveways;
- (2) Pedestrian routes;
- (3) Emergency vehicle routes;
- (4) Building ingress and egress;
- (5) Required handicapped accessibility routes;
- (6) Required easements;
- (7) Trash enclosure areas or access to trash bins/trash enclosures; or
- (8) Lot ingress and egress.

(G) UDCBs cannot impede the functioning of exhaust, ventilation, or fire extinguishing systems.

(H) The donation/collection area must be visible from the principal building and be no more than ten feet from a continually operating light source.  
(Ord. 1726, passed 12-19-16)

#### **§ 5.70.130 PHYSICAL ATTRIBUTES.**

(A) UDCBs shall:

- (1) Be fabricated of steel;
- (2) Be placed on ground that is paved with cement or asphalt;
- (3) Have a collection opening that has a tamper-resistant locking mechanism;
- (4) Not be more than 84 inches high, 72 inches wide and 72 inches deep;
- (5) Not be electrically or hydraulically powered or otherwise mechanized;
- (6) Not be a fixture of the site or considered an improvement to real property; and

(7) Have the following information conspicuously displayed on at least two-inch type visible from the front on the UDCB:

(a) The name, address, 24-hour telephone number, and, if available, the internet web address, and email address of the owner and operator of the UDCB and the parcel owner/agent;

(b) Address and parcel number of the site;

(c) Instructions on the process to register a complaint regarding the UDCB to the City Code Enforcement Division, in substantially the following form:

"To register a complaint regarding this UDCB, contact the City of Crest Hill at 815-741-5106 or at [webadmin@cityofcresthill.com](mailto:webadmin@cityofcresthill.com) with the permit number and location of the UDCB detailing the complaint."

- (d) The type of material that may be deposited;
- (e) A notice stating that no material shall be left outside the UDCB;
- (f) The pickup schedule for the UDCB;
- (g) A city provided sticker that identifies the box as being properly permitted by the city;
- (h) If the UDCB is owned by a nonprofit organization:
  - 1. A statement describing the charitable cause that will benefit from the donations;
  - 2. The federal tax identification number of the nonprofit organization operating the UDCB; and
  - 3. The statement "This collection box is owned and operated by a nonprofit organization."
- (i) If the UDCB is owned by a for-profit entity:
  - 1. "This donation is not tax deductible." and
  - 2. "This collection box is owned and operated by a for-profit organization."

(B) The parcel containing the UDCB shall display an additional standalone sign with text in at least two-inch typeface stating that no material shall be left outside the UDCB. This sign shall be installed at a visually conspicuous location within a radius of 20 feet from the UDCB.  
 (Ord. 1726, passed 12-19-16)

**§ 5.70.140 MAINTENANCE.**

(A) No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.

(B) UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.

(C) UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described this section.

(D) The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.

(E) UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.  
 (Ord. 1726, passed 12-19-16)

**§ 5.70.150 LIABILITY.**

Applicants and/or owner(s) agent shall maintain a minimum general liability insurance of \$1,000,000 for the duration of the operation of a UDCB at each site, to cover any claims or losses due to the placement, operation, or maintenance of the UDCB and naming the City of Crest Hill as additional insured. (Ord. 1726, passed 12-19-16)

**ARTICLE IV: CODE ENFORCEMENT****§ 5.70.160 COMPLIANCE PROCESS.**

(A) Whenever the Building Official determines that a UDCB with a valid permit does not conform to any requirement in this chapter he/she shall promptly notify the parcel owner/agent and UDCB operator through electronic mail of the violation. The violation must be abated and proof of such submitted to the city within three business days after receipt of such notification.

(B) If an unpermitted UDCB is not within a permissible geographic area according to § 5.70.120, then both the UDCB and any blight within 20 feet of the UDCB shall be removed within 72 hours after the parcel owner/agent and UDCB operator is notified of the violation.

(C) If an unpermitted UDCB is within a permissible geographic area according to § 5.70.120 then any blight within 20 feet of the site shall be removed and the parcel owner/agent and/or operator shall either:

(1) Apply for all UDCB permits required by this chapter; or

(2) Remove the UDCB. This requirement shall be met within 72 hours after the parcel owner/agent and/or UDCB operators are notified of the violation.

(D) Each day, after the three business day cure period, that a violation of a requirement of this chapter is not abated constitutes a new and separate offense.

(E) The operation or maintenance of an unpermitted UDCB may be abated or summarily abated by the city in any manner by this Code or otherwise by law for the abatement of public nuisances. All expenses incurred by the city in connection with any action to abate a public nuisance will be chargeable to the persons creating, causing, committing, or maintaining the public nuisance and is an express condition of the permit.

(F) The city shall issue administration citations against a parcel owner and/or operator who fails to timely resolve a violation or verified compliance is not sent to the city showing the resolution of the violation relating to a UDCB after notice. The city shall issue administrative citations as follows:

(1) Not more than \$150 for the first citation after the 72-hour abatement period;

(2) Not more than \$250 for the second citation after the 72-hour abatement period; and

(3) Not more than \$500 for the third and each subsequent citation after the 72-hour abatement period.

(G) The daily administrative citations described in division (F) above shall continue until either the violation is abated or the UDCB is removed. Removal of the UDCB shall be at the expense of the parcel owner and/or operator. Any UDCBs removed shall also have any of its UDCB permits revoked.

(H) The property owner and operator are jointly and severally liable and responsible for all fees, administrative citations, and compliance with the regulations.

(I) A party aggrieved by a final administrative decision of the City, after an appeal has been made pursuant to § 5.70.110, may seek judicial review of the administrative decision pursuant to the Illinois Code of Civil Procedure within the time frame pursuant to those code sections.

(J) All notices for unpermitted UDCBs shall be in writing and personally delivered to the parcel owner/agent and UDCB operator or by depositing such notice in the United States mail, postage paid, and addressed to the parcel owner/agent at the owner(s) last known address as it appears on the last Will County equalized assessments roll, as well as placed on the UDCB itself. If the city cannot reasonably determine the name and/or address of the unpermitted UDCB operators, placing the written notice on the UDCB itself constitutes sufficient notice. All notices regarding permitted UDCBs shall be through electronic mail.

(K) Administrative citations established in this chapter are in addition to any other administrative or legal remedy which may be pursued by the City to address violations identified in this chapter.  
(Ord. 1726, passed 12-19-16)

***ARTICLE V: NOTICING PROCEDURE FOR REMOVAL***

**§ 5.70.170 NOTICE REQUIRED FOR REMOVAL.**

(A) Any UDCB scheduled to be removed by either the city or the operator shall clearly display a notice on the UDCB with at least four-inch type visible from the front on the UDCB that states the following text in capital letters: "THIS BOX WILL BE REMOVED BY" followed by the date the UDCB is scheduled for removal. The entity who is removing the UDCB is responsible for placement of the notice on the UDCB.

(B) For UDCBs required to be removed by the City of Crest Hill due to an abatement order, the notice shall be posted immediately after the city notifies the operator and/or parcel owner that the facility is required to be removed.

(C) Notice that a UDCB will be removed by the owner or operator shall be posted at least 14 calendar days prior to the removal of the facility.  
(Ord. 1726, passed 12-19-16)





## CHAPTER 5.72: RETAIL SALE OF DOGS, CATS AND RABBITS

### Section

- 5.72.010 Purpose
- 5.72.020 Definitions
- 5.72.030 Restrictions on the retail sale of animals
- 5.72.040 Record keeping and disclosures
- 5.72.050 Penalties

### § 5.72.010 PURPOSE.

The purpose of this chapter is to protect the citizens of the city who may purchase cats or dogs or rabbits from a pet store or other business establishment, financial support for mill breeders, curb the emotional and financial burdens on consumers who unwittingly buy mill-bred pets, and reduce the cost of sheltering and euthanizing unwanted problem pets.  
(Ord. 1752, passed 10-16-17)

### § 5.72.020 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

**ANIMAL CARE FACILITY.** An animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

**ANIMAL RESCUE ORGANIZATION.** Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

**CAT.** A member of the species of domestic cat, *Felis catus*.

**DOG.** A member of the species of domestic dog, *Canis familiaris*.

**OFFER FOR SALE.** To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

**PET SHOP.** A retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.  
(Ord. 1752, passed 10-16-17)

### § 5.72.030 RESTRICTIONS ON THE RETAIL SALE OF ANIMALS.

(A) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (1) An animal care facility; or
- (2) An animal rescue organization.

(B) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.  
(Ord. 1752, passed 10-16-17)

**§ 5.72.040 RECORD KEEPING AND DISCLOSURES.**

A pet shop shall maintain records stating the name and address of the animal care facility or animal rescue organization that each cat or dog was obtained from for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to the city or its designee and submitted annually, and no later than May 1 of each year, to the city Police Department. Each pet shop shall display on each cage a label stating the name and address of the animal care facility or animal rescue organization of each animal kept in the cage.

**§ 5.72.050 PENALTY.**

Any person violating any provisions of any section of this chapter shall be fined for each offense. Each day of violation shall constitute a separate and distinct offense.  
(Ord. 1752, passed 10-16-17)

## CHAPTER 5.74: REGISTRATION OF DEFAULTED MORTGAGE PROPERTY

### Section

- 5.74.010 Purpose and intent
- 5.74.020 Definitions
- 5.74.030 Applicability and jurisdiction
- 5.74.040 Establishment of a registry
- 5.74.050 Inspection and registration of defaulted mortgage
- 5.74.060 Maintenance requirements
- 5.74.070 Security requirements
- 5.74.080 Provisions supplemental
- 5.74.090 Public nuisance
- 5.74.100 Additional authority
- 5.74.110 Opposing, obstructing enforcement officer; penalty
- 5.74.120 Penalties
- 5.74.130 Amendments

### § 5.74.010 PURPOSE AND INTENT.

It is the purpose and intent of the City Council to establish a process to address the deterioration, crime, and decline in value of the City of Crest Hill ("City") neighborhoods caused by property with defaulted mortgages located within the city, and to identify, regulate, limit and reduce the number of these properties located within the city. It has been determined that owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property owner. Structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in default or defaulted, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property owners.  
(Ord. 1802, passed 3-18-19)

### § 5.74.020 DEFINITIONS.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**CITY.** The City of Crest Hill, Will County, Illinois.

**DEFAULT.** Shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

**ENFORCEMENT OFFICER.** Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the city to enforce the applicable code(s).

**EVIDENCE OF VACANCY.** Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

**FORECLOSURE or FORECLOSURE ACTION.** The legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**MORTGAGEE.** The creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.

**OWNER.** Every person, entity, or mortgagee, who alone or severally with others, has legal or equitable title to any real property as defined by this chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The property manager shall not be considered the owner.

**PROPERTY MANAGER.** Any party designated by the owner as responsible for inspecting, maintaining and securing the property as required in this chapter.

**REAL PROPERTY.** Any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the city limits.

**REGISTRABLE PROPERTY.** Any real property located in the city, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

**REGISTRY.** A web-based electronic database of searchable real property records, used by the city to allow mortgagees the opportunity to register properties and pay applicable fees as required in this chapter.

**SEMI-ANNUAL REGISTRATION.** Six months from the date of the first action that requires registration, as determined by the city, or its designee, and every subsequent six months the property is registrable. The date of the initial registration may be different than the date of the first action that required registration.

**UTILITIES AND SERVICES.** Any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all city codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

**VACANT.** Any parcel of land in the city that contains any building or structure that is not lawfully occupied.  
(Ord. 1802, passed 3-18-19)

**§ 5.74.030 APPLICABILITY AND JURISDICTION.**

This chapter applies to registrable property within the city.  
(Ord. 1802, passed 3-18-19)

**§ 5.74.040 ESTABLISHMENT OF A REGISTRY.**

Pursuant to the provisions of § 5.74.050, the city, or its designee, shall establish a registry cataloging each registrable property within the city, containing the information required by this chapter.  
(Ord. 1802, passed 3-18-19)

**§ 5.74.050 INSPECTION AND REGISTRATION OF DEFAULTED MORTGAGE.**

(A) Any mortgagee who holds a mortgage on real property located within the city shall perform an inspection of the property upon it being in default or defaulted by the mortgagor or prior to the issuance of a notice of default.

(B) Property inspected pursuant to division (A) above that remains in default or defaulted, shall be inspected every 30 days by the mortgagee or mortgagee's designee. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten days of that inspection, update the occupancy status of the property registration.

(C) Within ten days of the date any mortgagee declares its mortgage to be in default or defaulted, the mortgagee shall register the real property with the city registry, and, at the time of registration, indicate whether the property is vacant, and if so shall designate in writing a property manager to inspect, maintain and secure the real property subject to the mortgage in default or defaulted. A separate registration is required for each registrable property.

(D) Initial registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, e-mail address, telephone number and name of the property manager and said person's address, e-mail address, and telephone number.

(E) At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of \$300 for each registrable property. Subsequent semi-annual registrations of defaulted properties and fees in the amount of \$300 are due within ten days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement; (2) code enforcement and mitigation related to defaulted properties; (3) post-closing counseling and foreclosure intervention limited to owner-occupied persons in default, which may not include cash and mortgage modification assistance; and (4) for any related purposes as may be adopted in the policy set forth in this chapter. Said fees shall be deposited to a special account in the city's department dedicated to the cost of implementation and enforcement of this chapter, and fulfilling the purpose and intent of this chapter. None of the funds provided for in this section shall be utilized for the legal defense of foreclosure actions.

(F) If the defaulted mortgage and/or servicing on a property is sold or transferred, the new mortgagee is subject to all the terms of this chapter. Within ten days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the registrable property.

(G) If the mortgagee sells or transfers the registrable property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this chapter. Within ten days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including but not limited to unregistered periods during the foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the registrable property.

(H) If the defaulted property is not registered, or the registration fee is not paid within 30 days of when the registration or renewal is required pursuant to this section, a late fee equivalent to 10% of the semi-annual registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

(I) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure or by any other legal means.

(J) Properties subject to this section shall remain subject to the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains registrable.

(K) Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the city.

(L) If any property is in violation of this chapter the city may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.  
(Ord. 1802, passed 3-18-19)

**§ 5.74.060 MAINTENANCE REQUIREMENTS.**

(A) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

(B) Registrable property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(C) Front, side, and rear yards, including landscaping, of registrable property shall be maintained in accordance with the applicable code(s) at the time registration is required.

(D) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(E) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(F) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(G) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the city.

(H) Failure of the mortgagee, owner, and transferees to properly maintain the property as required by this chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the city. The city may take the necessary action to ensure compliance with this chapter.

(Ord. 1802, passed 3-18-19)

**§ 5.74.070 SECURITY REQUIREMENTS.**

(A) Properties subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(B) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

(C) If a property is registrable, and the property has become vacant or blighted, a property manager shall be designated by the mortgagee or owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this chapter, and any other applicable laws.

(D) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the city.

(E) When a property subject to this chapter becomes vacant, it shall be posted with the name and 24 hour contact telephone number of the property manager. The property manager shall be available to be contacted by the city Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.  
THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.  
BY TELEPHONE AT \_\_\_\_\_.  
OR BY EMAIL AT \_\_\_\_\_.

(F) The posting required in division (E) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(G) Failure of the mortgagee and/or property owner of record to properly inspect and secure a property subject to this chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the city. The city may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

(Ord. 1802, passed 3-18-19)

**§ 5.74.080 PROVISIONS SUPPLEMENTAL.**

The provisions of this chapter are cumulative with and in addition to other available remedies. Nothing contained in this chapter shall prohibit the city from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

(Ord. 1802, passed 3-18-19)

**§ 5.74.090 PUBLIC NUISANCE.**

All registrable property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the city.

(Ord. 1802, passed 3-18-19)



**§ 5.74.100 ADDITIONAL AUTHORITY.**

(A) If the enforcement officer has reason to believe that a property subject to the provisions of this chapter is posing a serious threat to the public health, safety, and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee or owner, and may bring the violations before the Administrative Hearing Officer or the Circuit Court of Will County as soon as possible to address the conditions of the property. Nothing herein shall limit the city from abating any nuisance or unsafe condition by any other legal means available to it.

(B) Without prejudice to remedies available in the Circuit Court, the code enforcement officer or Administrative Hearing Office for the city's code hearing unit shall have the authority to require the mortgagee or owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(C) The city may contract with an entity to implement this chapter, and, if so, any reference to the enforcement officer herein shall include the entity the city contract with for that purpose.  
(Ord. 1802, passed 3-18-19)

**§ 5.74.110 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY.**

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.  
(Ord. 1802, passed 3-18-19)

**§5.74.120 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. Each day the violation continues shall be considered a separate violation.  
(Ord. 1802, passed 3-18-19)

**§ 5.74.130 AMENDMENTS.**

Registration fees and penalties outlined in this chapter may be modified by resolution, administrative order, or an amendment to this chapter, passed and adopted by the Council.  
(Ord. 1802, passed 3-18-19)



## CHAPTER 5.76: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

### Section

|          |   |
|----------|---|
| 5.76.010 | Definitions                                 |
| 5.76.020 | Cannabis business establishments prohibited |
| 5.76.030 | Public nuisance declared                    |
| 5.76.040 | Violations                                  |

### § 5.76.010 DEFINITIONS.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

***ADULT-USE CANNABIS BUSINESS ESTABLISHMENT.*** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

***ADULT-USE CANNABIS CRAFT GROWER.*** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE CANNABIS CULTIVATION CENTER.*** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE CANNABIS DISPENSING ORGANIZATION.*** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the (Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER.*** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR.*** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract

constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER.*** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

***PERSON.*** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.  
(Ord. 1825, passed 9-16-19)

#### **§ 5.76.020 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.**

The following adult-use cannabis business establishments are prohibited in the City of Crest Hill. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the City of Crest Hill of any of the following:

Adult-use cannabis craft grower.

Adult-use cannabis cultivation center.

Adult-use cannabis dispensing organization.

Adult-use cannabis infuser organization or infuser.

Adult-use cannabis processing organization or processor.

Adult-use cannabis transporting organization or transporter.  
(Ord. 1825, passed 9-16-19)

#### **§ 5.76.030 PUBLIC NUISANCE DECLARED.**

Operation of any prohibited cannabis business establishment within the city in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(Ord. 1825, passed 9-16-19)

#### **§ 5.76.040 VIOLATIONS.**

Violations of this chapter may be enforced in accordance with the provisions of Title 1, Chapter 1, § 1.12.010 of this code.

(Ord. 1825, passed 9-16-19)