

TITLE 5: BUSINESS LICENSES AND REGULATIONS

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CHAPTER 5.04: GENERAL LICENSING PROVISIONS¹

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§ 5.04.010 SCOPE OF CHAPTER; EXECUTION OF LICENSES.

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

(B) In all instances where licenses are required, they shall be granted and signed by the Mayor or a person designated by him and attested by the City Clerk under seal of the city unless otherwise specifically provided by the particular section requiring such license.
(‘78 Code, § 5.04.010) (Ord. 39, passed - -61)

§ 5.04.020 GENERAL BUSINESS LICENSE REQUIRED; FEES.

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

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

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

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

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

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

§ 5.04.030 LICENSE; DURATION.

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

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

§ 5.04.070 LICENSE; POSTING.

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

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

§ 5.04.080 FEES; PRORATION.

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

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

§ 5.04.090 SEPARATE LICENSES FOR SEPARATE BUSINESS LOCATIONS.

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

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

§ 5.04.100 INSPECTION; RIGHT OF ENTRY.

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

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

§ 5.04.105 CESSATION OF BUSINESS.

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

(‘78 Code, § 5.04.105) (Ord. 631, passed - -85)

§ 5.04.110 GRACE PERIOD.

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

(‘78 Code, § 5.04.110) (Ord. 562, passed - -82)

§ 5.04.120 ADMINISTRATIVE PENALTY.

In addition to any judicial penalty imposed under this code, the City Clerk shall impose an administrative penalty of three times the amount of each license upon any prospective licensee who makes application for his license and pays the license fee after the deadline for obtaining such license. (‘78 Code, § 5.04.120) (Ord. 562, passed - -82; Am. Ord. 1038, passed 9-15-97; Am. Ord. 1570, passed 7-18-11)

§ 5.04.130 REVOCATION OF BUSINESS LICENSE.

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

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

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CHAPTER 5.08: ALCOHOLIC BEVERAGES¹

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§ 5.08.010 DEFINITIONS.

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

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

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

ALCOHOLIC LIQUOR. Any spirits, wine, beer, ale or other liquid containing more than ½% of alcohol by volume, which is fit for beverage purposes.

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

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

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

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

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

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

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

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

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

§ 5.08.020 LICENSE; REQUIRED.

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

('78 Code, § 5.08.020)

§ 5.08.030 LICENSE; APPLICATION; CONTENTS.

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

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

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

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

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

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

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

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

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

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

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

§ 5.08.040 LICENSE; PERSON DECLARED INELIGIBLE.

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

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

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

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

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

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

§ 5.08.070 PHOTOGRAPHS TO ACCOMPANY APPLICATION.

All applications for licenses required by this chapter shall be accompanied by photographs of the applicant, if an individual, and the manager, if the applicant is a corporation. In addition, the application shall be accompanied by photographs of all bartenders to be employed by the applicant, or so many as are known at the time of application.
(‘78 Code, § 5.08.070)

§ 5.08.080 LICENSE; TERM; FEE PRORATED.

Each such license shall terminate on December 31 next following issuance. The fee to be paid shall not be prorated and all fees shall be non-refundable once paid. Further, all application fees for liquor license shall be non-refundable as well.
(‘78 Code, § 5.08.080) (Am. Ord. 1437, passed 9-17-07)

§ 5.08.090 LICENSE; FEE.

Licensees shall pay an annual license fee payable in advance in one installment, according to the license classification set out in § 5.08.100 herein. However, licensees may pay their annual license fees in two equal semi-annual installments provided that each semi-annual payment shall include a \$25 additional administrative fee,
(‘78 Code, § 5.08.090) (Am. Ord. 1437, passed 9-17-07; Am. Ord. 1505, passed 10-19-09)

§ 5.08.100 LICENSE; CLASSIFICATIONS DESIGNATED; FEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Hours of operation for outdoor seating shall be Sunday through Thursday 10:00 a.m. to 10:00 p.m. and Friday and Saturday 10:00 a.m. to 11:00 p.m.

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

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

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

(L) Class AG licenses which authorize the sale of alcoholic liquor for consumption upon the specified premises of a diversified family farm used for educational and recreational activities located in a B3 zoning district. The licensed premises may include areas outside of a permanent structure. The annual fee for such licenses shall be \$1,500. The number of Class AG licenses shall be limited to one.

('78 Code, § 5.08.100) (Ord. 543, passed - -82; Am. Ord. 870, passed 1-19-93; Am. Ord. 912 passed - - 94; Am. Ord. 913 passed - -94; Am. Ord. 937, passed 12-5-94; Am. Ord. 939, passed 12-5-94; Am. Ord. 967, passed 12-4-95; Am. Ord. 982, passed 3-18-96; Am. Ord. 1000, passed 8-19-96; Am. Ord. 1016, passed 2-17-97; Am. Ord. 1021, passed 4-7-97; Am. Ord. 1049, passed 3-16-98; Am. Ord. 1077, passed 12-7-98; Am. Ord. 1078, passed 12-7-98; Am. Ord. 1115, passed 12-6-99; Am. Ord. 1119, passed 1-18-00; Am. Ord. 1201, passed 7-2-01; Am. Ord. 1233, passed 3-18-02; Am. Ord. 1289, passed 5-19-03; Am. Ord. 1292, passed 6-16-03; Am. Ord. 1361, passed 6-6-05; Am. Ord. 1376, passed 11-21-05; Am. Ord. 1386, passed 3-6-06; Am. Ord. 1437, passed 9-17-07; Am. Ord. 1503, passed 9-21-09; Am. Ord. 1517, passed 1-19-10; Am. Ord. 1548, passed 11-15-10; Am. Ord. 1556, passed 1-18-11; Am. Ord. 1571, passed 7-18-11; Am. Ord. 1584, passed 12-19-11; Am. Ord. 1592, passed 4-16-12; Am. Ord. 1602, passed 7-2-12; Am. Ord. 1637, passed 8-5-13; Am. Ord. 1680, passed 2-2-15; Am. Ord. 1688, passed 5-18-15; Am. Ord. 1704, passed 12-21-15; Am. Ord. 1705, passed 1-4-16; Am. Ord. 1729, passed 1-16-17; Am. Ord. 1742, passed 8-7-17; Am. Ord. 1753, passed 10-16-17; Am. Ord. 1769, passed 2-5-18; Am. Ord. 1771, passed 3-5-18; Am. Ord. 1773, passed 3-19-18; Am. Ord. 1774, passed 3-19-18)

§ 5.08.110 LICENSE; FEE DISPOSITION REQUIREMENTS.

All fees shall be paid to the City Treasurer prior to a license being issued. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or such other fund as designated by the City Council. ('78 Code, § 5.08.110)

§ 5.08.120 LICENSE; ISSUANCE RECORDS AND NOTIFICATION REQUIRED.

The Mayor shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the City Clerk, City Treasurer, and Chief of Police each with a copy thereof. Upon the issuance of any new license, or the revocation of any old license, the Mayor shall give written notice of such action to each of these officers within 48 hours of such action. ('78 Code, § 5.08.120)

§ 5.08.130 LICENSE; TRANSFER AND RENEWAL RESTRICTIONS.

(A) A license shall be purely a personal privilege good for not to exceed one year after issuance unless sooner revoked as provided in this chapter (see § 5.08.200), and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be lienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee;

provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any solvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee, but no longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the licensee fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this chapter.

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

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

('78 Code, § 5.08.130)

§ 5.08.140 PREMISES; CHANGE OF LOCATION RESTRICTIONS.

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

('78 Code, § 5.08.140)

§ 5.08.141 PROHIBITED PLACE UNDER THE FIREARM CONCEALED CARRY ACT.

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

(Ord. 1650, passed 11-18-13)

§ 5.08.144 PREMISES; RESTRICTIONS ON SALE.

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

(‘78 Code, § 5.08.144) (Ord. 527, passed - -81)

§ 5.08.150 PREMISES; SANITARY CONDITIONS REQUIRED.

All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for storage of or sale of food for human consumption.

(‘78 Code, § 5.08.150)

§ 5.08.160 PREMISES; EMPLOYEE HEALTH RESTRICTIONS.

It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it is unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

(‘78 Code, § 5.08.160)

§ 5.08.170 PREMISES; LOCATION RESTRICTIONS; EXCEPTIONS.

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

chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishment or mortuary.
(‘78 Code, § 5.08.170)

§ 5.08.180 PREMISES; HOURS OF BUSINESS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5.08.181 DISPENSING OR CONSUMPTION OF LIQUOR AFTER HOURS.

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

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

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

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

§ 5.08.190 PREMISES; INTERIOR LIGHTING REQUIREMENTS.

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

§ 5.08.200 LICENSE; ENFORCEMENT AUTHORITY AND GROUNDS FOR REVOCATION.

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

§ 5.08.210 PROHIBITED ACTS DESIGNATED.

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

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

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

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

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

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

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

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

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

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

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

(K) No person, while on the premises and in public view, shall engage in the following conduct: expose his or her genitals, pubic hair, buttocks, anus, or anal cleft; or employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft; or appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft. No female person, while on the premises and in public view, shall engage in the following conduct: expose that area of the human breast below the top of the areola; or employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or appear without a fully opaque covering of that area of the human breast below the top of the areola.

('78 Code, § 5.08.210) (Ord. 498, passed - -80; Am. Ord. 548, passed - -82; am. Ord. 552, passed - -82; Am. Ord. 597, passed - -84)

§ 5.08.220 SALES UNLAWFUL WHEN.

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

('78 Code, § 5.08.220) (Ord. 535, passed - -81)

§ 5.08.230 PREMISES; DISORDERLY CONDUCT AND UNLAWFUL GAMES PROHIBITED.

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

(B) All licensees are required to immediately report to the Crest Hill Police Department any and all disturbances that occur on the premises. This includes all areas, adjacent rooms, buildings, and parking lots over which the licensee has control.

('78 Code, § 5.08.230) (Ord. 502, passed - -80; Am. Ord. 1528, passed 5-17-10)

§ 5.08.240 LICENSE; DISPLAY ON PREMISES REQUIRED.

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.
(‘78 Code, § 5.08.240)

§ 5.08.250 VIOLATION; PENALTY.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$150, but no more than \$750 for each offense.
(‘78 Code, § 5.08.250) (Am. Ord. 998, passed 7-1-96)

CHAPTER 5.10: TOBACCO

Section

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

§ 5.10.010 LICENSE REQUIRED.

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

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

§ 5.10.020 APPLICATION.

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

(B) The fee for a new or renewed license shall be \$250, payable to the city. All monies shall be deposited by the City Treasurer in the corporate fund of the city; provided that for the calendar year 2008 all license fees shall be prorated at \$100 as of August 1, 2008. No fees shall be prorated for any subsequent year.
(Ord. 1457, passed 7-7-08)

§ 5.10.030 RESTRICTIONS ON ISSUANCE OF LICENSE.

(A) No such license shall be issued to:

Crest Hill - Business Licenses and Regulations

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

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

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

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

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

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

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

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

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

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

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

§ 5.10.040 ENFORCEMENT.

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

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

§ 5.10.050 SALES BY MINORS.

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

§ 5.10.060 SALES TO MINORS.

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

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

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

§ 5.10.070 PURCHASE OR POSSESSION BY MINORS.

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

(B) It shall be unlawful for any person under 18 years of age to possess or use any tobacco product.

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

§ 5.10.080 TOBACCO SAMPLES.

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

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

§ 5.10.090 OUT-OF-PACKAGE SALES.

It shall be unlawful for any person to sell or offer for sale cigarettes which are not contained within the manufacturer's packaging. Such packaging must include all required health warnings and a tax stamp verifying that the cigarettes have been legally taxed.

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

§ 5.10.100 VENDING MACHINES.

Vending machines and other electronic or mechanical devices for the sale or distribution of tobacco products are prohibited.

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

§ 5.10.110 SIGNS.

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

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

§ 5.10.120 RESPONSIBILITY OF LICENSEES.

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

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

§ 5.10.130 SUSPENSION OR REVOCATION.

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

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

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

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

(b) Any document presented at the hearing; and

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

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

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

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

§ 5.10.140 PENALTY.

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

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

CHAPTER 5.12: AMUSEMENTS¹

Section

- 5.12.010 Definitions
- 5.12.020 Alcoholic beverages; possession; use
- 5.12.030 Conduct of persons attending public place of amusement
- 5.12.040 Classification of amusements
- 5.12.050 Tickets; contents; sale for more than printed price unlawful
- 5.12.060 Lewd or indecent exhibitions; dancing
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¹For statutory provisions authorizing a city to tax amusements, see ILCS Ch. 65, Act 5, § 11-42-1.

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- 5.12.560 License not to permit business in more than one location
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- 5.12.570 Posting of license

§ 5.12.010 DEFINITIONS.

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

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

PUBLIC PLACE OF AMUSEMENT. Includes any building, hall, room, place or enclosure where public amusements are carried on.

('78 Code, § 5.12.010) (Ord. 391, passed - -75; Am. Ord. 1272, passed 11-18-02)

§ 5.12.020 ALCOHOLIC BEVERAGES; POSSESSION; USE.

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

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

§ 5.12.030 CONDUCT OF PERSONS ATTENDING PUBLIC PLACE OF AMUSEMENT.

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

§ 5.12.040 CLASSIFICATION OF AMUSEMENTS.

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

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

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(K) *Class Eleven.* All entertainments, exhibitions and performances or amusements not included in the foregoing classes.
('78 Code, § 5.12.040) (Ord. 391, passed - -75; Am. Ord. 1272, passed 11-18-02)

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

Admission to all public amusements shall be by ticket, which ticket shall bear printed thereon in plain figures its price. No ticket shall be sold by or for any licensee for more than the price so printed or stamped thereon.
('78 Code, § 5.12.050) (Ord. 391, passed - -75)

§ 5.12.060 LEWD OR INDECENT EXHIBITIONS; DANCING.

No obscene, lewd or immoral exhibitions shall be given at any public place of amusement or included in any public entertainment.
('78 Code, § 5.12.060) (Ord. 391, passed - -75)

§ 5.12.070 PREMISES; INSPECTION; COMPLIANCE WITH PROVISIONS.

No license required by this chapter shall be issued until the premises in which the amusement is to be held is inspected by the chief of the applicable fire protection district (hereinafter referred to as the "fire chief"), or the Director of Public Works or his/her designee and is found to comply with the provisions of §§ 5.12.070 through 5.12.110.
('78 Code, § 5.12.070) (Ord. 391, passed - -75; Am. Ord. 1637, passed 8-5-13)

§ 5.12.080 PREMISES; EXITS; REMOVAL OF FIRE HAZARDS.

Every place of public amusement shall provide adequate exits in case of fire and shall at all times keep adequate aisles or approaches to the exits free and unobstructed. Places subject to §§ 5.12.070 through 5.12.110 shall, from time to time and not less than four times each year, be inspected by the Fire Chief or his deputies, who shall immediately report to the City Council any conditions in such places which render the facilities hazardous in case of fire. The City Council shall thereupon by appropriate resolution fix such requirements as shall be necessary to remove the hazard, which requirements shall immediately be communicated to and carried out by the licensee.
('78 Code, § 5.12.080) (Ord. 391, passed - -75)

§ 5.12.090 PREMISES; DRINKING WATER; CUPS.

All places of public amusement shall provide a sufficient and ample supply of drinking water at drinking fountains, or with individual cups or containers.
('78 Code, § 5.12.090) (Ord. 391, passed - -75)

§ 5.12.100 PREMISES; SANITATION; VENTILATION.

Every place of public amusement shall be kept in a clean and sanitary condition, with sufficient toilet and plumbing facilities for the health, safety and comfort of its patrons. It shall provide adequate ventilation to afford clean, fresh air to its patrons at all times.
(‘78 Code, § 5.12.100) (Ord. 391, passed - -75)

§ 5.12.110 PREMISES; REQUIREMENTS FOR USE OF FLAMMABLE FILM.

No person shall exhibit in any public place in the city any motion picture wherein the film is of flammable material unless the film and the mechanism for its projection are enclosed within a fireproof booth not less than six feet square and seven feet high, properly ventilated and equipped with an adequate fire extinguisher.
(‘78 Code, § 5.12.110) (Ord. 391, passed - -75)

§ 5.12.120 LICENSES; PROVISIONS GENERALLY.

Sections 5.12.120 through 5.12.250 shall control the licensing of amusements subject to this chapter except to the extent that there are other licensing provisions pertaining to specific amusements.
(‘78 Code, § 5.12.120) (Ord. 391, passed - -75)

§ 5.12.130 LICENSES; ORGANIZATIONS EXEMPT FROM FEE PROVISIONS.

Sections 5.12.120 through 5.12.250, insofar as license fees are concerned, shall not apply to religious or charitable organizations or to any entertainment, the entire net proceeds of which are devoted to charity. However, the other provisions of §§ 5.12.120 through 5.12.250 shall apply to such organizations.
(‘78 Code, § 5.12.130) (Ord. 391, passed - -75)

§ 5.12.140 LICENSES; REQUIRED.

No person shall manage, conduct, produce, present, operate or carry on any public amusement or public place of amusement without first having obtained a license therefor.
(‘78 Code, § 5.12.140) (Ord. 391, passed - -75)

§ 5.12.150 LICENSES; INSURANCE; AMOUNT; TERMS.

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

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

§ 5.12.160 LICENSES; ISSUANCE.

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

§ 5.12.170 LICENSES; COMBINATION PERMITTED WHEN; LIMITATION.

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

('78 Code, § 5.12.170) (Ord. 391, passed - -75)

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

Where application is made for a license for a place of public amusement and the applicant desires that the place be available for any two or more of the classes of entertainment enumerated in this chapter, he shall in his application so state, and the license fee shall be fixed at the highest rate prescribed for any class of entertainment included or the percent rate, whichever is higher.

('78 Code, § 5.12.180) (Ord. 391, passed - -75)

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

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

(B) The license fee for places in which entertainments of classes one, two and six are given shall be \$.60 per seat per year.

('78 Code, § 5.12.190) (Ord. 391, passed - -75; Am. Ord. 631, passed - -85)

§ 5.12.200 LICENSES; FEE; CLASS THREE.

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

§ 5.12.210 LICENSES; FEE; CLASS FOUR.

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

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

§ 5.12.220 LICENSES; FEE; CLASS FIVE.

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

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

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

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

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

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

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

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

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

(‘78 Code, § 5.12.230) (Ord. 391, passed - -75)

§ 5.12.240 LICENSES; FEE; CLASS EIGHT; COMBINED LICENSING.

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

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

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

§ 5.12.250 LICENSES; FEE; CLASS NINE.

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

§ 5.12.255 LICENSES; FEES; CLASS TEN.

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

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

§ 5.12.256 LICENSES; FEES; CLASS ELEVEN.

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

§ 5.12.260 BILLIARDS AND BOWLING; DEFINITIONS.

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

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

§ 5.12.270 BILLIARDS AND BOWLING; EXEMPTIONS.

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

§ 5.12.280 BILLIARDS AND BOWLING; REFERENCE.

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

§ 5.12.290 BILLIARDS AND BOWLING; PREMISES; SANITARY CONDITION.

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

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

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

§ 5.12.310 BILLIARDS AND BOWLING; LICENSE; REQUIRED.

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

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

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

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

§ 5.12.330 BILLIARDS AND BOWLING; LICENSE; FEE.

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

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

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

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

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

§ 5.12.350 CARNIVALS; DEFINED.

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

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

§ 5.12.360 CARNIVALS; PERMIT; TERMS AND CONDITIONS.

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

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

§ 5.12.370 CARNIVALS; PERMIT; APPLICATION.

Application for a permit required by § 5.12.360 shall be made to the City Clerk on forms provided by him.
(‘78 Code, § 5.12.370) (Ord. 391, passed - -75)

§ 5.12.380 CARNIVALS; PERMIT; DUTY OF CITY CLERK.

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

(A) Ascertain that the application is in order;

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

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

(D) Retain sufficient copies of the application for use by the office of Mayor and the City Council.
(‘78 Code, § 5.12.380) (Ord. 391, passed - -75; Am. Ord. 1637, passed 8-5-13)

§ 5.12.390 CARNIVALS; PERMIT; ACTION UPON.

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

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

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

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

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

(E) The County Health Officer, in addition to the duties imposed by division (B), shall ascertain that the applicant has made adequate arrangements for the disposal of garbage and refuse and that the disposal conforms to the laws of the city and the county.
(‘78 Code, § 5.12.390) (Ord. 391, passed - -75; Am. Ord. 1637, passed 8-5-13)

§ 5.12.400 CARNIVALS; PERMIT; FINDINGS; RECOMMENDATIONS.

After each officer to whom a copy of an application required by § 5.12.360 has made the findings required by § 5.12.390, the officer shall make his findings and recommendations in writing to the City Council. In the alternative, the City Clerk may devise checklist forms for the findings and recommendations required by this section, which, when completed, shall be forwarded to the City Council for action.

('78 Code, § 5.12.400) (Ord. 391, passed - -75)

§ 5.12.410 CARNIVALS; PERMIT; ISSUANCE.

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

(B) The permit required by § 5.12.360 shall be issued in duplicate, one copy of which shall be retained by the City Clerk and the other copy delivered to the permittee. The copy delivered to the permittee shall be kept in the possession of the manager of the carnival and shall be produced and shown to any sheriff, police officer or citizen, upon request.

('78 Code, § 5.12.410) (Ord. 391, passed - -75)

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

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

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

('78 Code, § 5.12.420) (Ord. 391, passed - -75)

§ 5.12.430 COIN-OPERATED AMUSEMENT DEVICES; DEFINED.

COIN-OPERATED AMUSEMENT DEVICE. Includes without limitation, pinball machines, jukeboxes, shuffle alleys, coin-operated bowling devices, shooting galleries, photographic galleries, games of any kind and rides for children.

('78 Code, § 5.12.430) (Ord. 391, passed - -75)

§ 5.12.440 COIN-OPERATED AMUSEMENT DEVICES; APPLICABILITY.

Sections 5.12.430 through 5.12.490 shall not apply to any club maintaining coin-operated amusement devices exclusively for the use of members and guests of the club.
(‘78 Code, § 5.12.440) (Ord. 391, passed - -75)

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

It is unlawful for any person to install, keep, maintain, use or permit the use, upon his premises, of any coin-operated amusement device for which a current license is not first obtained and the license fee paid.
(‘78 Code, § 5.12.450) (Ord. 391, passed - -75)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

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

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

(‘78 Code, § 5.12.460) (Ord. 391, passed - -75)

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

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

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

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

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

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

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

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

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

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

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

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

Cross-reference:

Vending Machines and Sales, see Ch. 5.40

§ 5.12.500 APPLICATION FOR LICENSES; INFORMATION REQUIRED.

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

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

§ 5.12.510 PERSON SUBJECT TO LICENSE.

Whenever in this chapter, or in any city ordinance, a license or permit is required for the maintenance operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor, actively or passively; or if he or it performs or attempts to perform any part of such business, activity, or occupation in the city.

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

§ 5.12.520 LICENSE AND PERMIT FORMS; SIGNATURE.

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

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

§ 5.12.530 FEES.

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

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

§ 5.12.540 TERMINATION OF LICENSES.

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

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

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

§ 5.12.550 CHANGE OF LOCATION; NOTICE REQUIRED.

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

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

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

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

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

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

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

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

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

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

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

§ 5.12.570 POSTING OF LICENSE.

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

CHAPTER 5.14: CLOTHES MODELING ESTABLISHMENTS

Section

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

§ 5.14.010 INTENT OF CHAPTER.

It is the intent of this chapter to provide for an effective means to monitor and regulate clothes modeling establishments and to prevent the use of such establishments as a pretext for lewd or indecent behavior by employees or independent contractors of such establishments, or by members of the general public who purchase the services of such establishments.
(‘78 Code, § 5.14.010) (Ord. 658, passed - -86)

§ 5.14.020 DEFINITIONS.

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

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

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

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

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

§ 5.14.030 LICENSE; REQUIRED.

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

§ 5.14.040 LICENSE; APPLICATION.

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

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

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

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

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

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

§ 5.14.050 LICENSE; FEE.

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

§ 5.14.060 LICENSE; ISSUANCE.

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

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

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

§ 5.14.070 REVOCATION OF LICENSE.

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

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

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

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

§ 5.14.080 PROHIBITED CONDUCT.

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

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

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

§ 5.14.090 CONDUCT.

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

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

§ 5.14.100 PENALTIES.

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

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

CHAPTER 5.16: FOOD DELIVERY

Section

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

§ 5.16.010 LICENSE; REQUIRED.

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

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

§ 5.16.020 LICENSE; APPLICATION; FEES.

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

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

(C) A seasonal license may be issued for the purposes mentioned under this chapter which license will be valid for a five month consecutive period in any one year. The fee for such seasonal license shall be \$30.

('78 Code, § 5.16.020) (Ord. 36, passed - -61; Am. Ord. 631, passed - -85; Am. Ord. 886, passed 7-19-93)

§ 5.16.030 LICENSE; FEE EXEMPTION.

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

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

§ 5.16.040 VEHICLE REGULATIONS.

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

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

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

§ 5.16.050 INSPECTIONS.

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

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

CHAPTER 5.18: SPECIAL EVENTS

Section

- 5.18.010 Definitions
- 5.18.020 Special event; permit required; limitations
- 5.18.030 Mobile food vendor; license required; fee
- 5.18.040 Temporary merchandise vendor; license required; fee
- 5.18.050 Restrictions and limitations
- 5.18.060 Vehicle parking

§ 5.18.010 DEFINITIONS.

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

MOBILE FOOD VENDOR. A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service and sale, which is inspected and licensed by the Will County Health Department.

SPECIAL EVENT. An event held on public and/or private property outside of the normal and intended use of that property, that has a defined and limited duration, is open to viewing or participation of the general public or involves a large gathering of people outside of normal operations, and occurs once or only a few times per year which allows mobile food vendors and temporary merchandise vendors to sell to the event attendees. This definition shall not include amusements licensed under Chapter 5.12 of the Code of Ordinances.

TEMPORARY MERCHANDISE VENDOR. Any person or entity who engages in a temporary business of selling and delivering goods, wares, merchandise or services within the city at a stationary location. (Ord. 1781, passed 6-18-18)

§ 5.18.020 SPECIAL EVENT; PERMIT REQUIRED; LIMITATIONS.

(A) Any person or organization that desires to hold a Special Event on his/its property must obtain a special event permit from the City Clerk. The cost of the permits is \$5.

(B) A maximum of ten permits shall be issued to any individual or organization each calendar year.

(C) Each permit shall be valid for a maximum of three consecutive days. Permits shall expire at 11:59 p.m. on the last date of the permit. (Ord. 1781, passed 6-18-18)

§ 5.18.030 MOBILE FOOD VENDOR; LICENSE REQUIRED; FEE.

Mobile food vendors are allowed only in conjunction with a permitted special event in all zoning districts in the city. Each mobile food vendor shall obtain a license for each special event from the City Clerk. The fee for the mobile food vendor license shall be \$50 and shall be valid only during the special event. Applicants must submit proof of the Will County Health Department license as well as proof of sales tax registration for the City of Crest Hill with the license application. The mobile food vendor must maintain the license for the duration of the special event and produce it upon request of the City of Crest Hill Police Department.

(Ord. 1781, passed 6-18-18)

§ 5.18.040 TEMPORARY MERCHANDISE VENDOR; LICENSE REQUIRED; FEE.

Temporary merchandise vendors are allowed only in conjunction with a permitted special event in all zoning districts in the city. Each temporary merchandise vendor shall obtain a license for each special event from the City Clerk. The fee for the temporary merchandise vendor license shall be \$50 and shall be valid only during the special event. Applicants must submit proof of sales tax registration for the City of Crest Hill with the license application. The temporary merchandise vendor must maintain the license for the duration of the special event and produce it upon request of the City of Crest Hill Police Department.

(Ord. 1781, passed 6-18-18)

§ 5.18.050 RESTRICTIONS AND LIMITATIONS.

Mobile food vendors and temporary merchandise vendors are prohibited from operating in a parked or stationary manner in the public right-of-way or on public property unless expressly authorized by the terms of the permit.

(Ord. 1781, passed 6-18-18)

§ 5.18.060 VEHICLE PARKING.

As part of a permitted special event, vehicles shall be permitted to park on unpaved surfaces for the duration of the special event at the location of the special event. Vehicles must be moved at the expiration of the special event permit.

(Ord. 1781, passed 6-18-18)

CHAPTER 5.20: HAWKERS AND PEDDLERS¹

Section

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

§ 5.20.010 LICENSE; REQUIRED.

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

§ 5.20.020 LICENSE; APPLICATION.

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

§ 5.20.030 LICENSE; FEE.

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

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

§ 5.20.040 PENALTY FOR FRAUD.

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

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

§ 5.20.050 RESTRICTIONS ON USE OF STREETS.

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

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

CHAPTER 5.21: JUNK PEDDLERS AND SECONDHAND DEALERS

Section

5.21.010 License required

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

5.21.030 License classifications.

5.21.100 Records required; form, contents

5.21.110 License fee

5.21.120 Penalties

§ 5.21.010 LICENSE REQUIRED.

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

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

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

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

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

(D) In all cases where this section shall apply, the permit herein provided for shall be procured before a license shall be issued. However, nothing herein contained shall apply to or be construed to apply to any junk yard now located or established.
(‘78 Code, § 5.21.020) (Ord. 679, passed - -87)

§ 5.21.030 LICENSE CLASSIFICATIONS.

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

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

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

(C) “Secondhand dealers” which includes all whose primary business includes the wholesale or retail purchasing, selling or bartering of any secondhand articles, where these secondhand articles are not limited to any one type or line of article, but include a wide variety of different types or lines of articles. Used cars, trucks, buses, motorcycles, watercraft or aircraft shall not be deemed secondhand articles under this chapter, and used car dealers shall not be classified as secondhand dealers if their only business consists of the buying, trading and selling of used cars.
(‘78 Code, § 5.21.030) (Ord. 679, passed - -87)

§ 5.21.100 RECORDS REQUIRED; FORM, CONTENTS.

Every licensee under this chapter shall keep a record in book form setting forth in plain terms a memorandum of each purchase and sale made, except purchases or sales of rags, paper or bottles. However, the licensee shall not be required to keep a record of any purchase or sale of any item where the purchase or sale price of the item was less than \$50. The record shall contain a description of each article, including the brand name and serial number if available, the date of the transaction, the amount of money or property exchange therefor, and the name, age, address and driver’s license number of the person selling or purchasing the article. if the person does not have a driver’s license, some other identification bearing the photograph of the seller or purchaser must be substituted therefor. Records of each transaction shall be preserved for a period of three years.
(‘78 Code, § 5.21.100) (Ord. 679, passed - -87)

§ 5.21.110 LICENSE FEE.

Each licensee who is licensed under this chapter shall pay a license fee of \$100 annually. The fee for licensees shall be collected and due in accordance with the provisions of Chapter 5.04.

('78 Code, § 5.21.110) (Ord. 679, passed - -87; Am. Ord. 886, passed 7-19-93; Am. Ord. 1570, passed 7-18-11)

§ 5.21.120 PENALTIES.

Any person or corporation found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$100, but no more than \$750 for each offense.

('78 Code, § 5.21.120) (Ord. 679, passed - -87; Am. Ord. 998, passed 7-1-96)

CHAPTER 5.22: JUNKYARDS AND SCRAP PROCESSING FACILITIES

Section

- 5.22.010 Intent of chapter
- 5.22.020 Definitions
- 5.22.030 License; required
- 5.22.040 License; application
- 5.22.050 License; fee
- 5.22.060 License; issuance
- 5.22.070 License; revocation
- 5.22.080 Fencing or screen planting required
- 5.22.090 Noxious odors
- 5.22.100 Storing junk on private property
- 5.22.110 Penalties

§ 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

- 5.23.010 Intent of chapter
- 5.23.020 Definitions
- 5.23.030 License; required
- 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: RESTAURANTS¹

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)

¹For 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;

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(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: SCAVENGERS¹

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)

¹For 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: SOLICITORS¹

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
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- 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
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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

¹For 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 DEALERS¹

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.

¹For 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 Compensation Act and the Illinois 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.

ACCESSORYACTIVITY. 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 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)