

### 3. BUSINESS & LICENSE REGULATIONS



**TITLE 3**

**BUSINESS AND LICENSE REGULATIONS**

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May 2021



CHAPTER 1  
ALCOHOLIC BEVERAGES  
**ARTICLE A. DEFINITIONS**

## SECTION:

3-1A-1: Definitions

3-1A-1: **DEFINITIONS:** Unless the context otherwise requires, the following words and terms when used in this chapter shall have the following definitions:

**ACT OR LIQUOR CONTROL ACT:** The Illinois Liquor Control Act of 1934, as amended from time to time<sup>1</sup>.

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

**ALCOHOLIC LIQUOR:** Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%) or less of alcohol by volume.

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1. 235 ILCS 5/1-1 et seq.

- BEER:** A beverage obtained by the 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.
- CATERER RETAILER:** A person who serves alcoholic liquors for consumption, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.
- CLOSE:** To shut up so as to prevent entrance or access by any person; and the entire suspension of business.
- CLUB:** A corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or 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 space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Mayor at the time of its application for a license under this chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and provided, further, 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 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 its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club.

- CORPORATION:** Any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of Illinois.
- DISTILLED SPIRITS:** See definition of spirits.
- EVENT:** A single theme.
- 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 twenty five (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 accommodations 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 or dining room equipment and capacity. All public dining rooms, banquet rooms, meeting rooms, room service areas, minibars, and other locations within or adjacent to a hotel in which alcoholic liquors are stored, offered for sale, or sold at retail shall be considered part of the hotel's licensed premises if those locations within or adjacent to the hotel are owned and managed by the hotel operator. As part of the hotel's licensed premises, each and all of those locations within or adjacent to the hotel shall be maintained and managed pursuant to a single retailer's license issued by the

State Commission to the hotel operator, regardless of the number of local retailer licenses mandated by the City. Public dining rooms and other locations within or adjacent to a hotel that are owned or managed by a person other than the hotel operator and are licensed by the City to a person other than the hotel operator are not considered part of the hotel's licensed premises for purposes of this chapter and, as such, must be maintained and operated under separate retailer's licenses.

|                        |                                                                                                                                                                                                                                                       |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LLC:                   | A limited liability company.                                                                                                                                                                                                                          |
| MANAGER OR AGENT:      | Any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. The Commissioner may request, and a licensee shall provide, satisfactory evidence of such employment. |
| MAYOR OR COMMISSIONER: | The Local Liquor Control Commissioner as provided in 235 Illinois Compiled Statutes, and all references to Commissioner shall refer to the Mayor unless otherwise provided.                                                                           |
| MEAL:                  | Food that is prepared and served on the licensed premises and excludes the serving of snacks.                                                                                                                                                         |
| 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.             |
| PACKAGE LIQUOR STORE:  | Any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.                                                                                                              |
| PARTNER:               | Any individual who is a member of a copartnership. "Copartnership" means an association of                                                                                                                                                            |



two (2) or more persons to carry on as co-owners of a business for profit.

**PREMISES/  
PLACE OF BUSINESS:**

The place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale, or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.

**PRIVATE FUNCTION:**

A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

**PUBLIC PLACE:**

Any premises, enclosed or unenclosed or partly enclosed and partly unenclosed, wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms "public place" and "public premises" shall be interchangeable for the purposes of this chapter.

**RESIDENT:**

Any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least one year and in the City for at least ninety (90) days prior to making application for such license.

**RESTAURANT:**

Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations; such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. A restaurant

shall gross at least fifty percent (50%) of its gross annual revenue from the sale of food and no more than thirty percent (30%) of its gross annual revenue from the proceeds of legal gambling devices. Any holder of a Class D license shall produce to the City, upon request, sufficient records to establish that the requirements of this definition are met.

|                                    |                                                                                                                                                                                                                                                                                 |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RETAILER:                          | A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.                                                                                                                                                                   |
| SALE:                              | Any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.                                                                  |
| SELL AT RETAIL AND SALE AT RETAIL: | Refer to and mean sales for use or consumption and not for resale in any form.                                                                                                                                                                                                  |
| SPECIAL EVENT:                     | An event conducted by an educational, fraternal, political, civic, religious or nonprofit organization.                                                                                                                                                                         |
| SPECIAL EVENTS RETAILER:           | An educational, fraternal, political, civic, religious, or nonprofit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license.                                     |
| SPIRITS:                           | Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. |
| TO SELL:                           | Includes to keep or expose for sale and to keep with intent to sell.                                                                                                                                                                                                            |
| WINE:                              | Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegeta-                                                                                                                                                                                |

bles containing sugar, including such beverages when fortified by the addition of alcohol or spirits as defined in this section. (2008 Code § 21-1-1; amd. Ord. 2018-13, 8-6-2018; 2019 Code)



## CHAPTER 1

## ALCOHOLIC BEVERAGES

**ARTICLE B. LICENSING PROVISIONS**

## SECTION:

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| 3-1B- 2: | Ineligibility For License                   |
| 3-1B- 3: | Application For License                     |
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**3-1B-1: LICENSES REQUIRED:**

- A. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of the City without having a license to do so, issued by the Mayor of the City in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commissioner of the State of Illinois.
- B. A similar valid license issued by the Mayor of the City is hereby required for and with respect to each building, location and premises within the aforesaid territory of the City, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. (2008 Code § 21-2-1)

**3-1B-2: INELIGIBILITY FOR LICENSE:**

- A. Except as otherwise provided in subsection B of this section and in subsection (a)(1) of section 3-12 of the Illinois Liquor Control Act, no license of any kind shall be issued to:
1. A person who is not a resident of the City.
  2. A person who is not of good character and reputation in the City.
  3. A person who is not a citizen of the United States.
  4. A person who has been convicted of a felony under any Federal or State law, unless the Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
  5. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
  6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
  7. A person whose license issued under the Liquor Control Act has been revoked for cause.
  8. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
  9. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason.
  10. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the City.

11. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.
12. 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.
13. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act or has forfeited his bond to appear in court to answer charges for any such violation.
14. 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.
15. Any law enforcing public official, including the Mayor, or any Alderman, or member of the City Council or the Commissioner, except as provided in section 6-2(a)(14) of the Liquor Control Act.
16. A person who is not a beneficial owner of the business to be operated by the licensee.
17. A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of section 28-1 of, or as proscribed by section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
18. A person or entity to whom a Federal wagering stamp has been issued by the Federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.
19. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of section 6-21 of the Liquor Control Act.

20. A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this subsection A20, a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a nonresident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

21. A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust, or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust, or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than five percent (5%) of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this subsection A21, a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a nonresident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust, or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

- B. A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation, and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commissioner shall determine if



all provisions of this subsection have been met before any action on the corporation's license is initiated. (2019 Code)

**3-1B-3: APPLICATION FOR LICENSE:**

- A. The Mayor is authorized to grant and issue licenses to individuals, firms, limited liability companies, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of the City upon the conditions and in the manner provided by this chapter and by the Liquor Control Act, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk, with the seal of his office affixed thereto.
- B. 1. Prior to issuance of a license, the applicant must submit to the Mayor an application in triplicate, in writing and under oath, stating the following:
- a. The name, age, and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation, LLC for profit or a club, the date of incorporation or organization, the object for which it was organized, the names and addresses of the officers, directors, managers and members and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation or membership interest of an LLC is owned by one person or his nominee, the address and name 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 the case of a corporation, the objects for which it was formed.
  - d. The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation or an LLC, the date of incorporation or organization.
  - e. The location and description of the premises or place of business which is to be operated under such license.
  - f. Whether the applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

g. 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 the Liquor Control Act or in this chapter or resolution and amendments thereto.

h. Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the Federal government has been revoked and the reasons therefor.

i. That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this chapter or resolution, and amendments thereto, in the conduct of his place of business.

2. In the case of a partnership, corporation or LLC, the information and statements required by this section shall be furnished, as the case may be, to each partner, president, secretary, director, manager, managing member and officer, and with respect to the person who is to manage the establishment for which a license is sought.

3. If the application is made on behalf of a partnership, firm, association, club, corporation or LLC, then the same shall be signed and sworn to by at least one member of such partnership, firm, association or club, or by the president and secretary of such corporation or manager of such LLC.

- C. One copy of the application shall be retained by the Mayor and one copy given to the Chief of Police. The Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding the application. The copies shall be returned to the Mayor, and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. (2008 Code § 21-2-2; amd. 2019 Code)
- D. The application for a license shall be filed with the City Office Manager. (Ord. 2014-10, 6-2-2014; amd. 2019 Code)

3-1B-4: **INSURANCE REQUIREMENTS:** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has dramshop insurance as required in section 6-21 of the Liquor Control Act and published annually by the

Illinois Liquor Control Commission on its website. (2008 Code § 21-2-9; amd. 2019 Code)

3-1B-5:       **CONTENTS OF LICENSE:** Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration. (Ord. 2014-10, 6-2-2014)

3-1B-6:       **CLASSIFICATION OF LICENSES; FEES AND NUMBER:**  
Every person engaged in the retail sale of alcoholic liquor in the City shall pay an annual license fee. Such licenses shall be divided into the following classes: (2008 Code § 21-2-6)

- A.    Class A, Taverns: There is hereby created a Class A liquor license which shall authorize the retail sale of alcoholic liquor for consumption on or off the premises specified, at an establishment other than an establishment selling motor fuel. The annual fee shall be three hundred dollars (\$300.00). There shall be a limit of six (6) licenses. (Ord. 2014-15, 11-3-2014)
- B.    Class B, Convenience Stores: There is hereby created a Class B license which shall permit the sale of alcoholic liquor for consumption in all instances off the premises. Alcoholic liquor in said places of business shall be inaccessible to customers during all times other than those hours of operation specified in section 3-1C-3 of this chapter. The annual license fee shall be five hundred dollars (\$500.00). There shall be a limit of three (3) licenses. (2008 Code § 21-2-6)
- C.    Class C, Special Events: There is hereby created a Class C license which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, containing not more than six percent (6%) of alcohol by weight, to be issued for temporary stands, booths and counters, such as at picnics and celebrations. The annual fee shall be twenty five dollars (\$25.00). (2008 Code § 21-2-6; amd. 2019 Code)
- D.    Class D, Restaurants: There is hereby created a Class D license which shall permit the retail sale of beer and wine for consumption only on the premises where sold and not for resale in any form, which shall only be sold and consumed in conjunction with the sale of food while dining and seated for lunch or dinner. The annual

license fee shall be one hundred dollars (\$100.00). There shall be a limit of two (2) licenses. (Ord. 2018-13, 8-6-2018)

E. Class E, Clubs:

1. There is hereby created a Class E license which authorizes the retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized club, as defined in section 3-1A-1 of this chapter; such sales to be made only to members of the club or their guests or its lessee.

2. The club shall file with the Local Liquor Commissioner, at the time of its application for a license, two (2) copies of a list of names and residences of its members, and similarly shall file within ten (10) days of the election or acceptance of any additional member his name and address; and, provided further, that the club affairs and management shall be 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 shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profit 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 of the club. The annual license fee shall be one hundred dollars (\$100.00). There shall be a limit of four (4) licenses. (2008 Code § 21-2-6)

**3-1B-7: PAYMENT OF LICENSE FEES:**

- A. New Licenses: The license fee for a new license shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. The fee for a new license shall be one hundred percent (100%) of the annual fee irrespective of the date of the application. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund.
- B. Renewal Licenses: The annual renewal fee shall be paid in full on or before the last working day of the year preceding the renewal year. (Ord. 2014-10, 6-2-2014)

3-1B-8:       **TERM OF LICENSE:** Retail liquor licenses issued under this chapter shall be valid for a twelve (12) month period upon the payment of the license fee as herein set forth unless sooner revoked or suspended. The twelve (12) month period shall be from January 1 to December 31 of the same year. (Ord. 2014-10, 6-2-2014)

3-1B-9:       **DISPLAY OF LICENSE:** Every licensee under this chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (2008 Code § 21-2-10)

3-1B-10:      **PRIVILEGE GRANTED BY LICENSE:**

- A.     A license issued under this chapter shall be purely a personal privilege, good for not to exceed one year after issued unless sooner revoked as in this chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. (2008 Code § 21-2-7)
- B.     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 is suitable for such purpose; and provided further, that the renewal privilege herein provided shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued within its jurisdiction. No retailer's license shall be renewed if the Department of Revenue has reported to the Illinois Liquor Control Commission that such retailer is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois until the applicant is issued a certificate by the Department of Revenue stating that all delinquent returns or amounts owed have

been paid by guaranteed remittance or the payment agreement to pay all amounts owed has been accepted by the department. No retailer's license issued by the City shall be renewed unless the applicant provides documentation that any tax owed to the City by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash.

- C. A negotiable instrument received as payment for a license fee, transfer fee, late fee, offer in compromise, pre-disciplinary conference settlement, or fine imposed by order that is dishonored on presentation shall not be considered payment and shall be cause for disciplinary action. (2019 Code)

**3-1B-11: CHANGE IN MANAGERS:** With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted within thirty (30) days. Continuation of the license will be contingent upon a background check of the new manager as set out in this chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have thirty (30) days to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. (Ord. 2014-10, 6-2-2014)

**3-1B-12: ANNEXING LICENSE HOLDERS:** When a business located in the County and holding a liquor license granted by the County is annexed into the City, the City shall grant the licensee a license pursuant to this chapter that corresponds to the County license classification. If there are no open licenses in that classification, the City shall create one additional license. The City shall waive the license fee until January 1 of the year following the date of annexation. (2019 Code)

**3-1B-13: LAPSE OF OPERATION; DAMAGED BUSINESS:**

- A. No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than ninety (90) days without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be

rebuilt or repaired within the ninety (90) day period, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional ninety (90) days.

- B. If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this chapter shall have been met. (2008 Code § 21-2-8)

3-1B-14:     **EXAMINATION OF APPLICANT OR LICENSEE:** The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided in article D of this chapter, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose, to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this section, he may authorize his agent to act on his behalf. (2008 Code § 21-2-3)

3-1B-15:     **RECORD OF ISSUED AND REVOKED LICENSES:** The Mayor shall keep a complete record of all licenses issued by him and shall supply the City Office Manager, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within forty eight (48) hours. (2008 Code § 21-2-11; amd. 2019 Code)





## CHAPTER 1

## ALCOHOLIC BEVERAGES

**ARTICLE C. REGULATIONS, RESTRICTIONS  
AND PROHIBITIONS**

## SECTION:

- 3-1C- 1: Location Regulations
- 3-1C- 2: Sanitation Requirements
- 3-1C- 3: Days And Hours Of Operation
- 3-1C- 4: Schedule Of Prices; Happy Hours
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**3-1C-1: LOCATION REGULATIONS:****A. Restrictions:**

1. No license shall be issued for the sale of any alcoholic liquor at retail within one hundred feet (100') of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; 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 shall have been established for such purposes prior to the taking effect hereof; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100')

since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. Nothing in this subsection A1 shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (2008 Code § 21-3-3)

2. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. (2008 Code § 21-3-5)

- B. Change Of Location: A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and this Code. (2008 Code § 21-3-4)

**3-1C-2: SANITATION REQUIREMENTS:**

- A. Health Permit Required: Every licensee shall have, at all times, a valid operating permit from the Health Department (Macoupin or Sangamon County) in which the licensed premises is located. (2008 Code § 21-3-15; amd. 2019 Code)
- B. Sanitary Premises: 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 codes regulating the condition of the premises used for the storage or sale of food for human consumption. (2008 Code § 21-3-13)
- C. Health Of Employees: It shall be 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 communicable or sexually transmitted disease; and it shall be 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. (2008 Code § 21-3-14; amd. 2019 Code)

**3-1C-3: DAYS AND HOURS OF OPERATION:**

**A. Days And Hours Established:**

1. The licensee shall open for business only during the following hours for the appropriate license held:

a. Class A license: Mondays, Tuesdays and Wednesdays, six o'clock (6:00) A.M. through twelve o'clock (12:00) midnight; Thursdays, Fridays and Saturdays, six o'clock (6:00) A.M. through one thirty o'clock (1:30) A.M. the following day; provided, that no alcoholic beverages shall be served after one o'clock (1:00) A.M., and all patrons shall be out of the establishment by one thirty o'clock (1:30) A.M.; Sundays, twelve o'clock (12:00) noon through twelve o'clock (12:00) midnight.

b. Class B license: Same as Class A.

c. Class C license: Twelve o'clock (12:00) noon through twelve o'clock (12:00) midnight.

d. Class D license: Same as Class A.

e. Class E license: Same as Class A.

The times referred to in this subsection A1 shall refer to Daylight Savings Time or when the same is in effect in the City and upon cessation of Daylight Savings Time, shall be Central Standard Time. (2008 Code § 21-3-1)

2. All licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, State, County or Municipal election, including primary elections, during the hours the polls are open within the City and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this subsection A. (2008 Code § 21-3-10; amd. 2019 Code)

**B. Presence On Premises After Hours:**

1. During the hours a licensed business is required to be closed, no person shall be permitted in the premises but the proprietor and employees who may be permitted therein for the purpose only of cleaning such premises and otherwise caring for the same, and further, except in the case of retail grocery stores which may be kept open at such hours, but no alcoholic liquor may be sold during such hours.

2. A licensee holding a Class B license shall encase and otherwise enclose and seal off the alcoholic liquor during the hours in which it is unlawful for said licensee to sell and shall separate at all times said alcoholic liquors from the groceries or other business being operated by the licensee. By sealing off and enclosing the same, it is the intention of the City Council that the alcoholic liquors being held for sale under a Class B license be held so that customers and persons using the premises during the hours in which it is unlawful for alcoholic liquors to be sold to not have access to the alcoholic liquors, and said alcoholic liquors shall be enclosed by a physical barrier.

3. The following shall apply to clubs as defined in section 3-1A-1 of this chapter, however, persons otherwise authorized, not in conjunction with alcoholic liquors, may be in the premises for other proper purposes pursuant to the bylaws of such organizations as those are defined in section 3-1A-1 of this chapter; provided, that in no way shall they be involved with any activity involving the use of alcoholic liquor. (2008 Code § 21-3-1)

**3-1C-4: SCHEDULE OF PRICES; HAPPY HOURS:**

- A. Schedule Required: All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment. (2008 Code § 21-3-2)

**B. Prohibited Happy Hours:**

1. No retail licensee or employee or agent of such licensee shall:

a. Sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;

b. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in subsection C of this section;

c. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

d. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

e. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections B1a through B1d of this section.

2. A violation of this subsection B shall be grounds for suspension or revocation of the retailer's license as provided in this chapter.

**C. Permitted Happy Hours And Meal Packages, Party Packages And Entertainment Packages:**

1. As used in this subsection C, the following words and terms shall have the meanings ascribed to them in this subsection C1:

**DEDICATED  
EVENT SPACE:** A room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes or other room dividers may be used to clearly delineate a dedicated event space.

**MEAL  
PACKAGE:** A food and beverage package, which may or may not include entertainment, where the

service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof, for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

**PARTY  
PACKAGE:**

A private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

2. A retail licensee may:

- a. Offer free food or entertainment at any time;
- b. Include drinks of alcoholic liquor as part of a meal package;
- c. Sell or offer for sale a party package only if the retail licensee:
  - (1) Offers food in the dedicated event space;
  - (2) Limits the party package to not more than three (3) hours;
  - (3) Distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space;
  - (4) Excludes individuals not participating in the party package from the dedicated event space;
- d. Include drinks of alcoholic liquor as part of a hotel package;
- e. Negotiate drinks of alcoholic liquor as part of a hotel package;
- f. Provide room service to persons renting rooms at a hotel;
- g. Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;

h. Advertise events permitted under this subsection C;

i. Include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a City ordinance that:

(1) Restricts dates of operation to dates during which there is an event at an adjacent stadium;

(2) Restricts hours of serving alcoholic liquor to two (2) hours before the event and one hour after the event;

(3) Restricts alcoholic liquor sales to beer and wine;

(4) Requires tickets for admission to the establishment; and

(5) Prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and

j. Discount any drink of alcoholic liquor during a specified time period only if:

(1) The price of the drink of alcoholic liquor is not changed during the time that it is discounted;

(2) The period of time during which any drink of alcoholic liquor is discounted does not exceed four (4) hours per day and fifteen (15) hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;

(3) The drink of alcoholic liquor is not discounted between the hours of ten o'clock (10:00) P.M. and the licensed premises' closing hour; and

(4) Notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least seven (7) days prior to the specified time.

3. A violation of this subsection C shall be grounds for suspension or revocation of the retailer's license as provided by this chapter. (2019 Code)

**3-1C-5: SALES TO CERTAIN PERSONS PROHIBITED:** 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 twenty one (21) years, or to any intoxicated person except as provided in section 16.1 of the Liquor Control Act. (2008 Code § 21-3-19; amd. 2019 Code)

**3-1C-6: PERSONS UNDER TWENTY ONE:**

- A. **Providing To:** No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service or in performance of a "sting operation" pursuant to section 16.1 of the Liquor Control Act. (2008 Code § 21-3-19; amd. 2019 Code)
- B. **Purchase, Acceptance Or Possession By:** No person shall purchase, accept delivery of, or have possession of alcoholic liquor in violation of this chapter. (2008 Code § 21-3-24; amd. 2019 Code)
- C. **Consumption By:** The consumption of alcoholic liquor by any person under the age of twenty one (21) years is forbidden. (2008 Code § 21-3-24)
- D. **Identification Requirements And Restrictions; False Identification:**
1. **Identification Required:**
    - a. Any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty one (21) years, if requested by the licensee, agent, employee, or representative.
    - b. Adequate written evidence of age and identity of the person is a document issued by a Federal, State, County, or Municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and



reasonably relied upon such written evidence in any transaction forbidden by this subsection is an affirmative defense in any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than twenty one (21) years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State. (2019 Code)

2. Sign Posted: In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the City Clerk, and which shall read as follows: (2008 Code § 21-3-25)

*UNDERAGE LIQUOR WARNING*

*YOU ARE SUBJECT TO A PENALTY AS PROVIDED  
IN 235 ILCS 5/6-16 IF YOU PURCHASE ALCOHOLIC  
LIQUOR OR MISREPRESENT YOUR AGE FOR THE  
PURPOSE OF PURCHASING OR OBTAINING ALCO-  
HOLIC LIQUOR.*

(2008 Code § 21-3-25; amd. 2019 Code)

3. False Identification: Any person under the age of twenty one (21) years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor, and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than five hundred dollars (\$500.00) and at least twenty five (25) hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program. (2019 Code)

- E. Presence On Premises: It shall be unlawful for any person under the age of twenty one (21) years to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class A license unless accompanied by a parent or legal guardian. No holder of a Class A license, nor any officer, associate, member, representative, agent or employee of such licensee, shall permit any person under the age of twenty one (21) years, not accompanied by a parent or legal guardian, to enter the licensed premises. For the purpose of preventing the violation of this subsection, any holder of a Class A license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of twenty one (21) years who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of twenty one (21) years is that person's parent or legal guardian. (2008 Code § 21-3-21)
- F. Employment: It shall be unlawful for any person under the age of twenty one (21) years to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any Class A or B licensed retail premises. In a Class C or D licensed business, a person may serve if he or she is eighteen (18) years of age or older. (2008 Code § 21-3-20)
- G. Possession On Public Ways Or Places: Any person under the age of twenty one (21) years who has any alcoholic beverage in his possession on any street or highway, or in any public place, or in any place open to the public is guilty of violating this chapter. This subsection does not apply to possession by a person under the age of twenty one (21) years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. (2008 Code § 21-3-32)
- H. Gathering For Residential Drinking:
1. Any person shall be guilty of a violation of this chapter where he or she knowingly permits a gathering at a residence which he or she occupies of two (2) or more persons where any one or more of the persons is under twenty one (21) years of age and the following factors also apply:
    - a. The person occupying the residence knows that any such person under the age of twenty one (21) is in possession of or is consuming any alcoholic beverage; and
    - b. The possession or consumption of the alcohol by the person under twenty one (21) is not otherwise permitted by this chapter; and

c. The person occupying the residence knows that the person under the age of twenty one (21) leaves the residence in an intoxicated condition.

2. For the purposes of this subsection H, where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. (2008 Code § 21-3-33)

- I. Renting Hotel Rooms For Consumption: Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of twenty one (21) years shall be guilty of violating this chapter. (2008 Code § 21-3-34)
- J. Exemptions: The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this chapter. (2008 Code § 21-3-26)

3-1C-7: **ADDITIONAL RESTRICTIONS ON LICENSEE:** In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

- A. It is unlawful for any licensee to accept, receive or borrow money or anything of value, directly or indirectly, from any manufacturer or distributor of alcoholic liquor.
- B. No licensee licensed under the provisions of this chapter shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.
- C. No licensee shall fill or refill, in whole or in part, any original package of alcohol with the same or other liquor, and no liquor shall be sold except in original packages.
- D. No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of the City except in connection with the

operation of an established food service facility or at a site specifically provided for in the Act and where dramshop insurance coverage is provided.

- E. An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the Liquor Control Commissioner on the grounds of nonuse. (2008 Code § 21-3-29; amd. 2019 Code)

**3-1C-8: ADDITIONAL PROHIBITED ACTS:**

- A. **Leaving Premises With Open Container Or Cup To Go:** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a "cup to go". (2008 Code § 21-3-7)
- B. **Misbranding:** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this chapter. (2008 Code § 21-4-5)
- C. **Peddling Alcoholic Beverages:** It shall be unlawful to peddle alcoholic liquor in the City. (2008 Code § 21-3-16)
- D. **Soliciting Alcoholic Beverages:** No licensee, his agent, servant or employee shall permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest. (2008 Code § 21-3-12)
- E. **Disorderly Conduct:** Any person licensed under this chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. (2008 Code § 21-3-18)
- F. **Lewd Performances Or Conduct:**
1. No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless

employee and/or employees (topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline, and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward), or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

2. The following kinds of conduct on premises in the City licensed to sell alcoholic liquor are prohibited:

a. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

b. The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

c. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

d. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;

e. The displaying of films or pictures depicting acts, a live performance of which is prohibited by the regulations of this subsection F. (2008 Code § 21-3-12)

G. Consumption, Intoxication In Public: It shall be unlawful for any person to do or commit any of the following acts within the City:

1. Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.

2. Drink any alcoholic liquors in any public park except with the permission of the Mayor.

3. Drink any alcoholic liquors on any private property without permission of an owner thereof.

4. Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition. (2008 Code § 21-3-11)

3-1C-9: **GAMBLING:** It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except in the following instances:

- A. Bingo: When conducting or participating in the game commonly known as bingo, when conducted in accordance with the Bingo License and Tax Act<sup>1</sup>;
- B. Video Gaming: Video gaming terminal games at a licensed establishment, licensed fraternal organization, or licensed veterans establishment, when conducted in accordance with the Video Gaming Act<sup>2</sup>. (Ord. 2012-4, 7-2-2012)

3-1C-10: **TELEPHONE LANDLINES REQUIRED:** On and after May 1, 2017, all persons, firms and corporations holding a liquor license, other than a special event license, shall, as a condition of the licensure, have and maintain a landline telephone. (Ord. 2017-03, 3-16-2017)

3-1C-11: **PREMISES AND RECORDS OPEN FOR INSPECTION AND INVESTIGATION:**

- A. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, or the Liquor Control Commissioner for the purpose of making an inspection of such premises or any part thereof. (2008 Code § 21-3-27)
- B. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. (2008 Code § 21-3-28)

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1. 230 ILCS 25/1 et seq.

2. 230 ILCS 40/1 et seq.

## CHAPTER 1

## ALCOHOLIC BEVERAGES

**ARTICLE D. ENFORCEMENT AND PENALTIES**

## SECTION:

- 3-1D-1: Powers And Duties Of Liquor Control Commissioner
- 3-1D-2: Responsibility For Violations
- 3-1D-3: Nuisance Declared
- 3-1D-4: Complaints By Residents
- 3-1D-5: Revocation Or Suspension Of License; Fine
- 3-1D-6: Appeals

3-1D-1: **POWERS AND DUTIES OF LIQUOR CONTROL COMMISSIONER:** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this chapter:

- A. In addition to and not limited by the specific penalties set out for violations of specific provisions of this chapter, the Local Liquor Control Commissioner may suspend for thirty (30) days or revoke any liquor license issued under this chapter for violation of any State law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.
- B. To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.
- C. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

- D. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this chapter by selling or offering for sale at retail alcoholic liquors without a retailer's license.
- E. To receive complaint from any citizen within his jurisdiction that any of the provisions of this chapter, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.
- F. To levy fines in accordance with section 3-1D-5 of this article. (2008 Code § 21-4-8)

**3-1D-2: RESPONSIBILITY FOR VIOLATIONS:**

- A. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment. (2008 Code § 21-4-1)
- B. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. (2008 Code § 21-4-2)

**3-1D-3: NUISANCE DECLARED:** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this chapter, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. (2008 Code § 21-4-6)



3-1D-4:       **COMPLAINTS BY RESIDENTS:** Any five (5) residents of the City shall have the right to file a complaint with the Liquor Control Commissioner, stating that a licensee under this chapter has been or is violating the provisions of this chapter or any amendments hereto, or of any of the Statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Control Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (2008 Code § 21-4-9)

3-1D-5:       **REVOCAION OR SUSPENSION OF LICENSE; FINE:**

- A.     Authority: The Liquor Control Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the Illinois Liquor Control Act, any valid ordinance adopted by the City, any applicable rule or regulation established by the Liquor Control Commissioner or the State Commission which is not inconsistent with law.
  
- B.     Fine In Addition To Suspension: In addition to the suspension, the Local Liquor Control Commissioner in the City may levy a fine on the licensee for such violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for a first violation within a twelve (12) month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve (12) month period, and two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars (\$15,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the General Corporate Fund of the Municipal Treasury.
  
- C.     Notice Requirements; Hearing: No such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public, and the Liquor Control Commissioner shall reduce all

evidence to writing and shall maintain an official record of the proceedings. If the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; except, that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses. (2008 Code § 21-4-10)

- D. **Commissioner Decision:** The Liquor Control Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five (5) days upon the licensee. The findings of the Commissioner shall be predicated upon competent evidence. (2008 Code § 21-4-10; amd. 2019 Code)
- E. **Revocation After Conviction:** Whenever any licensee shall be convicted of any violation of this chapter, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this chapter for said licensee to continue to operate under such license. (2008 Code § 21-4-3)
- F. **Revocation When Employee Convicted:** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this chapter shall be convicted of any violation of this chapter while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. (2008 Code § 21-4-4)
- G. **Use Of Premises After Revocation:**
1. When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor in the premises described in the

revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only.

2. Nothing in this subsection G shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if: a) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food, and the applicant is a completely new owner of the restaurant; b) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the twenty four (24) months before the change of ownership; and c) the restaurant is located seventy five feet (75') or more from a school. (2019 Code)

**3-1D-6: APPEALS:**

- A. Appeals From Liquor Control Commissioner: Except as provided in this subsection, any order or action of the Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license, or refusing for more than thirty (30) days to grant a hearing upon a complaint to revoke or suspend a license may, within twenty (20) days after notice of such order or action, be appealed by any resident of the City or any person interested, to the State Commission. Appeals are governed by section 7-9 of the Liquor Control Act. (2008 Code § 21-4-11; amd. 2019 Code)
- B. Subsequent Violations:
1. In any case in which a licensee appeals to the State Commission a suspension or revocation by the Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding twelve (12) month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Control Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past twelve (12) month period. (2008 Code § 21-4-12)

2. Any appeal of the decision and findings of the Liquor Control Commissioner in subsection B1 of this section shall be limited to a review of the official record of the proceedings of said Liquor Control Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Control Commissioner within five (5) days after notice of the filing of such appeal is received by the City from the State Commission. (2008 Code § 21-4-13)

## CHAPTER 2

**MOBILE FOOD VENDORS**

## SECTION:

- 3-2-1: Definition
- 3-2-2: License And Inspection Requirements
- 3-2-3: Regulations
- 3-2-4: Penalty

3-2-1:       **DEFINITION:** As used in this chapter, the term "mobile food vendor" means a self-contained food service operation, located in a readily moveable motorized wheeled or towed vehicle, used to store, prepare, display or serve food or beverages intended for individual portion service at a stationary location. "Mobile food vendor" does not include occasional food or beverage sales by a not for profit organization for fundraising purposes approved in advance by the City Council. (Ord. 2015-4, 5-4-2015)

3-2-2:       **LICENSE AND INSPECTION REQUIREMENTS:** Each mobile food vendor shall have a current food handler's license and current certificate of inspection from the Macoupin County Health Department. Such license shall be prominently displayed to the public by the mobile food vendor and shall be made available for inspection at the request of any City official or police officer. (Ord. 2015-4, 5-4-2015; amd. 2019 Code)

3-2-3:       **REGULATIONS:**

- A.    **Sales Or Operation On Public Ways And Property Prohibited:** No food or beverage sales shall occur, nor shall any mobile food vendor operation be established, on City property or on any roadway right-of-way owned or operated by any unit of government.

B. Sanitary Conditions:

1. The interior and the exterior of every food vending vehicle and all equipment therein shall have smooth washable surfaces and shall be maintained in good repair and in a sanitary manner.

2. All trash and any other waste must be placed in a trash receptacle or removed daily from the property hosting the mobile food vendor. (Ord. 2015-4, 5-4-2015)

C. Hours Of Operation: A mobile food vendor may operate from five o'clock (5:00) A.M. to ten o'clock (10:00) P.M. all days of the week.

D. Number Of Vehicles: A mobile food vendor shall be limited to one vehicle per license and shall obtain a separate license for each vehicle. (Ord. 2015-4, 5-4-2015; amd. 2019 Code)

E. Use Of City Utilities Prohibited: A mobile food vendor shall not utilize City utilities.

F. Collection And Report Of Retailers' Occupation Tax: A mobile food vendor shall faithfully make Retailers' Occupation Tax returns, and pay Retailers' Occupation Taxes, and report all sales made in the City as such. (Ord. 2015-4, 5-4-2015)

3-2-4: **PENALTY:** Any person operating as a mobile food vendor within the City without the license required by section 3-2-2 of this chapter and any duly licensed mobile food vendor licensee who or which violates any term of this chapter shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day the violation continues shall be a separate offense. (Ord. 2015-4, 5-4-2015; amd. 2019 Code)

CHAPTER 3  
**JUNK DEALERS**

SECTION:

- 3-3-1: Definitions
- 3-3-2: License Required; Separate License For Each Business
- 3-3-3: Application For License
- 3-3-4: Disqualification Of Applicant
- 3-3-5: License Fee
- 3-3-6: Contents Of License
- 3-3-7: Premises Requirements
- 3-3-8: Purchase From Minors

3-3-1: **DEFINITIONS:** The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:

**JUNK:** Means and includes scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, wastepaper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, empty bottles of different kinds or sizes when the number of each kind or size is less than one gross, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

**JUNK DEALER:** Means and includes every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or

hold in possession for sale, barter or exchange, any of the things in and by this section defined as "junk".

**JUNKYARD:**

Means and includes the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this section defined as "junk". The term does not include persons who generate junk as a by-product of normal construction or manufacturing activities. (2008 Code § 7-5-1; amd. 2019 Code)

**3-3-2: LICENSE REQUIRED; SEPARATE LICENSE FOR EACH BUSINESS:** It shall be unlawful for any person to keep, maintain, conduct or operate a junkyard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junkyard located on noncontiguous lots, blocks, tracts or parcels of land. (2008 Code § 7-5-3)

**3-3-3: APPLICATION FOR LICENSE:** Before any license under the provisions of this chapter is issued, any person desiring to operate a junkyard in the City shall first make a verified application in writing to the City Office Manager in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junkyard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junkyard is to be located is enclosed on its perimeter with a solid, nontransparent wall or fence of a minimum height of seven feet (7'), measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junkyard is to be located have junk thereon. If the applicant is a firm or partnership, the names and residence addresses of all the partners, and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application. (2008 Code § 7-5-4; amd. 2019 Code)



3-3-4:           **DISQUALIFICATION OF APPLICANT:** Any applicant for a license to keep, maintain, conduct or operate a junkyard shall be disqualified for any of the following reasons:

- A.     Not a person of good character.
- B.     Falsification of an application for a license hereunder.
- C.     License for a junkyard theretofore issued to the applicant has been revoked during the preceding twenty four (24) months.
- D.     Failure to meet any one of the minimum physical requirements for a junkyard as specified in section 3-3-7 of this chapter. (2008 Code § 7-5-5)

3-3-5:           **LICENSE FEE:** The annual license fee for each junkyard shall be one thousand dollars (\$1,000.00), payable in advance with the filing of the application for a license, and shall not be subject to pro rata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only one annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junkyards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be one thousand dollars (\$1,000.00) for each junk dealer. (2008 Code § 7-5-7; amd. 2019 Code)

3-3-6:           **CONTENTS OF LICENSE:**

- A.     Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junkyard, the expiration date thereof, the legal description of the premises where the junkyard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is nonassignable and nontransferable.
- B.     Such license shall further provide that it is issued subject to all the provisions of this chapter; that upon the first conviction for a violation of any of the provisions of this chapter, in addition to the fine, such

junkyard shall remain closed for a period of thirty (30) days; that upon the second conviction for a violation of any of the provisions of this chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license; and that the licensee, by the acceptance of such license, expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this section and all amendments hereto. (2008 Code § 7-5-6)

3-3-7:       **PREMISES REQUIREMENTS:** The minimum physical requirements at all times for each junkyard shall be as follows:

- A.    Ingress And Egress: The premises where the junkyard is located shall not have more than two (2) entrances thereto and two (2) exits therefrom, each of which shall not exceed fifteen feet (15') in width at the perimeter of the premises.
- B.    Fence: The premises where the junkyard is located shall be enclosed on its perimeter with a solid, nontransparent, vertical wall or fence of a minimum height of seven feet (7') measured from ground level, excepting for the entrances and exits permitted by subsection A of this section. (2008 Code § 7-5-2)
- C.    Advertising And Location: The aforesaid solid, nontransparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting one sign of the licensee thereon, not exceeding one hundred (100) square feet in size. No junkyard shall be established within six hundred feet (600') of any residence. (2008 Code § 7-5-2; amd. 2019 Code)
- D.    Junk On Public Ways Prohibited: The public streets and alleys adjacent to the junkyard shall not have junk thereon. (2008 Code § 7-5-2)

3-3-8:       **PURCHASE FROM MINORS:** No licensee hereunder shall purchase or receive any article whatsoever from any minor without the written consent of his parents or guardians. (2008 Code § 7-5-8)

CHAPTER 4  
**ADULT BUSINESSES**

**SECTION:**

- 3-4- 1: Purpose
- 3-4- 2: Definitions
- 3-4- 3: License Required
- 3-4- 4: Application For License
- 3-4- 5: Approval Or Denial Of License; Ineligibility
- 3-4- 6: Application And Investigation Fee
- 3-4- 7: Contents Of License; Posting Required
- 3-4- 8: Expiration Of License; Renewals
- 3-4- 9: Nontransferability Of License
- 3-4-10: Closing Hours
- 3-4-11: Cabarets
- 3-4-12: Video Viewing Booths
- 3-4-13: Additional Prohibitions
- 3-4-14: Inspections And Investigations
- 3-4-15: Business Records
- 3-4-16: Suspension Or Revocation Of License
- 3-4-17: Judicial Review

3-4-1:       **PURPOSE:** The purpose of this chapter is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The City recognizes that such regulations cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses. (2008 Code § 7-8-1)

3-4-2:       **DEFINITIONS:**

**ADULT BOOKSTORE:** An establishment having, as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing

on the premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

**ADULT  
ENTERTAINMENT  
CABARET:**

A public or private establishment which:

A. Features topless dancers, strippers, "go-go" dancers, male or female impersonators, or lingerie or bathing suit fashion shows;

B. Not infrequently features entertainers who display specified anatomical areas; or

C. Features entertainers who, by reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit simulation of specified sexual activities.

**ADULT MOTION  
PICTURE THEATER:**

A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**ADULT NOVELTY  
STORE:**

An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or charac-

terized by their emphasis on or use for specialized sexual activities or specified anatomical areas or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

**ADULT USE:**

Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

**EMPLOYEE:**

Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

**NUDITY:**

The showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state, even if completely and opaquely covered, or that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

**PUBLIC PLACE:**

Any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not

include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors' offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by: a) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or b) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

**SPECIFIED  
ANATOMICAL  
ACTIVITY:**

**A. Less than completely and opaquely covered:**

1. Human genitals;

2. Pubic region;

3. Buttocks;

4. Female breasts below a point immediately above the top of the areola; and

**B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.**

**SPECIFIED  
CRIMINAL  
ACTIVITY:**

**Any of the following offenses:**

**A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaging in organized criminal activity; sexual**

assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described herein under the Criminal or Penal Code of other states or countries;

B. For which:

1. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;

2. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or

3. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses that occurred within any twenty four (24) month period; and

C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

**SPECIFIED SEXUAL  
ACTIVITIES:**

A. Human genitals in the state of sexual stimulation or arousal;

B. Acts of human masturbation, sexual intercourse or sodomy; and

C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts. (2008 Code § 7-8-2)

3-4-3:       **LICENSE REQUIRED:** It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City Council pursuant to this chapter. (2008 Code § 7-8-3; amd. 2019 Code)

3-4-4:       **APPLICATION FOR LICENSE:**

- A.       An application for a license shall be made on a form provided by the City Office Manager. All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the City Council to determine whether the applicant meets the qualifications established in this chapter.
- B.       If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this chapter. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a twenty percent (20%) or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under this chapter, and each applicant shall be considered a licensee if the license is granted. (2008 Code § 7-8-3; amd. 2019 Code)
- C.       The completed application for an adult use business license shall contain the following information:
1. If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is eighteen (18) years of age;
  2. If the applicant is a club, consisting of private or public membership, a copy of the bylaws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirements for club membership must be submitted.
  3. If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and



4. If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a 20 percent or more stake) and the name and address of the registered corporate agent.

5. Whether the applicant has been convicted of any specified criminal activity as defined in section 3-4-2 of this chapter, and if so, the specified criminal activity involved and the date, place and jurisdiction of each. (2008 Code § 7-8-3)

6. Whether the applicant has had a previous license under this chapter or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this chapter or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the license was denied, suspended or revoked, as well as the date of denial, suspension or revocation. (2008 Code § 7-8-3; amd. 2019 Code)

7. Whether the applicant holds any other licenses under this chapter or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

8. A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

D. If the applicant intends to operate the adult use business under a name other than that of the applicant, he/she must state:

1. The business' fictitious name; and

2. Submit any required registration documents. (2008 Code § 7-8-3)

3-4-5: **APPROVAL OR DENIAL OF LICENSE; INELIGIBILITY:**  
Within thirty (30) days after receipt of a completed adult use

business license application, the City Council shall approve or deny the issuance of a license to an applicant. The City Council shall approve the issuance of a license unless he determines, by a preponderance of the evidence, any one or more of the following: (2008 Code § 7-8-4; amd. 2019 Code)

- A. The applicant is under eighteen (18) years of age.
- B. The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.
- C. The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form.
- D. The applicant has been denied a license by the City to operate an adult use business within the preceding twelve (12) months or whose license to operate an adult use business has been revoked within the preceding twelve (12) months.
- E. The applicant has been convicted of a specified criminal activity, as defined in section 3-4-2 of this chapter.
- F. The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Police Department as being in compliance with applicable laws and ordinances.
- G. The license fee required by this chapter has not been paid.
- H. The applicant of the proposed establishment is in violation or is not in compliance with all of the provisions of this chapter. (2008 Code § 7-8-4)

3-4-6:           **APPLICATION AND INVESTIGATION FEE:** Every application for an adult use business license (whether a new license or a renewal of an existing license) shall be accompanied by a one thousand dollar (\$1,000.00) nonrefundable application and investigation fee. (2008 Code § 7-8-6)

3-4-7:           **CONTENTS OF LICENSE; POSTING REQUIRED:** The license, if granted, shall state on its face the name of the

person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time. (2008 Code § 7-8-4)

**3-4-8: EXPIRATION OF LICENSE; RENEWALS:**

- A. Each license shall expire on the January 1 after it was issued and may be renewed only by making application as provided in section 3-4-4 of this chapter. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected. (2008 Code § 7-8-8)
- B. If the City Council denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Mayor finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license. (2008 Code § 7-8-8; amd. 2019 Code)

**3-4-9: NONTRANSFERABILITY OF LICENSE:** A licensee shall not transfer his/her license to another, nor shall a license operate an adult use business under the authority of a license at any place other than the address on the license. (2008 Code § 7-8-11)

**3-4-10: CLOSING HOURS:** No adult use shall be open prior to ten o'clock (10:00) A.M. or after one o'clock (1:00) A.M. (2008 Code § 7-8-16)

**3-4-11: CABARETS:**

- A. All dancing or other performances shall occur on a stage intended for that purpose which is raised at least two feet (2') from the level of the floor. No dancing or other performance shall occur closer than ten feet (10') to any patron.
- B. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron, and no patron shall fondle, caress or otherwise touch any dancer or performer.

- C. No patron shall directly pay or give any gratuity to any dancer or performer, and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage. (2008 Code § 7-8-14)

**3-4-12: VIDEO VIEWING BOOTHS:**

- A. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions of a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room.
- B. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment. (2008 Code § 7-8-15)

**3-4-13: ADDITIONAL PROHIBITIONS:**

- A. Signs And Advertising: No signs, advertising or other notice to the public may be given for any premises where any adult use is conducted pursuant to this chapter. (2008 Code § 7-8-4)
- B. Liquor: No liquor license shall be issued to a licensee or to premises where any adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted. (2008 Code § 7-8-5)

- 3-4-14: INSPECTIONS AND INVESTIGATIONS:** An applicant or licensee shall permit representatives of the Police Department, Fire Department, or other City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this chapter at any time it is occupied or open for business. A person who operates an adult use, or his agent or employee, violates this chapter if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business. (2008 Code § 7-8-7)

3-4-15:       **BUSINESS RECORDS:** All adult use licensees shall file a verified report with the City Office Manager showing the licensees' gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult use licensees shall maintain and retain, for a period of two (2) years, the names, addresses and ages of all persons employed, including independent contractors, by the licensees. (2008 Code § 7-8-12; amd. 2019 Code)

3-4-16:       **SUSPENSION OR REVOCATION OF LICENSE:**

A.       Suspension:

1. The City Council may suspend a license for a period not to exceed thirty (30) days if, after a hearing, it determines that a licensee or an employee of a licensee: (2008 Code § 7-8-9; amd. 2019 Code)

a. Violated or is not in compliance with any section of this chapter;

b. Refused to allow an inspection of the adult use business premises as authorized by this chapter; or

c. Knowingly permitted gambling by any person on the adult use business premises.

2. If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this chapter, no hearing is necessary prior to suspension of the license. (2008 Code § 7-8-9)

B.       Revocation:

1. The City Council shall revoke a license if a cause of suspension in subsection A of this section occurs and the license has been suspended within the preceding twelve (12) months or if the licensee is convicted of any specified criminal activity.

2. The City Council may revoke a license if he determines, after a hearing, that: (2008 Code § 7-8-10; amd. 2019 Code)

a. A licensee gave false or misleading information in the material submitted during the application process;

b. A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

c. A licensee or management personnel has knowingly allowed prostitution on the premises;

d. A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;

e. A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

f. A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;

g. A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or

h. The adult use is a public nuisance as defined by statute, ordinance or case law. (2008 Code § 7-8-10)

3. If the City Council revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult use business license for one year from the date the revocation became effective. If, subsequent to revocation, the City Council finds that the factual basis for the revocation did not occur, the applicant may be granted a license. (2008 Code § 7-8-10; amd. 2019 Code)

3-4-17: **JUDICIAL REVIEW:** After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction. (2008 Code § 7-8-10)

## CHAPTER 5

**RAFFLES**

## SECTION:

- 3-5-1: Definitions
- 3-5-2: License Required; Application Procedures; Fee
- 3-5-3: Licensing Restrictions
- 3-5-4: Ineligibility For License
- 3-5-5: Raffle Manager; Bond Requirements
- 3-5-6: Conduct Of Raffles
- 3-5-7: Records And Reports
- 3-5-8: Penalty

- 3-5-1: **DEFINITIONS:** For the purpose of this chapter, the following words and phrases shall have the meanings given them:

**CHARITABLE:** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

**EDUCATIONAL:** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

**FRATERNAL:** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by

caring for those that otherwise would be cared for by the government.

- LABOR:** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- NET PROCEEDS:** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.
- NONPROFIT:** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
- RAFFLE:** A form of lottery, as defined in section 5/28-2(b) of the "Illinois Criminal Code of 1961", conducted by an organization licensed under this chapter in which:
- A. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance.
  - B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery; except, that the winning chance shall not be determined by the outcome of a public exhibited sporting contest.
- RELIGIOUS:** Any church, congregation, society or organization founded for the purpose of religious worship.



**VETERANS:** An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. (Ord. 2019-3, 4-1-2019)

- 3-5-2: LICENSE REQUIRED; APPLICATION PROCEDURES; FEE:**
- A. License Required: No person shall conduct a raffle without having first obtained a license therefor.
- B. Application For License: Each application for a license shall be in writing upon forms provided by the City and shall contain the following:
1. Name and address of individual making application and relationship to organization.
  2. Name and address of organization applying for a license.
  3. Approximate number of members of the organization and the length of existence of the organization.
  4. Name and address of the raffle manager.
  5. The location(s) at which raffle chances are to be sold or issued.
  6. The time period during which raffle chances will be sold or issued.
  7. The time of determination of winning chances.
  8. The location(s) at which winning chances will be determined.
  9. A sworn statement, signed by the presiding officer and secretary, if there is one, of the organization attesting to the not-for-profit character of the organization and attesting to the fact the organization is not otherwise ineligible to receive a license.
  10. Such other information as the City may require.
- C. License Fee: No fee shall be required for the issuance of a license.

- D. Issuance Or Denial: Application for licenses shall be submitted to the Mayor. The Mayor shall act either to issue or deny the license within thirty (30) days. (Ord. 2019-3, 4-1-2019)

**3-5-3: LICENSING RESTRICTIONS:**

- A. Location: Sales of raffle chances shall be only at locations designated in the license application and which are within the borders of the City.
- B. Eligibility For License: Licenses shall be issued only to a bona fide religious, charitable, labor, business, fraternal, educational or veterans' organization that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had, during that entire five (5) year period, a bona fide membership engaged in carrying out their objectives.
- C. Duration Of License: Licenses shall permit the applicant to issue or sell raffle chances only for those dates stated in the license application, but in no event shall the period of sales exceed one year. Each license is valid for one raffle only. A raffle may be a series of drawings over a period of time.
- D. Price Of Chances: The price charged for each raffle chance sold or issued shall not exceed two hundred fifty dollars (\$250.00). (Ord. 2019-3, 4-1-2019)

**3-5-4: INELIGIBILITY FOR LICENSE:** The following are ineligible for any license under this chapter:

- A. Any person who has been convicted of a felony.
- B. Any person who is or has been a professional gambler or gambling promoter.
- C. Any person who is not of good moral character.
- D. Any firm in which a person defined in subsection A, B or C of this section has proprietary, equitable or credit interest or in which such a person is active or employed.

- E. Any organization in which a person defined in subsection A, B or C of this section is an officer, director or employee, whether compensated or not.
- F. Any organization in which a person defined in subsection A, B or C of this section is to participate in the management or operation of a raffle. (Ord. 2019-3, 4-1-2019)

**3-5-5: RAFFLE MANAGER; BOND REQUIREMENTS:**

- A. **Manager Required; Bond Required:** All operation of, and the conduct of, raffles shall be under the supervision of a single raffle manager designated by the organization. At the time the application is submitted to the City, the manager shall give a fidelity bond in the amount of the maximum dollar amount of all raffle chances to be sold, as stated on the application, in favor of the organization conditioned upon his honesty in the performance of his duties.
- B. **Waiver Of Bond Requirement:** The above bond requirement may be waived by the unanimous vote of the members of the organization. The occurrence of said unanimous vote shall be by affidavit of the organization's presiding officer, filed with the City. (Ord. 2019-3, 4-1-2019)

**3-5-6: CONDUCT OF RAFFLES:** The conducting of raffles is subject to the following restrictions:

- A. **Use Of Proceeds:** The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- B. **Participation:** No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. **Remuneration:** No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. **Rental Of Premises:** A licensee may rent a premises on which to determine the winning chance in a raffle only from an organization which is also licensed under this chapter.

- E. Location: Raffle chances may be sold or issued only at the locations specified on the license, and winning chances may be determined only at those locations specified on the license.
- F. Minors: No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.
- G. Costs Incurred By City: In the event a raffle, or multi-stage raffle draws sufficient interest and crowd that, in the discretion of the Chief of Police, the City must assign police officers or other City employees for traffic and/or crowd control, the sponsoring organization agrees to reimburse the City for the costs incurred by the City. (Ord. 2019-3, 4-1-2019)

**3-5-7: RECORDS AND REPORTS:**

- A. Records To Be Kept: Each organization licensed to conduct raffles shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- B. Accounting Of Revenues: Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State and placed in a separate account. Each organization should have separate records for its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles should not be the same person who accounts for other revenues of the organization.
- C. Monthly Report: Each organization licensed to conduct raffles shall report monthly to its membership and to the City its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized as required by this section.

- D. Preservation Of Records; Public Inspection: Records required by this section shall be preserved for three (3) years and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (Ord. 2019-3, 4-1-2019)

3-5-8: **PENALTY:** Any person who violates any of the foregoing provisions shall be subject to penalty as provided in this Code. (Ord. 2019-3, 4-1-2019)



## CHAPTER 6

**PEDDLERS AND SOLICITORS**

## SECTION:

- 3-6- 1: Definition; Exemptions
- 3-6- 2: Permit Required
- 3-6- 3: Application For License
- 3-6- 4: Form Of Permit: Signatures Required
- 3-6- 5: Hours Permitted
- 3-6- 6: Duty To Announce Name And Identify Product
- 3-6- 7: Failure To Leave Upon Request
- 3-6- 8: Posted Premises: Uninvited Soliciting
- 3-6- 9: Fraudulent And Deceptive Practices
- 3-6-10: First Amendment Solicitations
- 3-6-11: Penalty

3-6-1: **DEFINITION; EXEMPTIONS:**

"Peddling and soliciting," as used in this chapter, shall include the selling, bartering or exchanging, or the offering for sale, barter, or exchange, of any tangible personal property or services, such as home improvements or termite inspection, upon or along the streets, highways, or public places of the city, whether at one place thereon or from place to place or by calling at residences. "Peddling and soliciting" shall be taken to include the solicitation of orders, business of any kind, and services, whether or not the goods are delivered, or the services performed at the time the order is taken. The provisions of this chapter do not apply to telephone solicitations, nor do they regulate or prohibit the delivery of tangible personal property to residents of the city where such delivery has been ordered or requested by such resident. (Ord. 2020-10, 11-2-2020)

3-6-2: **PERMIT REQUIRED:**

No solicitor of contributions or vendor of merchandise or itinerant merchant or solicitor shall sell by peddling or soliciting any goods, wares, merchandise, perishable agricultural commodities or services, or solicit orders, contributions, sales, subscriptions, or business of any kind, along the streets, highways or public places of the city, or by calling at residences within the city, without first procuring a permit to do so from the office manager or mayor. (Ord. 2020-10, 11-2-2020)

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**3-6-3: APPLICATION FOR LICENSE:**

The permit application shall include the applicant's name, permanent business address (which must include a street address), residence address of the principal individual involved with the peddling or soliciting (and if the applicant is a corporation, the residence addresses of its officers), the location at which the applicant intends to do business, the nature of the business the applicant intends to conduct, a copy of the applicant's certificate of registration under the retailer's occupation tax act, a complete inventory of the goods the applicant intends to offer for sale, and a list of all licenses or permits to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in the state in the twelve (12) months preceding the date of filing of the application. (Ord. 2020-10, 11-2-2020)

**3-6-4: FORM OF PERMIT: SIGNATURES REQUIRED:**

A permit may be issued, as nearly as may be, in the following form, and shall be signed on behalf of the city by the city manager or other party authorized and designated by the city council:

*Date Virden, Illinois*

\_\_\_\_\_, *having made application in due form and in all other respects complied with the ordinances of the City in this behalf, therefore, the undersigned representative of the City of Virden does hereby authorize, empower and license the said applicant to engage in peddling or soliciting for a period of 7 days from the issuance of this permit.*

*Nevertheless, this license is granted upon this express condition, that if the said applicant shall observe and obey all ordinances of this City, which now are, or may be in force, regulating or relating to his said business, then this license shall be valid for the period aforesaid; otherwise, it may be annulled, revoked or forfeited, at the option of the Mayor or Chief of Police.*

*City of Virden,  
by authorized representative*

City Council approval of the permit application is not required. (Ord. 2020-10, 11-2-2020)

**3-6-5: HOURS PERMITTED:**

No person (including residents and itinerants) shall engage in the business of peddling or soliciting at residences without the prior consent of the occupant except

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between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M. (Ord. 2020-10, 11-2-2020)

**3-6-6: DUTY TO ANNOUNCE NAME AND IDENTIFY PRODUCT:**

Any person engaged in peddling and soliciting shall, before entering any residence, identify himself or herself to the occupant by name and state what organization, company and/or product he or she represents. (Ord. 2020-10, 11-2-2020)

**3-6-7: FAILURE TO LEAVE UPON REQUEST:**

No person shall engage in peddling or soliciting at, or remain on the premises of, any residence after having been asked by the occupant thereof to leave said premises or residence. (Ord. 2020-10, 11-2-2020)

**3-6-8: POSTED PREMISES: UNINVITED SOLICITING:**

- A. It shall be unlawful for any person to engage in peddling or soliciting upon any premises or residence located thereon if such premises or residence is posted against solicitation by means of a notice prominently displayed upon which is printed the legend:

*NO SOLICITORS*

- B. A residence shall be deemed to be posted against peddling or soliciting if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches (3" x 4") in size, which bears the legend set out in subsection A of this section in letters at least one-third inch (1/3") in height. (Ord. 2020-10, 11-2-2020)

**3-6-9: FRAUDULENT AND DECEPTIVE PRACTICES:**

- A. No person who engages in peddling or soliciting shall use any plan, scheme or ruse to make any statement which indicates or implies that the purpose of such person's visit is other than to obtain orders for or to make sales of goods or services.
- B. No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of the applicable law. (Ord. 2020-10, 11-2-2020)

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3-6-11

**3-6-10: FIRST AMENDMENT SOLICITATIONS:**

Persons soliciting for causes protected by the first amendment of the United States constitution shall procure a permit and shall not be restricted as to days or hours of solicitation. (Ord. 2020-10, 11-2-2020)

**3-6-11: PENALTY:**

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 2020-10, 11-2-2020)

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## CHAPTER 7

**COIN OPERATED AMUSEMENT DEVICES**

## SECTION:

- 3-7- 1: Definitions
- 3-7- 2: License Required
- 3-7- 3: Application For License
- 3-7- 4: License Fee
- 3-7- 5: Term Of License; Renewals
- 3-7- 6: Display Of License
- 3-7- 7: Change Of Location; Nontransferability Of License
- 3-7- 8: Placement Of Devices
- 3-7- 9: Gambling, Prizes Prohibited
- 3-7-10: Inspections

**3-7-1: DEFINITIONS:**

Definitions of terms used in this chapter, unless the context otherwise clearly indicates, are as follows:

**COIN OPERATED AMUSEMENT DEVICE:** Any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to, juke boxes, electronic video games, pinball machines or other similar games. The phrase "coin operated device" does not include any "video gaming terminal", as such phrase is defined in the Illinois Video Gaming Act.

**OPERATOR:** Any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another any "coin operated amusement device", as defined in this section, whether such setting up for operation, leasing or distribution is for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

**PROPRIETOR:** Any person, firm, corporation, partnership association or club who, as the owner, lessee or

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proprietor, has, under his or its control, any establishment, place or premises in or on which a "coin operated amusement device", as defined in this section, is placed or kept for use or play or on exhibition for the purpose of use or play. (Ord. 2020-10, 11-2-2020)

**3-7-2: LICENSE REQUIRED:**

No person, firm or corporation shall engage in the business of an operator of coin operated amusement devices within the corporate limits of the city without having first obtained the proper license therefore from the city administrator. (Ord. 2020-10, 11-2-2020)

**3-7-3: APPLICATION FOR LICENSE:**

Application for a license shall be verified by oath or affidavit and shall contain the following information:

- A. The name, age and address of the applicant in the case of an individual; and in the case of a co-partnership, of the persons entitled to share in the profits thereof; and in the case of a corporation, the date of incorporation, the objects for which it was organized, and the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominee(s), the name and address of such person(s).
- B. The citizenship of the applicant and his place of birth; or if a naturalized citizen, the time and place of his naturalization.
- C. The address of the place where the applicant proposes to operate.
- D. A statement whether the applicant has made a similar application for a similar license on premises other than that described in the application and the disposition of such other application.
- E. A statement that the applicant has never been convicted of a felony and is not disqualified to receive the license under this section. (Ord. 2020-10, 11-2-2020)

**3-7-4: LICENSE FEE:**

The annual fee for a license shall be twenty-five dollars (\$25.00) per year or part thereof for each coin operated amusement device set up for operation, leased or

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distributed to a proprietor. All operator license fees shall be payable annually in advance, and in no case shall any portion of said license fee be refunded to the licensee. (Ord. 2020-10, 11-2-2020)

**3-7-5: TERM OF LICENSE; RENEWALS:**

The license period shall be for the fiscal year of the city and all applications for renewal shall be made to the city office manager not more than thirty (30) days, but not less than fifteen (15) days prior to the expiration of the license. (Ord. 2020-10, 11-2-2020)

**3-7-6: DISPLAY OF LICENSE:**

Every licensee shall frame and hang his license in a conspicuous place in the licensed premises. (Ord. 2020-10, 11-2-2020)

**3-7-7: CHANGE OF LOCATION; NONTRANSFERABILITY OF LICENSE:**

- A. The location of a license may be changed only upon the written permission of the mayor.
- B. Any license issued hereunder shall be nonassignable and nontransferable. (Ord. 2020-10, 11-2-2020)

**3-7-8: PLACEMENT OF DEVICES:**

All licensed devices shall, at all times, be kept and placed in the plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used. (Ord. 2020-10, 11-2-2020)

**3-7-9: GAMBLING, PRIZES PROHIBITED:**

- A. Nothing in this chapter shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.
- B. It shall be unlawful for any person receiving a license pursuant to this chapter to give award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated herein under tournament, league or any other individual or competitive play. (Ord. 2020-10, 11-2-2020)

3-7-10:     **INSPECTIONS:**

The chief of police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this chapter. (Ord. 2020-10, 11-2-2020)