

## CHAPTER 13 - BUSINESS LICENSING REGULATIONS

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SCHEDULE 13.1  
BUSINESS LICENSE FEES

<u>ARTICLE</u>	<u>BUSINESS</u>	<u>ANNUAL FEE. \$/YEAR</u>
2	Burglar Alarm System Business	300
3	Alcoholic Beverage, Sale and Control	
	Class A	2,000
	Class B	2,500
	Class C	2,000
	Class C (1)	2,000
	Class D	2,000
	Class E	2,000
	Special	25
4	Commercial Ambulance Service	100
	plus, per vehicle	50
	plus, per attendant	50
5	Amusements	
	a. Automatic Amusement Machine including Jukeboxes	200
	b. Class 1: Based upon seating capacity together with any additional floor and field area.	
	Seating capacity	\$/seat
	1-1,999	0.60
	2,000-2,999	0.50
	3,000-3,999	0.45
	4,000 and over	0.35
	Maximum Additional Floor and Field Area	
	Per one thousand twenty three (1,023) sq.ft. - (95 sq. meters)	\$ 20
	Minimum Fees:	\$ 2,000
	c. Class 2:	
	Maximum Floor and Field Area	
	Per one thousand twenty three (1,023) sq. ft. (95 sq. meters)	\$ 20
	Minimum Fee:	\$ 20
	Maximum Fee:	\$ 2,000
	d. Temporary Exhibitions	50/Day
6	Animal Car, and Sale	100
7	Auctioneer and Going Out of Business Sale	50
8	Barber Shop/Beauty Parlor	100
9	Brokers, excluding Insurance & Real Estate	100
10	Carters	80
11	Cigarette/Tobacco Dealer	70
	Cigarette Vending Machine	50



<u>ARTICLE</u>	<u>BUSINESS</u>	<u>ANNUAL FEE. \$ /YEAR</u>
12	Cleaning/Dyeing	
	a. Cleaning/Dyeing Business	120
	b. Agents for Cleaning/Dyeing Business	60
	c. Coin operated dry cleaning: per machine	10
	d. Cleaning/Dyeing Delivery Vehicles	25
13	Cold Storage Business	120
14	Contractors	
	a. Building	50
	b. Electrical	50
15	Fuel Oil Dealers and Storage Facilities	250
16	Florist and Plant Shop	120
17	Food Establishments	
	a. Bakery, Retail	120
	Wholesale	250
	b. Candy, Confectionary Dealer	120
	c. Dairy, Processor	250
	Retail	120
	d. Food Delivery Vehicle, including Mobile Food Dispensary	50
	e. Fruit/Vegetable Market or Stand	120
	f. Grocery Store	250
	plus, per employee	5
	g. Ice Cream, Processor	250
	Parlor	120
	h. Meat, Packing Plant	250
	Retail	120
	i. Restaurants, based on seating capacity, per seat 2.50-	Min.\$120
	j. Food/Beverage Vending Machine	100
	k. All other Food Service Establishments	120
18	Gasoline Filling Station	250
19	Hardware & Paint Stores	250
20	Hospital	500
21	Hotel & Motel, per unit	20
22	Laundry & Laundromat	
	a. Laundry	100
	b. Laundromat, \$2.75 per machine	60/Min.
	c. Laundry, Vehicle	25/Vehicle
23	Lumber Yard	250
24	Machine Shop, Based on Total Number of Employees	
	a. Not more than 5	60
	b. 6-25	125
	c. 26-50	250
	d. 51-100	500
	e. over 100	750
25	Massage Parlor	120
26	Nursing Home	250

Page 3 - Business License Fees:

<u>ARTICLE</u>	<u>BUSINESS</u>	<u>ANNUAL FEE, \$/YEAR</u>
27	Parking Lot or Public Garage	500
28	Peddler/Solicitor \$20.00/week	100
		Max.
29	Scavenger & Waste Disposal	150
30	Second Hand Dealer	80
31	Taxicabs, Limousines & Liveries (per vehicle)	75
32	Vending Machine (except amusement, beverage, cigarette, food and laundromat)	50
33	Raffles	10
34	All other business and commercial establishments not specifically listed herein shall be charged the following fee based on total square footage of the premises in which the business is being conducted:	
	a. Premises of 2,000 sq.ft. or less	100
	b. Premises in excess of 2,000 sq.ft.	200
36	Residential Real Property Managers	1000

CHAPTER 13

BUSINESS LICENSING-AND/OR PERMITS AND REGULATIONS

ARTICLE 1

ADMINISTRATION

13.1.01 PERMIT REQUIRED: SUBJECT OF PERMIT AUTHORITY:

Every business, occupation or activity which is open to the public shall, prior to engaging in business, occupation or activity open to the public, obtain a health permit for such business, occupation or activity. Permits shall be issued when such business, occupation or activity premises comply with the requirements of this Ordinance and the permit applicant makes application as required in Article 1, following.

Nothing contained in this Chapter 13 of the Ordinance of the City of Country Club Hills shall be construed to restrict the City's authority to issue permits only to businesses, occupations or activities which are licensed herein in Article 2 thru 32.

The requirement of a health permit for all businesses, occupations or activities open to the public is intended as a safeguard of the public to assure that premises open to the public are clean, safe, sanitary and not such to threaten the health of patrons and employees therein.

A duly issued permit pursuant to the rules and regulations of this Chapter shall entitle each permittee full membership in the Country Club Hills Chamber of Commerce. The membership fee shall be paid as part and parcel of the license process. Said membership fee paid as part of the overall license fee shall be full rebated to the Country Club Hills Chamber of Commerce for their exclusive use.

13.1.02 LICENSE REQUIRED: SUBJECT OF LICENSING AUTHORITY:

No person, firm or corporation shall conduct, engage in, maintain, operate, carry on or manage any business, occupation, activity or establishment, listed in Schedule 13.1. "Business Licenses Fees," of this Chapter, either by himself or itself, or through an agent, employee, or partner, without first having obtained a license, and/or permit for such business, occupation, activity or establishment, in accordance with the provisions of all applicable ordinances and regulations of the City.

A license and/or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity, if, by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, actively or passively, or if he or it performs or attempts to perform any part of such business, activity, or occupation in the City.

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13.1.03 APPLICATIONS:

Applications for all licenses and/or permits shall be made, in writing, to the City Clerk on a form provided for that purpose, except as otherwise provided. If an applicant is an individual (sole proprietorship), the application shall contain his name, residence address and telephone number. If the applicant is a partnership or other non-corporate business entity, the application shall contain the name and address of each partner, principal or member thereof. If the applicant is a corporation, the application shall contain the name and address of each principal officer and the registered agent thereof.

Each application also shall contain (1) a designation of the type or kind of license and/or permit desired, (2) the location or proposed location of the place of business, occupation or activity, (3) the applicable fee to be paid as provided in this Chapter, (4) the number of the certificate of registration required under the Retailers- Occupation Tax Act, Service Occupation Tax Act, and pr Use Tax, if applicable, and (5) such additional information as may be needed for the proper guidance of City Officials is the evaluation of such application, including proof of any insurance policy or bond required by this ordinance.

All applications for business licenses and/or permits made on or after November 1 of each year shall be subject to one-half of the license fee indicated in Schedule 13.1.

13.1.035      CHAMBER OF COMMERCE LICENSE:

Store Front Businesses      \$75.00

13.1.04      INVESTIGATION:

(a) Where this ordinance authorizes or necessitates an investigation or inspection by any department or official of the City before the issuance of a license and/or permit, and requires the approval by such department or official regarding the proper location or condition of the premises in which the business, occupation or activity for which a license and/or permit is applied is to be managed, conducted, operated or carried on, or regarding the condition and nature of the equipment and methods intended to be used by the applicant in such business, occupation or activity, then the city clerk shall transmit to the appropriate official or department such information necessary for the required investigation or inspection.

(b) The designated official or department shall make all necessary investigations and inspections, and the results shall be reported, in writing, to the City Clerk, and shall indicate on the application a recommendation for the approval or disapproval thereof.

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13.1.04 Continued:

(c) Upon receipt of all related investigative and inspection reports, the Clerk shall forward such reports, together with the application, to the Mayor for final determination.

13.1.05 APPROVAL - DISAPPROVAL:

(a) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Mayor shall determine that the application is satisfactory, he shall approve the application. Thereupon, the City Clerk shall notify the applicant that the application has been approved. The license and/or permit shall be signed by the Mayor, attested by the City Clerk, and then issued to the licensee.

(b) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Mayor shall determine that matters concerning the application are unsatisfactory, he shall disapprove the application, indicating the reasons therefore. Thereupon, the City Clerk shall notify the applicant that the application has not been approved and that no license and/or permit will be issued.

13.1.06 LICENSE AND/OR PERMIT TERM: EXPIRATION: RENEWAL:

(a) -Each license and/or permit shall indicate its terms... All annual licenses and/or permits shall be operative and the license and/or permit year for the City shall commence on the first day of May of each year. No license and/or permit shall be granted for a period longer than one (1) year. Except where otherwise provided herein, every license and/or permit shall expire on the 30th day of April following the date of issuance.

(b) The City Clerk shall notify each annual licensee and/or permit holder of the expiration of time of the license and/or permit held by the licensee and/or permit holder, at least twenty-one (21) days prior to such expiration date; provided, however, that a failure to make such notification or the licensees' and/or permit holders failure to receive it, shall not excuse the licensee and/or permit holder from the obligation to obtain a new license and/or permit or a renewal.

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13.1.06 Continued:

(c) Except as otherwise provided herein, each license and/or permit may be renewed upon proper application and payment of the required fee. The requirements and procedure for granting and issuing a license and/or permit renewal shall be the same as the requirements and procedure for granting a new license and/or permit.

(d) No license shall be renewed if the premises for which the license has been issued has an outstanding bill for its water service and payment for such service has not been made to the City as provided in Section 18.4.02 of the City Code of the City of Country Club Hills.

13.1.07      LICENSES AND/OR PERMITS NOT ASSIGNABLE UNLAWFUL USE:

(a) No license and/or permit may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person, firm or corporation shall use or display any license and/or permit, tag, badge, or sticker which has been improperly acquired.

(b) No person, firm or corporation shall alter, deface, forge, or counterfeit any license and/or permit, plate, tag, badge or sticker issued by the City.

13.1.08      LICENSE AND/OR PERMITS TO BE POSTED-DESTRUCTION REMOVAL OF LICENSE:

(a) It shall be the duty of any person conducting a licensed business in the City to keep his license and/or permit in a prominent place on the premises, machine or vehicle used for such business at all time.

(b) No person shall destroy, obliterate, take, remove or carry away without the consent of the owner, any license and/or permit, plate or sticker which has been issued by the City, except that such license and/or permit, plate or sticker has been discontinued or where such permit premises have been abandoned. Nothing herein shall prevent the Mayor or his duly authorized representative from removing any license and/or permit, plate or sticker from the possession of a former licensee and/or permit holder his premises any vehicle or any machine when said license and/or permit has been revoked under the provisions of this ordinance.

(c) Whenever the number of vehicles used is the basis, in whole or in part, for a license fee, the City clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the licensee, and such tag or sticker shall be posted or affixed in a conspicuous place on each vehicle.



13.1.09      BUILDING AND PREMISES:

No license shall be issued for the conduct of any business and no permit shall be issued for any purpose or activity if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the City and the State of Illinois.

13.1.10      LOCATION:

(a) No license and/or permit for the operation of a establishment or activity in the City shall be construed to permit its operation in more than one location in the City; a separate license and/or permit shall be required for each location. For the purpose of this ordinance, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall;

- (1) be connected or shall be located on the same lot or parcel, and
- (2) be operated and managed by the same person or owner, and
- (3) be an establishment with the same classification.

(b) The location of any licensed business or occupation, other than the sale of alcoholic liquors, or the location of any permitted act, may be changed provided that the City Clerk shall be given sufficient notice of such intended change in location to determine that the operation for which the license is required conforms with all applicable ordinances and regulations of the City at its new location.

13.1.11      MORE THAN ONE LICENSE REQUIRED:

Unless otherwise provided in this Chapter, each individual business or commercial activity within the City shall be required to obtain only one license and/or permit, but shall be required to comply with all applicable regulations contained in this Chapter or elsewhere. Separate and additional licenses shall be required of businesses using alcoholic beverages and vending machines. The license fee required to be paid by an individual business which is subject to two (2) or more licenses in this Chapter shall be the largest of those applicable. A business shall be considered to be individual only if it is owned by

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13.1.11 Continued:

identical persons or entities, is contained within one (1) single building, and conducts activities which are closely related,

13.1.12      CONDITIONS OF OCCUPANCY AND USE:

(a) HEALTH REQUIREMENTS: No place of business shall open without a health permit. No owner, lessee, and/or permit holder, manager or superintendent of any place of business, or any room or part thereof, shall permit said place to become overcrowded or inadequate or faulty in respect to light, ventilation, heat, cleanliness, safety, and said place must conform with all applicable ordinances and regulations of the City.

(b) SANITATION: All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also, as far as dust, or otherwise which are injurious to health. Sufficient wash room facilities shall be provided and such facilities shall be properly ventilated,

(c) VENTILATION: No owner, proprietor, manager, or superintendent of any business having a permit or license under this Chapter, where one or more persons are employed, shall cause, permit or allow the same, or any portion of any room within the same, to be overcrowded or inadequate, faulty, or insufficient in respect to light, ventilation, heat and cleanliness; and, fresh air shall be supplied by ventilation in accordance with the building regulations of the City. No part of such air supply shall be taken from any cellar or basement.

(d) FIRE REQUIREMENTS: All businesses subject to this Chapter shall be conducted in buildings which meet the Fire Code of the City of Country Club Hills.

(e) HEAT REQUIRED: It shall be the duty of every person owning or controlling the heating plant which furnished heat to any factory, workshop, retail business or other commercial establishment, to maintain a temperature when workers are present within such factory or workshop of not less than 200 Celsius (680F) without such undue restriction of ventilation as to interfere with sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher temperature than 200 Celsius (680F), is necessary or expedient for the work or manufacturing process of such business.

13.1.12 Continued:

(f) INSPECTION: The appropriate City officials shall visit or cause to be visited all such places of business or employment in the City as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

13.1.13 BUSINESSES OPEN TO PUBLIC:

All businesses or commercial establishments licensed or for which a permit is issued under this Chapter which invite the public generally into their establishments for the purpose of conducting business, commercial activity or any other activity licensed or for which a permit is issued under this Chapter shall be subject to the following regulations in addition to all other applicable provisions of the City ordinances.

(a) All areas within the licensed and/or permit holder premises where the public may enter shall be kept in a safe and sanitary condition, and at least one rest room shall be provided for use by the business invitees of the licensee.

(b) All business or commercial establishments subject to this Section shall refrain from all deceptive trade practices as defined by State or Federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive-trade practices. In the event of any such violation, the business license and/or permit of the establishment may be revoked pursuant to the provisions of this Chapter.

13.1.14 INSPECTIONS:

(a) Whenever inspections of the premises used for or in connection with the operation of a licensed and/or permit holder business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the City, or to detect violations thereof, it shall be the duty of the licensee and/or permittee, or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of the City who is duly authorized to make such inspection at any reasonable time if such admission or entry is requested.

13.1.14 Continued:

(b) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulations, or to detect violations thereof, it shall be the duty of the licensee and/or permittee, or the person in charge of the premises to give to any duly authorized officer or employee of the City requesting the same sufficient samples of such material or commodity for such analysis upon official request.

(c) In addition to any other penalty which may be provided, the Mayor may revoke the license and/or permit of any owner or operator of a licensed and/or permit business in the City who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties.

13.1.15      **SUSPENSION. REVOCATION OF LICENSE AND/OR PERMIT**

(a) When the conduct or operation of any business, occupation, activity or establishment, whether licensed or a permit holder, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, or where the holder of any license and/or permit shall have refused to allow an inspection of his premises or has refused to furnish a sample of his goods for testing, the Mayor, Assistant to the Mayor or the Health Officer shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists. An opportunity for a hearing will be provided if a written request for a hearing is filed with the Mayor, Assistant to the Mayor or the Health Officer by the licensed and/or permit holder.

(b) Upon suspension of the license and/or permit by the Health Officer, the license and/or permit shall be removed from the establishment by the Health Officer and returned to the City Clerk. The said officer shall issue a written notice to the holder or operator, citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken.

Reinstatement of a license and/or permit, that has been suspended by the Health Officer, may be obtained by following the procedure in Chapter 12, Local Health Regulations of the Municipal Code of the City of Country Club Hills, Article 3, Subsections 4.5.6 and/or 7.

13.1.15 Continued:

(c) Upon suspension of the license and/or permit by the Mayor or the Assistant to the Mayor, the license and/or permit shall be removed from the establishment and returned to the City Clerk. The suspension of any license and/or permit should not exceed ten (10) days.

Within eight (8) days after a license and/or permit is suspended by the Mayor or the Assistant to the Mayor, the Mayor, shall call a hearing for the purpose of determining whether or not the license and/or permit should be revoked or continue to be suspended.

Licenses and/or permits issued under the ordinances of the City, unless otherwise provided may be revoked by the Mayor after notice and hearing as provided in Subsections (d) and (e) of this Section for the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the license and/or permit.
- (2) Any violation by the licensee or permittee of ordinance provisions relating to the license and/or permit, the subject matter of the license and/or permit or the premises occupied.
- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor-where such conviction indicates their inability-to operate a safe, honest and legitimate business operation within the City.
- (4) Failure of the licensee or permittee to pay any fine, penalty or charge owing to the City.
- (5) Refusal to permit an inspection or sampling or any interference with a duly authorized City Officer or employee while in the reasonable performance of his duties in making such inspections, as provided in Section 13.1.13.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the City.

13.1.15 Continued:

(d) Notice of the hearing for revocation of a license and/or permit shall be given in writing, setting forth specifically the grounds of the revocation and the time and place of the hearing. Such notice shall be sent by Certified Mail (Return Receipt Requested) to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing. If the licensee or permittee shall request a continuance in the date of the hearing, the 10-day suspension shall remain in effect until the final hearing date.

(e) At the hearing, the City Attorney shall present the complaint and shall represent the City. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

13.1.16      APPEAL:

Any person aggrieved by the decision of the Mayor in regard to the denial of an application for a business license and/or permit, or in connection with the revocation of a license and/or permit; or the closing of an establishment dangerous to the public shall have the right to appeal to the City Council. Such action shall be initiated by filing a written statement under oath setting forth specifically the grounds for appeal, with the City Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license-and/or-permit. The City Council shall thereupon set the time-and.place for a hearing on such appeal,- and notice of such hearing shall be given to the applicant or licensee or permittee.in the same manner as provided in Section 13.1.14.      The hearing shall be held within ten (10) days after filing of the notice of appeal. The decision of the City Council on such appeal shall be final.

13.1.17      ADOPTION BY REFERENCE:

Whenever within this Chapter any regulation or public record as defined in Chapter 24, Section 1-3-1 of the Illinois State Statutes are adopted and incorporated by reference, the manner of their adoption and incorporation shall be in compliance with the provisions of the Illinois Revised Statutes allowing such adoption and incorporation.

13.1.18      PENALTY:

Any person, firm, or corporation who violates, disobeys, the enforcement of any provision of this Chapter, shall be subject to a penalty as prescribed in Chapter 10 of this ordinance. Each day a violation is permitted to exist or continue shall constitute a separate offense.

13.1.19      LICENSE AND/OR PERMIT FEES:

License and/or permit fees under the terms of this Chapter, for the businesses, occupations, activities and uses set forth, shall be as provided in Schedule 13.1. License and/or permit fees shall be paid annually unless otherwise provided. That the license fees specified in Schedule 13.1 - Business License Fee - articles 2 thru 32 shall include the Health Permit Fee specified in Schedule 13.1.

## ARTICLE 2

### BURGLAR ALARM SYSTEM BUSINESS

#### 13.2.01 APPLICATION, INVESTIGATION:

Licenses under this Article shall be issued only after investigation by the Chief of Police and his approval that the applicant meets the requirements of this Chapter. No license shall be issued to any person convicted of a felony or misdemeanor involving moral turpitude or to any firm or corporation in which a partner, officer or employee has been convicted of a felony or misdemeanor involving moral turpitude, any such subsequent conviction being cause for revocation of an existing license. A licensee must provide his customer locations with 24-hour emergency service, seven (7) days a week..

#### 13.2.02 CERTIFICATE OF INSURANCE:

No license shall be issued or renewed until the applicant files evidence with the City of existence of general comprehensive liability insurance, including product liability and contractual liability-insurance-issued by a recognized insurance company, acceptable to the City, covering the business operation of the applicant and naming the City as an additional insured under such policy or policies, such insurance to provide no less than Three Hundred Thousand Dollars (\$300,000.00) coverage.

#### 13.2.03 LABORATORY APPROVAL:

Each licensee shall utilize, install, maintain and service only such burglar alarm equipment as is "Underwriters' Laboratory Approved" or equivalent as shall be determined by Chief of Police after reviewing the performance of the equipment offered as being equivalent.

#### 13.2.04 ALARM LOCATION PERMIT:

Prior to connection of a burglar alarm to the Communications Center of the Police Department by any licensee hereunder, the owner-occupant of the alarm location must obtain a connection permit pursuant to the terms and requirements of the building security provisions of Chapter 14.



## ARTICLE 3

### SALE AND CONTROL OF ALCOHOLIC BEVERAGES

#### 13.3.01      DEFINITIONS:

Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definitions given below:

- (a)    Alcohol: The product of distillation of any fermented liquid whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
- (b)    Alcohol Liquor: Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.
- (c)    Beer: A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, salt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- (d)    **BYOB License**. A BYOB license shall authorize the consumption of beer wine and liquor which has been brought onto the premises of a restaurant by a patron or patrons as a complement to the sale, purchase and consumption of food in the premises. Any person holding a BYOB license shall observe the following:
  - i.      The license holder may only provide glasses, ice and an ice holders for patrons of the business at no charge to the patrons.
  - ii.     The license holder, its agents and or its employees may provide complimentary storage of wine, beer or liquor for its patrons on the business premises providing that such wine, beer or liquor is identified with the name of the owning patron and is only provided or made available to the owning patron.
  - iii.    The license holder shall not permit any patron to leave the licensed premises with an open container of wine, beer or liquor and shall require that patron who leave the business premises with their own beer, wine or liquor that has not been consumed to do so only in sealed or unopened containers in compliance with Illinois law.
  - iv.     No wine, beer or liquor shall be consumed on the premises except as a complement to the sale and consumption of food on the premises.

13.3.01

Continued:

(e) Non-beverage user: Every manufacturer of any of the products set forth and described in subsection (a) of Section 1 of Article VIII of the State of Illinois Liquor Control Act, January 31, 1934, as amended, when the same contains alcoholic liquor, and all laboratories and hospitals and sanatoriums using alcoholic liquor for non-beverage purposes. .

(f) 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 convey any alcoholic liquor.

(g) Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually 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 and serve suitable food for its guest.

(h) Retail Sale: The sale for use or consumption and not for resale.

(i) 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.

(j) Wine: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

13.3.02

APPLICATION:

Every application for a liquor license shall contain the following information:

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

13.3.02 Continued:

- (b) The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued.
- (c) The amount of goods, wares and merchandise on hand at the time application is made.
- (d) The location and description of the premises or place of business which is to be operated under such license.
  - (1) If a leased premises, a copy of the lease shall be provided as required and shall be for a term sufficient length to encompass the period of the license sought.
  - (2) The name and address of the owner or owners of the premises and the names and addresses of all the owners of the beneficial interest of any trust if said premises is held in trust along with a statement from such owner or owners allowing the use of the premises for such purpose if any of the owner or owners is different from the applicant.
- (e) A statement whether applicant has made similar application for a similar other license on premises other than described in this application, and the disposition of such application.
- (f) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Article, laws of this State, or ordinances of the City.
- (g) Whether a previous license by any State or subdivision thereof, or by the Federal government has been revoked, and the reasons therefor.
- (h) A statement that he will not violate any of the laws of the State of Illinois or of the United States in the conduct of his place of business.
- (i) The date of incorporation if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act to transact business in Illinois, if a foreign corporation.
- (j) There will be a \$100, non-refundable, application fee for every application for a liquor license.

13.3.03

PERSONS INELIGIBLE TO LICENSE:

No such license shall be issued to:

- (a) A person who is not of a good character and reputation in the community in which he resides.
- (b) A person who is not a citizen of the United States.
- (c) A person who has been convicted of a felony, under any Federal or State law.
- (d) A person who has been convicted of being the keeper of, or is the keeper of, a house of ill-fame.
- (e) A person who has been convicted of pandering or other crimes of misdemeanor opposed to decency and morality.
- (f) A person whose license issued under this Article has been revoked for cause.
- (g) A person who at the time of application for renewal of any-license issued hereunder-would not be eligible-for such license under a first application.
- (h) A co-partnership, unless all of the members of such co-partnership shall be qualified to receive a license.
- (i) A corporation, if any officer, manager.or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent 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.
- (j) A person whose place of business is conducted by a manager or agent unless said manager or agent possessed the same qualifications required of the licensee.
- (k) 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.

### 13.3.03 Continued:

- (l) Any law enforcing public official, any mayor, member of the City Council; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- (m) Any person, partnership, firm, association or corporation, who would otherwise be ineligible for a State Retail Liquor Dealers' License under the Illinois liquor Control Act.
- (n) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

### 13.3.04 CLASSIFICATION:

Such licenses shall be divided into the following classes:

CLASS A: Shall authorize the sale of alcoholic liquors for consumption on the premises where sold, and' such premises must qualify as a restaurant, as defined in this Article and such operation shall provide the primary source of income.

CLASS B: Shall authorize the sale of alcoholic liquors for consumption on the premises where sold.

CLASS C: Shall authorize the sale of alcoholic liquors, in original packages not to be consumed on the premises where sold.

CLASS C (1): Shall authorize the sale of alcoholic liquors in original packages not to be consumed on the premises where sold. Also authorizes the sale of alcoholic liquor for consumption on the premises where sold and such premises does not qualify as a restaurant as defined in this Article. A Class C (1) License shall be subject to the same requirements for fees and opening-closing hours as a Class C License. The sale of food shall provide the primary source of income.

CLASS D: BYOB

CLASS E: Catering - Shall authorize the sale of alcoholic liquors in connection with the operation of a catering business serving prepared meals (excluding snacks as a primary meal) to the general public for consumption at an off-premises private party. In addition, this license authorizes the sale of alcoholic liquor ancillary to the sale of prepared meals (excluding snacks as a primary meal) at the licensed premises for consumption on the premises. . A Class E Catering License does not authorize the licensee to open the premises to members of the general public, or to charge individuals by way of a cover charge or otherwise for admission into the premises, unless such individuals have booked admission to the premises in advance.

SPECIAL: Special liquor permits may be issued by the Local Liquor Control Commissioner to organizations and clubs such as but not limited to veterans organizations, civic and fraternal organizations, church groups and the like. The fee for such special liquor permits may be waived at the discretion of the Local Control Commissioner, with the approval-of the City Council. Special liquor permits shall be valid for one day only. When authorized, special permits may be issued for City sponsored events occurring on City property.

13.3.05 LIMITATION ON NUMBER:

(a) There may be in force at any time, no more than twenty (20) licenses. There shall be no more than seven (7) Class "A" Licenses, four (4) Class "B" Licenses, six (6) Class "C" Licenses, one (1) Class "D" Licenses, one (1) Class "E" license and one (1) Class "C (1)" license.

(b) Upon the expiration of any such liquor license issued by the City, whether by its termination, revocation, or the voluntary giving up of said license by the licensee, said license shall no longer be available and the number of licenses for such Class authorized hereinabove shall be automatically reduced to reflect the nonavailability of such license.

13.3.06 CLOSING HOURS:

No person licensed hereunder as a retailer of alcoholic liquor shall sell, permit to be sold, give away, or allow to be consumed any alcoholic liquor according to the following schedule:

<u>DAY</u>	<u>(CLASS A)</u>		<u>(CLASS B)</u>		<u>(CLASS C)</u>	
	<u>CLOSING</u>	<u>OPENING</u>	<u>CLOSING</u>	<u>OPENING</u>	<u>CLOSING</u>	<u>OPENING</u>
Monday	2 AM	9 AM	2 AM	9 AM	2 AM	7 AM
Tuesday	2 AM	9 AM	2 AM	9 AM	2 AM	7 AM
Wednesday	2 AM	9 AM	2 AM	9 AM	2 AM	7 AM
Thursday	2 AM	9 AM	2 AM	9 AM	2 AM	7 AM
Friday	2 AM	9 AM	2 AM	9 AM	2 AM	7 AM
Saturday	3 AM	9 AM	3 AM	9 AM	3 AM	7 AM
Sunday	3 AM	9 AM	3 AM	12 Noon	3 AM	9 AM
New Years	3 AM	*	3 AM	*	3 AM	*

Same as day of week listed above

During such prohibited hours of sale, every location, place, premises where alcoholic liquor may be sold at retail shall be kept closed, and no person other than the licensee or any employee or member of the immediate family of the licensee shall be permitted to remain therein. Immediately following the hour of closing and during the balance of the prohibited hours of sale, all doors directly opening into or out of such locations, place or premises, ingress hereto and egress therefrom, shall be securely locked: however, in the case of Class C Liquor License, such establishments may be kept open during such prohibited hours of sale, but no alcoholic liquor may be sold or consumed on these premises by any person during such prohibited hours of sale.

No Class D or Class E licensee shall sell, permit to be sold, give away, or allow to be consumed any alcoholic liquor before 9:00 AM or 2:00 AM, seven days a week. These hours apply to Class D or Class E licensees who initial license was issued before September 1, 2017.

No Class D or Class E licensee shall sell, permit to be sold, give away, or allow to be consumed any alcoholic liquor before 9:00 AM or after 12:00 AM midnight, seven days a week. The premises must be vacated by 1:00 AM. These hours apply to Class D or Class E licenses issued after September 1, 2017.

13.3.07 DRAM SHOP INSURANCE:

No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the Liquor Control Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state of Illinois insuring such applicant and the owner of the premises against liability in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) each for liability, one person, means of support and property damage, which such

applicant may incur under the provisions of the Illinois Revised Statutes. The term of coverage for the required Dram Shop insurance coverage shall be conterminous with the city's Fiscal Year.

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13.3.08 TRANSFER OF LICENSE:

Liquor Licenses are non-transferable. When change of ownership of an establishment holding a Liquor License occurs during the License year, the new owner will pay a pro-rated Liquor License fee based on the number of months remaining in the License Year. The current Liquor License holder will not receive a refund on the months paid, but unused, remaining in the License Year.

A license shall be a purely personal privilege, good for not to exceed one (1) year after issuance unless ownership has changed hands during the License Year or it is revoked, sooner, or suspended as provided in this Article, 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 cease upon the death of the licensee, and shall not descent by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendent, 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.

13.3.09 CHANGE IN PERSONNEL:

Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5) percent of the stock or ownership interest, or managers of establishments licensed under this Article, shall be reported in writing to the Local Liquor Control Commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this Article, and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner.

- (a) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.



- (b) When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five (5) percent of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
- (c) When a license has been issued to an individual who no longer eligible for a license, said license shall terminate.

13.3.10 CHANGE OF LOCATION:

A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this Article.

13.3.11 RECOVERY OF FEES:

Whenever any license hereunder has been revoked or suspended as provided for in this ordinance, the licensee shall not recover any of the monies that have been paid for, said license.

13.3.12 USE OF PREMISES AFTER REVOCATION:

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of manufacturing, distributing or selling alcoholic liquor in the premises described in such revoked license.

13.3.13 RETAIL SALES RESTRICTIONS:

No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet (31 meters) of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives, or children; or any military or naval station; provided that this prohibition shall not apply to hotels offering restaurant service; to restaurants, where the sale of alcoholic liquors is not the principal business carried on, or to regularly organized clubs, if such place of business so exempted shall have been established for such purpose prior to the enactment of the Liquor Control Act of the State of Illinois on January 31, 1934, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet (31 meters) of any church or school where such church or school has been established within such one hundred (100) feet (31 meters) after the issuance of the original license.

No license shall be issued to any person for the sale 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.

13.3.14 BOOKS AND RECORDS AVAILABLE ON REQUESTS:

It shall be the duty of every retail licensee to make books and records available upon request at all times for the purpose of investigation and control by the Illinois Liquor Control Commission and the Local Liquor Control Commission.

13.3.15 PEDDLING:

It shall be unlawful to peddle alcoholic liquor in the municipality.

13.3.16 HEALTH REQUIREMENTS, EMPLOYEES AND OTHERS:

It shall be unlawful to employ in any premises open to the public or engaged in the transportation, processing, preparation or packaging of food or beverages any person who the employer knew or should have known based upon reasonable observation was afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who knew or should have known that he was afflicted with or a carrier of any such disease to work in or about any such premises-

13.3.17 SANITARY CONDITIONS:

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 governed by the ordinances of the municipality regulating the condition of premises used for the storage or sale of food for human consumption in Chapter 12.7.

13.3.18 SALES TO MINORS, HABITUAL DRUNKARDS, SPENDTHRIFTS AND MENTAL INCOMPETENTS:

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 or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty-one (21) except in the performance of a religious ceremony or service.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, may refuse to sell 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.

(a) It shall be unlawful for any holder of a liquor license, or his or her agent or employee, to suffer or permit any person under the age of eighteen (18) years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any person under the age of eighteen (18) years who is accompanied by his or her parent or guardian or employees of the licensee, to that portion of the premises which derives its principal business from the sale of service or commodities other than alcoholic liquor.

(b) It shall be unlawful for any person under eighteen (18) years of age to draw, pour, mix or serve any alcoholic liquor in any licensed retail premises.

(c) It shall be unlawful for any parent or guardian.. to knowingly permit any minor child of which he or she be parent or guardian to violate any provision of this Article.

13.3.19 PURCHASE OR ACCEPTANCE OF GIFT OF LIQUOR BY PERSON OF NON-AGE:  
IDENTIFICATION CARDS:

Any person to whom the sale; gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

- (a) It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the municipality .where alcoholic liquor is sold.. If a licensee or his agents or employees believe, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age, issued by a public officer in the performance of his official duties. (Reasonable care in compliance with the provisions of this paragraph shall be competent evidence and may be considered in prosecution, revocation or suspension for the violation of any Section of this Article relating to non-age but shall not act as a defense or bar to prosecution, revocation or suspension for the violation of any other provision of this Article).
- (b) No person shall transfer, alter or deface such an identification card, allow another person to use their identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information, all for the purpose of obtaining or seeking; to obtain alcoholic liquor. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.
- (c) The consumption of alcoholic liquor by any person under the age of twenty-one (21) years is forbidden.
- (d) The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the, parents or parent of such underage person in the privacy of a home, is not prohibited.

13.3.20 CIVIL RIGHTS IN LICENSED PREMISES:

No licensee licensed under the provisions of this Article shall deny or permit his agents and 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.

13.3.21 GAMBLING DEVICES

There shall be no gambling allowed on any premises licensed to sell alcoholic beverages.

13.3.22 SOLICITATION OF DRINKS:

It shall be unlawful for any licensee, his manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or non-alcoholic liquor.

13.3.23 POLITICAL CAMPAIGN CONTRIBUTIONS:

It is unlawful for any licensee, where more than five (5) percent of the licensee's gross income is derived from the sale of alcoholic liquor, or any officer, associate, representative, agent or employee of such licensee to become liable for, pay or make any contribution directly or indirectly toward the campaign fund or expenses of any political party, or candidate for public office, or for nomination of any candidate for public office. The Local Liquor Control Commissioner shall revoke the license of such licensee who violates, or permits or suffers many officer, associate, representative, agent or employee to violate, any of the provisions of this Section.

13 3 24 POSSESSION OF ALCOHOLIC LIOVOR IN MOTOR VEHICLES:

No person shall transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken.

13.3.25 REFILLING ORIGINAL PACKAGES-RETAIL SALES FROM ORIGINAL PACKAGES

No person licensed under this Article shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind of quality of alcoholic liquor and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in original packages.

No person licensed under this Article shall sell or offer for sale alcoholic beverages on an individual bottle or can basis when such alcoholic beverages are packaged for sale in quantities greater than one, such as a case or six-pack.

13.3.26 PUBLIC INDECENCY PROHIBITED:

- (a) It shall be unlawful for any licensee to permit any of the following acts to take place within any licensed premises.
  - (1) Acts of actual or simulated sexual intercourse, masturbation or other sexual acts;
  - (2) The actual or simulated touching, caressing, or fondling of the genitals of another person; and
  - (3) Acts of nudity as defined in Subsection (b) hereinbelow.
- (b) For purposes of this Section, "Acts of nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple.

13.3.27      METHOD OF REVIEW:

All decisions of the Local Liquor Control Commissioner suspending or revoking a license, refusing to issue a license, denying a renewal application, or levying a fine for a violation, shall be reviewed by the Illinois Liquor Control commission solely on the basis of the official record of proceedings at the hearing before the Local Liquor Control Commissioner, pursuant to 235 ILCS 5/7-9.

13.3.28 VIDEO GAMING

(A) Licensed Video Gaming Exemption. The prohibitions of this Section 3.3.28 and any other chapter or section of the City Code that may reference or govern gambling or gaming shall not apply to any video gaming terminal that has a valid gaming terminal sticker and is being operated by a licensed establishment that has a valid City video gaming establishment license and is in full compliance with this Section.

(B) Definitions.

"Video gaming terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credit than can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.

"Video Gaming Act" means the Illinois Video Gaming Act, 230 ILCS 40/1 *eta/.*, and as amended from time to time.

(C) Licensed Premises. Video gaming terminals may be located in the following establishments:

1. Licensed retail establishments where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, and as otherwise defined in the Video Gaming Act

(D) Video Gaming Establishment License. In order for an establishment to

operate a video gaming terminal, the owner of the establishment is required to obtain an annual video gaming establishment license from the City by submitting a written application, on a form provided by the City Clerk. The burden is upon the applicant to demonstrate its suitability for licensure, including providing a copy of a valid liquor license issued by the City. All video gaming establishment licenses issued by the City shall expire April 30, next, after the date of issue, with an annual license fee of five hundred dollars (\$500.00) payable in full at the time the application is filed with the City. A license is a purely personal privilege, and shall be good for only the fiscal year in which it is issued, unless sooner revoked for cause as provided by law. There shall be no apportioning of said fee for fractions of a year, nor shall there be any refund in case of a revocation of said license. Said license shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, or shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered.

A license issued hereunder shall permit video gaming only in the premises described in the application and license. If at any time the licensed premises loses its liquor license for any reason or expires, said video gaming establishment license shall also terminate.

- (E) Video Gaming Terminal Permit Sticker. In order for a video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the City for each video gaming terminal located on its premises by submitting a written application, on a form provided by the City Clerk. Each video gaming permit sticker issued by the City shall expire April 30, next, after the date of issue, with an annual fee of twenty-five (\$25.00) per video gaming terminal payable in full at the time the application is filed with the City.

(F) Regulations Governing Licensed Establishments Operating Video Gaming

Terminals. The following regulations apply to all licensed establishments operating

a video gaming terminal on its premises with a valid gaming establishment license and valid gaming terminal permit stickers for each of its gaming terminals:

1. Video gaming terminals may not be operated on any premises that are located within 100 feet of a school or place of worship.
2. A valid City gaming establishment license must be clearly displayed at all times.
3. A valid City video gaming terminal permit sticker shall be clearly displayed at all times on each video gaming terminal.
4. No more than five (5) video gaming terminals may be located on the licensed establishment's premises.
5. All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. The entrance to such area must, at all times, be within the view of at least one **(1)** employee who is at least twenty-one (21) years old.
6. No licensed establishment may cause or permit any person under the age of twenty-one (21) years of age to use, play or operate a video gaming terminal.
7. No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to subsection 13.3.06 of Chapter 13, Article 3.
8. It shall be unlawful for any person to install, keep, maintain, or use, or permit the installation, keeping, maintenance, or use upon the premises of any video gaming terminal unless a valid license issued under this Section for the video gaming terminal is in effect.
9. It shall be unlawful for any person to deliver video gaming terminals within the City for use by any other person for gain or profit from the operation thereof unless a license therefor has been issued by the City and the license fee has been paid for the current fiscal year.
10. The licensed establishment must full comply with the Illinois Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

- II. The licensed establishment must fully comply with Chapter 13, Article 3 of the City Code, and all other applicable provisions of the City Code as well as federal and Illinois law, rules and regulations.
- (G) **Inspection of Premises.** Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Chief of Police or his/her authorized agents, at any time, to ensure compliance with the City Code. This includes licensed establishments applying for a video gaming establishment license and/or video gaming terminal permit sticker(s). It shall be unlawful for any person to hinder, resist, oppose the Police Chief or his/her authorized agents in the course of an inspection.
- (H) **Revocation/Suspension.** The Mayor may revoke or suspend any video gaming establishment license and any video gaming terminal permit sticker issued by the City if it is determined that the licensed premises has violated any of the provisions of Chapter 13, Article 3. No license shall be so revoked or suspended, except after a public hearing before the Mayor or his/her designated agent, with a three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the City under Chapter 13 of the City Code or by the Illinois State Liquor Commission, or has its video gaming license revoked or suspended by the Illinois Gaming Board, shall automatically, without a hearing before the Mayor or his/her designated agent, have its City video gaming establishment license and all City video gaming terminal permit stickers revoked or suspended for the same time frame as its liquor and/or Illinois Gaming Board license, whichever applies.
- (I) **Seizure of Unlawful Video Gaming Terminals.** Every video gaming terminal that does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device subject to seizure and shall be turned over to the Illinois Gaming Board in accordance with Board rules and regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.
- (J) **Penalty.** Whoever violates any provision of this Section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) for a first offense in any twelve (12) month period, and a fine of not less than Seven Hundred Fifty Dollars (\$750.00) for a second offense and each subsequent offense in a twelve (12) month period. Each day a violation continues shall constitute a separate offense. This monetary penalty shall be in addition to any and all other remedies which may be available to the City under Chapter 13 or any other provision of the City Code, or federal or Illinois law.
- (K) **Conflict.** In the case of any conflict or inconsistency between this Section and the Video Gaming Act, the Video Gaming Act shall control.



- (L) Signage. All exterior signs and window signs posted by a licensed establishment advertising video gaming shall comply with Chapter 14, Article 12 of the Building Code, Chapter 15, Article II of the Zoning Code and any other applicable provisions of the City Code. Additionally, all such proposed signage must be approved by the Building Commissioner and the City Council.

ARTICLE 4

COMMERCIAL AMBULANCE SERVICE

13.4.01      INSPECTIONS:

No vehicle shall be licensed as an ambulance until it has been inspected under the direction. of the Chief of Police and Health Officer and found to be in a safe operating condition.

Further, the Health Officer shall cause an investigation of the premises and ambulance vehicle and vehicles named and described in such application for the purpose of determining the\* fitness and suitability of such premises and vehicle for such business from a sanitary standpoint, and that ambulance equipment complies with all the requirements set out in this Article.

In case the applicant is, at the time of such application, operating or maintaining- an. ambulance,-the Chief of Police shall make an investigation to determine-whether-or not. the applicant has complied with-the-State laws governing the safety of the. vehicles.

13.4.02      STANDARDS FOR EQUIPMENT AND PERSONNEL:

Each ambulance shall, at all times when in use as such, be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises; contain equipment conforming with the standards, requirements and regulations provided for herein,-which equipment shall be in proper and good condition for such use; and shall comply with all applicable statutes and ordinances relating to health, sanitation and safety.

Without any limitation upon the foregoing provisions, each vehicle shall comply with the requirements of the Illinois Department of- Transportation and the Illinois Department of Public Health, both for design and equipment.-Radio and communications equipment must be licensed and approved by the Federal Communications Commission (FCC), and all hospital (MERCY) equipment must be approved by the FCC and the Illinois Department of Public Health.

13.4.03      CONSENT OF SICK OR INJURED PERSON:

No physically sick or injured person shall be conveyed against his will by any ambulance service from the place

13.4.03 Continued:

where he was overcome by sickness or from the scene of the accident in which he was injured; nor, having been placed in an ambulance, shall he be conveyed to a place to which he is unwilling to go; provided, that if such sick or injured person is unable to give any direction in his own behalf, and there is no immediate relative present to direct where he shall be taken, such sick or injured person shall be conveyed to the nearest emergency medical facility.

13.04 INSURANCE OR BOND REQUIRED:

Every ambulance owner shall carry public liability and property damage insurance and Workmen's Compensation insurance for employees with solvent and responsible insurers, authorized to transact insurance business in the State of Illinois and qualified to assume the risks for amounts hereinafter set forth under the laws of Illinois, to secure payment of any loss or damage resulting from occurrence arising out of or caused by the operation or use of any of the ambulances belonging to licensees.

The public liability insurance policy or contract may cover one or more ambulance vehicles, but each ambulance shall be insured for the sum of at least \$5,000.00 for property damage and the amount of at least \$50,000.00 for injuries to or death of any one (1) person, and for the sum of at least \$100,000.00 for injuries to or death of more than one (1) person, in any one (1) accident. Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any final judgement rendered against the owner, or any person driving any insured vehicle; and that suit may be brought in any court of competent jurisdiction upon such policy or contract by any person having claims arising from the operation or use of such ambulances; it shall contain a description of each ambulance vehicle insured, manufacturer's name and serial number, the State license number, and the ambulance license number.

In lieu of an insurance policy or contract, a surety bond or bonds with a corporate surety or sureties authorized to do business under the laws of Illinois, may be accepted for all or any part of such insurance, provided that each bond shall be conditioned for the payment and satisfaction of any final judgement, in conformity with the provisions of an insurance policy required by this Section.

## ARTICLE 5

### AMUSEMENTS

#### 13.5.01      DEFINITIONS:

- (a) Amusement shall mean (1) any amusement park, arcade, golf driving range, golf course, miniature or otherwise, public skating rink (ice or roller), "go-kart" tracks, public dance hall, pool or billiards hall, bowling alley or shooting gallery; (2) any theater, indoor or outdoor, displaying film, television or live dramatic performances; (3) any concert, athletic contest or exhibition, public picnic, circus, carnival, flower, animal or dog show; (4) fireworks displays; and any other location or event where for the purpose of pleasure, persons engage in or observe a physical activity, game or performance.
  
- (b) Automatic Amusement Machine shall mean any mechanical amusement machine or device, the operation of which is governed or controlled by the deposit of a coin or token including, without being limited thereto, any such coin controlled instrument or device capable of producing any vocal or instrumental - sounds, including jukeboxes.
  
- (c) Fireworks shall mean and include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which -explosives are used, the type of ballons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, sparklers, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in- contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than twenty five hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

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13.5.02 APPLICATION:

The application for each amusement license shall set forth a description of the property used or intended for use as a public place of amusement, indicating the seating capacity and the floor area or ground area of the place, and such other information as the City may require.

Any person desiring to operate or maintain a coin-operated amusement machine within the City shall make application for a license in which application shall be set forth the number of such machines for which such applicant desires licenses.

Application for fireworks permits shall state the place where it is proposed to give such display of fireworks, and the experience the applicant has had in the discharge of fireworks.

13.5.03 REGULATIONS:

(a) No licensee shall sell-:or permit any person to sell . any ticket:of admission-to--the-licensed premises unless it has conspicuously printed upon.. its face the price of admission.

(b) No such licensee shall place, maintain, or allow to be place or maintained in front of or in connection with any such place any sign, picture, or other announcement which in any manner misstates or misrepresents the.picture or other amusements which are being shown in said place, or which announces a picture or other form of amusement or entertainment which is not, at the time such announcement is displayed, being shown and exhibited in said place.

(c) All public places of amusement, except those holding licenses under this ordinance for the sale of alcoholic beverages or food, shall cease operations for all purposes between the hours of 2:00 a.m. and 8:00 a.m. each day.

(d) A sign must be posted in a conspicuous location on or near any gaming machine in all licensed business establishments to read as follows:

ATTENTION

It is unlawful to use this device for gambling purposes.

Any person who provides or receies anything of value in conjunction with the use of this machine

Is subject to arrest and prosecution,

13.5.04 FIREWORKS DISPLAY:

(a) The Corporate Authorities may issue a permit to a properly qualified person for the discharge of fire-works and for pyrotechnical displays in public places, or such other places as deemed adequate, and for the possession of fireworks necessary to carry out such display. Such permit shall designate the kinds and quantities of fireworks to be used at such display, and no other

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13.5.04 Continued:

kinds and no greater quantities of fireworks than therein specified shall be used at such display.

- (b) The Chief of Police shall inspect the premises at the location where it is proposed to give such display of fireworks. If, in the judgement of the Chief of Police, it would not be hazardous to surrounding property or dangerous to any person or persons to permit such display of fireworks at such location, he shall approve such application and return same to the Corporate Authorities. The Chief of Police shall recommend to the Corporate Authorities any restrictions to the permit he believes necessary to safeguard life and property. The Corporate Authorities may thereafter issue such permit, with such reasonable restrictions as it deems necessary for the public health, welfare and safety.
- (c) Applicant shall also furnish an indemnity bond running to the municipality in the sum of One Hundred Thousand Dollars-- (\$100,000)-- to indemnify the municipality and to insure against the-filing-of any and all claims arising through or because of such-public display.

13.5.05 CLASSIFICATIONS:

All public places of amusement are divided into the following classes for purposes of determining the applicable fee:

Class 1: Auditorium, theater, tent or stadium provided with a screen, stage, arena or other space for. theatrical, dramatic, musical or spectacular performance, motion picture show, circus, rodeo, animal act, athletic contest, sport or similar exhibition designed, used or intended to be used for the amusement or entertainment of an audience or spectators and not for participation by the public assembly. This class shall not, however,. include a cabaret.

Class 2: Amusement park, hall, billiard and pool room, bowling alley skating rink, swimming-pool, or other public resort, exclusive of such parts thereof as fall within Class 1 places of amusement, designed, used or intended to be used principally for the participation in the amusement or entertainment by the public.

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ARTICLE 6

ANIMAL SALE AND CARE

13.6.01 DEFINITION:

An establishment for the care and sale of animals is hereby defined to mean any establishment or premises wherein or whereon the care and grooming of animals is conducted-, including but not limited to, an animal hospital and a dog kennel or cattery wherein dogs or cats or other animals are kept for the purpose of breeding, boarding, sale or exchange.

13.6.02 INSPECTIONS:

- (a) It shall be the duty of the Health officer to cause an investigation to be made of the premises described in the application for the purpose of determining the fitness and suitability of such premises for said business from a sanitary standpoint and no license shall be issued until such investigation is made and the Health Officer- evidences his approval thereof.
- (b) The Health Officer shall periodically inspect each such establishment to determine compliance with the provisions of this ordinance, and all the ordinances regulating the care of animals.

13.6.03 SANITARY CONDITION:

All establishments for the care and sale of animals shall be kept free and clean from decaying food and from filth of any kind and shall be maintained in a clean and-sanitary condition. The buildings wherein such business is conducted shall be painted or whitewashed and disinfected from time to time and shall be kept in a sanitary condition.

13.6.04 REGULATIONS:

No animal shall be permitted to stray or be taken anywhere outside the building or buildings in which such establishment and business is located and conducted unless such animal is restrained. Within the building or buildings in which such establishment and business is located and conducted animals shall be confined in such manner as to protect one animal from another and to protect persons lawfully within said building from the danger of biting, scratching or other injury from such animals.

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ARTICLE 7

AUCTIONEERS AND GOING OUT OF BUSINESS SALES

13.7.01 DEFINITION:

Auctioneer shall mean any person who sells real or personal property at public or private auction for another or for himself.

13.7.02: SINGLE LOCATION:

No licensed auctioneer shall sell or offer for sale at public auction, any real or personal property at or in any place, house, store, or building, other than the place, house, store or building designated in his license,

13.7.03 TERMS OF SALES:

It shall be the duty of every auctioneer; before beginning any auction sale of real or personal property of any kind whatever, to state fully the terms and conditions upon which the sale will be made, and to announce to the persons present the character, quality and description of the property offered for sale.

13.7.04 FALSE REPRESENTATIONS:

No auctioneer or person being present when any real or personal property is offered for sale; shall knowingly, make any false representation or statement as to the ownership of, or the character or quality of, the property so offered for sale, or as to the poverty of circumstances of the owner or pretended owner of such property; and-if such false representation is made by the auctioneer, or by any other person with such auctioneer's knowledge and consent or connivance,- the license of the auctioneer shall be revoked.

13.7.05 RIGHT OF RETURN:

The purchaser at an auction sale of any watch, plate or jewelry shall have the right to return it to the auctioneer at any time within five (5) days from the day of sale, if the watch, plate or jewelry be not of the quality represented to him, and the auctioneer shall return to the purchaser the price of the article. No auctioneer shall close his office at any time for the purpose of avoiding an offer to return any such article so sold,

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13.7.05 Continued:

and the violation of this provision shall be cause for the revocation of the license of such auctioneer.

13.7.06 SUBSTITUTION:

No auctioneer shall exhibit and offer for sale at auction any article, and induce its purchase by any bidder, and then afterward substitute any article in lieu of that offered to and purchased by the bidder.

13.7.07 FICTITIOUS BIDDING:

It is unlawful for any auctioneer to procure any person in order to make a fictitious bid at any auction sale, or to fictitiously raise any bids in any such auction sale.

13.7.08 SALES ON PUBLIC WAYS:

No real or personal property shall be sold at auction or exposed for sale by any auctioneer in any public way or public place in the City.

13.7.09 ATTRACTING ATTENTION:

No bellman or crier, nor any drum, fife or other instrument of music, nor any show signal or other means of attracting the attention of the public, other than a sign or flag, shall be employed or permitted to be used in connection with any auction sale at or near any place of such sale, or at or near any auction room.

13.7.10 SPECIAL SALES; LICENSE REQUIRED:

No person shall directly or indirectly advertise or cause to be advertised, represent or cause to be represented, or held out to the public in any manner that any sale of goods is an insurance, salvage, removal, going out of business, insolvent's, assignee's, or creditor's sale of goods, or that it is a sale of goods which have been damaged by fire, smoke, water or otherwise, unless such person shall have first obtained a license to conduct such a sale from the Clerk in accordance with all of the applicable provisions of Chapter 121-1/2, Sections 157.1 through 157.12 of the Illinois Revised Statutes and amendments thereto.

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13.7.10 Continued:

The provisions of this Section shall not be applicable to any sales directly ordered by a court or referee in bankruptcy, or to any person acting under the direction and supervision of State or Federal courts in the course of their official duties.

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ARTICLE 8

BARBER SHOPS

13.8.01 DEFINITION:

Barber Shop. Any building, room, place or establishment wherein the practice of barbering is carried on for a consideration, as defined in Chapter 16-3/4, Section 14.39, Illinois Revised Statutes 1975.

13.8.02 INSPECTION:

The City Health Officer shall cause periodic inspections to be made of all establishments licensed hereunder to determine whether they are in compliance with the sanitary and City health ordinances.

13.8.03 SANITARY REQUIREMENTS:

It shall be the duty of every person licensed under this. Article at all times to keep the licensed. premises-in a clean and properly sanitary condition.. All necessary measures shall be taken to properly safeguard the life and health of patrons and all persons engaged therein against communicable and contagious diseases. No person shall be permitted to be employed who shall be afflicted with any communicable or contagious disease.

It shall be the duty of the. licensee at all times to keep the licensed premises in a clean and properly sanitary condition. All persons employed\_or working" in the licensed premises shall keep themselves and their clothing clean, and shall be required to wash their hands immediately before serving a customer. All towels and washcloths shall be washed with soap and water and boiled before being used,. All receptacles, finger bowls,-utensils, vessels; appliances, combs, brushes, hair management and all.similar items shall be kept in a clean and sanitary condition.. .Separate receptacles -shall be provided for towels and separate receptacles for 'receiving material and paper.

13.8.04 LOCATION:

No barber shop shall be located or conducted except as an independent unit, completely equipped as such, and separated from any living, dining or sleeping apartment, restaurant or food establishment. The premises shall be adequately ventilated in accordance with the requirements of the City Health Ordinance.

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ARTICLE 9

BROKERS

13.9.01 DEFINITION:

Broker: Any person, other than an employee of the principal for whom the business is done, that negotiates, buys, sells, trades, leases, or handles for another, or, a commission basis, or on the basis of compensation in proportion to the amount of the transaction, any stocks, bonds, mortgages, loans, investment securities, certificates of indebtedness, foreign exchange, letters of credit, transportation tickets, grain, provisions, produce, livestock, goods, wares, merchandise or any other commodity, article or property (except insurance and real property), whether similar or dissimilar to those herein mentioned, or acts through the medium of another licensed broker in the capacity and for any of the purposes aforesaid.-This Article does not apply to real estate or insurance brokers.

13.9.02 MULTIPLE LICENSES REQUIRED:

Where a person desires to engage in the business of a broker at more than one (1) place within the City, a separate license shall be required for each of such places, and the full license fee as herein fired shall be charged for each such license issued.

13.9.03 EMPLOYEES ACTING AS BROKERS:

Any person employed by a licensed broker who shall himself, on his own account and not as such employee, act as a broker under the terms of this Article shall be subject to all the provisions of this Article, notwithstanding the fact of such employment, and, shall, be required to obtain a broker's license:

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ARTICLE 10

CARTERS

13.10.01 DEFINITION:

Cart shall mean every express wagon, cart, truck, dray, wagon, automobile, autocar, auto truck or other vehicle of any kind, either drawn by animals or self-propelled, which shall be operated, driven or employed for the purpose of transporting or conveying bundles, parcels, furniture, trunks, baggage, goods, wares, merchandise, produce, or other articles within the City for hire or reward, whether such vehicle is employed or hired from any public stand, public way, barn, garage, office, or other place in the City by the day, week, month or year; but excluding any cart engaged in interstate commerce.

13.10.02 APPLICATION:

An application shall be made in conformance with the general requirements of this Chapter relating to applications for licenses and such application shall include a statement of the number of vehicles with such details of description and on such forms as may be required by the City.

13.10.03 SAFE VEHICLES:

Every vehicle operated by a licensee under this Article shall be maintained in a safe and sanitary condition. No such vehicle shall be loaded beyond the manufacturer's recommended maximum load.

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ARTICLE 11

CIGARETTE-TOBACCO DEALERS  
AND  
CIGARETTE VENDING MACHINES

SECTION 1:                   LEGISLATIVE FINDING AND DECLAMATION

1.       The Mayor and City Council of Country Club Hills expressly find and declare that:
  - (a)       Cigarette smoking is dangerous to human health;
  - (b)       There exists substantial, scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
  - (c)       The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
  - (d)       The Director of the National Institute on Drug Abuse concluded that the majority of three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
  - (e)       The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and,
  - (f)       The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen (18) has proven ineffective in preventing such persons from using tobacco products;
  
2.       The Mayor and City Council also agree that the enactment

of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the City, particularly those residents under eighteen (18) years of age.

SECTION 2:                    DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

"tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

SECTION 3:                    LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the City without having first obtained a tobacco dealer's license therefore pursuant to this Ordinance.

Such license shall be in addition to any other license required by this code.

SECTION 4:                    LICENSE APPLICATION

Application for a license hereunder shall be made in writing to the City Clerk and shall be processed in accordance with the provisions of City Code Chapter 13.

SECTION 5:                    LICENSE FEE

The license fee for a tobacco dealer's license shall be as set forth in City Code Chapter 13, Schedule 13.1, in the amount of \$35.00, with the exemption of all City Liquor License holders.

SECTION 6:                    PROHIBITED SALES, DELIVERY AND SIGNS

1.        It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.

2. Signs informing the public of the age restrictions, provided for herein, shall be posted by every licensee at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

" THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW."

The text of such signs shall be in red letters on a white background, said letters to be at least one inch (1") high.

SECTION 7:                    MINIMUM AGE TO SELL TOBACCO PRODUCTS

It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products in any licensed premises.



SECTION 8:                    PURCHASE BY MINORS PROHIBITED

It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

SECTION 9:                    POSSESSION BY MINORS PROHIBITED

It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

SECTION 10:                    PROXIMITY TO CERTAIN INSTITUTIONS

It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred feet (100') of any elementary or secondary school (high school).

SECTION 11:                    CERTAIN FREE DISTRIBUTIONS PROHIBITED

It shall be unlawful for any licensee or any person in the business of selling, or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such

licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products free of charge to any person on any right-of-way, park, playground or other property owned by the City, any school district, any park district or any public library.

SECTION 12:                    VENDING MACHINES - LOCKING DEVICES

1. It shall be unlawful for any licensee to sell, or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of eighteen (18) years.

2. Any premises where access by persons under the age of eighteen (18) years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of business located at such premises, shall be exempt from the requirements of Section 12 (1.) above.

SECTION 13:                    RESPONSIBILITY FOR AGENTS AND EMPLOYEES

Every act or omission of whatever nature, constituting a violation of any of the provisions of this Ordinance by any officer, director, manager or other agent or employee of any

licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by licensee personally.

SECTION 14:                    SUSPENSION, REVOCATION OF LICENSE, FINES, COSTS

The Mayor shall be charged with the administration of this Ordinance. The Mayor may suspend or revoke any license issued under the provisions of this Ordinance, if he determines that the licensee has violated any of the provisions of this Ordinance.        In lieu of suspension or revocation of a license, the Mayor may instead levy a fine on the licensee. The fine imposed shall not exceed five hundred dollars (\$500) for each violation. Each day on which a violation continues shall constitute a separate violation.

However, no such license shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Mayor with a seven (7) day written notice to the licensee affording the licensee an opportunity to appear and defend against the charges contained in such notice. The seven (7) day notice provisions shall begin the day following delivery by certified mail or by personal service.

The Mayor shall within seven (7) 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 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 serve a copy of such order within the seven (7) days upon the licensee.

Any licensee determined by the Mayor to have violated any of the provisions of this ordinance shall pay to the City the costs of the hearing before the Mayor on such violation. The Mayor shall determine the costs incurred by the City for said hearing, including, but not limited to: court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Mayor may allow.

The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Mayor. Failure to pay said costs within thirty (30) days of notification is a violation of this ordinance and may be cause for license suspension or revocation, or the levy of a fine.

SECTION 15:                    USE OF PREMISES AFTER REVOCATION

When any license shall have been revoked for any cause, no license shall be granted to said licensee for the period of six (6) months thereafter for the conduct of the business of selling tobacco products as defined in Section 3 in the premises described in such revoked license.

SECTION 16:                    This Ordinance, and each of its terms, shall be effective legislative act of a home rule municipality without

regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Country Club Hills that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 17: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED this 24th day of July, 1995.

AYES: 10

NAYS: 0

ABSENT: 0

ABSTAIN: 0

APPROVED this 24th day of July, 1995.

DWIGHT W WELCH, MAYOR

ATTEST:

KIMBERLY WAYNE, CITY CLERK

ARTICLE 12

CLEANING AND DYEING ESTABLISHMENTS

13.12.01 DEFINITIONS:

- (a) Dry Cleaner, Dyer or Person engaged in the business of dry cleaning or dyeing are hereby defined to mean any person keeping or using more than two (2) quarts (2 liters) of any solvent other than water, including, but not by way of limitation, solvents of the petroleum distillate type, coal, tar distillate type of chlorinated hydrocarbon type, for the purpose of cleaning, dyeing or renovating wearing apparel, fabrics, textiles, drapes, curtains, rugs, blankets, furs, leather, or other material, for profit or reward, including such establishments operating on a self-service coin-operated basis.
  
- (b) Spotter or Person engaged in the business of spotting are hereby defined to mean any person keeping or using two (2) quarts (2 liters) or less of any solvent - other-than water., -including, but not by way of limitation, solvents of the petroleum distillate type., coal tar distillate type or chlorinated hydrocarbon-type; for the purpose of cleaning, or renovating wearing apparel, fabrics, textiles, drapes, curtains, rugs, - blankets, furs, leather or other material, for profit or reward,
  
- (c) Agent - Person authorized by a business entity to work in that entity's-behalf.

13.12.02 APPLICATION:

At the time of filing an application, the applicant shall also file an affidavit specifying the type of cleaning solvent to be used; and stating that no cleaning solvent other than that specified in the affidavit will be employed.- If at any time subsequent to the filing of the application and affidavit, the applicant desires to use a cleaning solvent other than that' specified, he may do so after filing an amendment of his application and obtaining approval of the amendment.

Every such application shall be approved by the Building Department and Fire Department concerning compliance of the premises named therein with the building provisions and fire regulations of this ordinance, respectively before a license shall be issued. A separate application shall be made for each dry cleaning or spotting establishment engaged in by the applicant whenever located within the City.

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13.12.03 BUILDING AND EQUIPMENT REQUIREMENTS:

Every new building constructed for the purpose of dry cleaning shall be built and equipped as required by the building ordinances of the City.

Every dry cleaning establishment shall be equipped with an asbestos blanket of a size not less than six (6) feet (1.8 meters) by nine (9) feet (2.7 meters). Said blanket shall be placed inside of dry cleaning rooms near the door thereof and in such position that it shall be accessible for use in case of fire.

13.12.04 LOCATION OF ESTABLISHMENT:

No such dry cleaning or dyeing establishment in which a flammable solvent having a flash point below sixty degrees celsius (1400F) (closed cup tester) is used shall be located on any lot or plot of ground where any of the boundaries of such lot or plot of ground are within one hundred (100) feet (31 meters) of the nearest boundary of any lot or plot of ground used for a school, church, hospital or theater.

13.12.05 OTHER USE OF PREMISES:

It shall be unlawful for any person to conduct or operate the business of dry cleaning in which a flammable solvent having a flash point below sixty degrees celsius (1400F) (closed cup tester) is used in any building, any portion of which is used or intended to be used for\_ other than dry cleaning or dyeing purposes, unless such premises are separated by a firewall.

13.12.06 SEPARATION OF CLEANED AND UNCLEARED ARTICLES:

Every person engaged in the business of dry cleaning or spotting shall provide proper facilities and equipment for the separate handling of cleaned and soiled articles, and no clean article shall be allowed to come in contact with any uncleaned or soiled article of any kind at any time.

13.12.07 SELF-SERVICE COIN OPERATED DRY CLEANING ESTABLISHMENT:

There shall be present in every self-service coin operated establishment of this type an attendant during all operational hours of the establishment. The attendant shall not permit any person under the age of fifteen (15) years to operate any such machine.

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13-12-2

ARTICLE 13

COLD STORAGE ESTABLISHMENT

13.13.01      DEFINITIONS:

- (a)      Food shall mean any article used for food by man or animal and every ingredient of such article, except nuts, fruits, cheese and vegetables, cured meats, meats in process of curing, and cooked animal fats which have been placed in storage under the supervision of the federal government.
- (b)      Cold Storage shall mean the storage of such articles of food in cold storage or refrigerating warehouses or cold storage houses or rooms of any kind or nature, whether the same are public warehouses or not.
- (c)      Cold Storage or Refrigerating Warehouse or Cold Storage House shall mean a house or room used for the storage or preservation of food for a period of thirty (30) days or more in which ice, refrigerating machinery; or other artificial means of cooling are used.

13.13.02      INSPECTION:

The City Health Officer is hereby vested with full power and authority to inspect and supervise all places in the City now used or hereafter to be used for cold storage or refrigeration purposes. It shall be the duty of the Health Officer to make such inspection not less frequently than once in every three (3) months. The City shall be permitted access to such place or places and all parts thereof at all times for the purpose of seeing that said place or places are kept and maintained in a clean and sanitary manner, and for the purpose of determining whether they are in compliance with the City Health ordinances and regulations. -

13.13.03 MARKING DATES OF RECEIPT AND DELIVERY:

It shall be unlawful for any person engaged in the business of cold storage warehousing or in the business of refrigeration or in any business in which articles of food as defined herein are kept in cold storage for any purpose whatsoever, to receive any kind of food for cold storage unless the said food is in a pure and wholesome condition, and the food or package containing same is branded, stamped, or marked in some conspicuous place with the day, month, and year when the same is received in storage

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13.13.03 Continued:

or refrigeration, or to permit any such article of food in his possession to be taken from him without first having plainly printed, branded, stamped, marked or written in a conspicuous place upon each and every such article, parcel, or package containing the same, the day, month and year when said food stuff, article, or package was removed from cold storage or refrigeration, as well as the day, month, and year when same was received in cold storage or refrigeration.

13.13.04 STORAGE TIME LIMIT:

It shall be unlawful for person engaged in the business of cold storage warehousing or refrigeration, or in any business in which articles of food are kept in cold storage for any purpose whatsoever, to keep in storage, for preservation or otherwise, any kind of food or any article or articles used for food a period longer than twelve (12) calendar months.

13.13.05 EXTENSION OF TIME LIMIT

It shall be unlawful for any person to sell, offer for sale, or give within the City any food which has been kept in cold storage for a period of time longer than that provided for herein except with the authorization of the Health Officer as hereinafter provided.

The Health Officer may, upon application and upon making the inspection herein provided for, extend the period of storage beyond the time prescribed, for any particular lot of goods, if the said goods in question are found upon inspection and examination by the Officer to be in proper condition for human consumption: Such extension shall not exceed ninety (90) days. The length of time that such further storage may be allowed shall be specified in the order granting such extension.

13.13.06 TRANSFERS TO ANOTHER WAREHOUSE:

The transfer of any food from one cold storage refrigerating warehouse or cold storage house to another for the purpose evading any provision of this Article is hereby prohibited.

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13.13.07 RETURN OF FOOD TO COLD STORAGE:

When food has been in cold storage or refrigeration and is released therefrom for the purpose of placing the same on the market for sale, or for any other purpose, it shall be unlawful to again place such food in cold storage refrigeration unless said food remains in its original package and is not removed from the premises.

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ARTICLE 14  
CONTRACTORS

13.14.01      DEFINITIONS:

(a)      Building Contractor: Any person engaged in the business of acting as a masonry contractors, carpentry contractors, lathing contractors, Asphalt and Paving contractors, roofing contractors, heating, air-conditioning or refrigeration contractors, steam fitting contractors, house-raising or shoring contractors, sheet metal contractors, glazing contractors, excavating contractors, sewer contractors, plastering contractors, dry wall contractors, painting contractors, razing, shearing or moving contractors, landscaping contractors, tuck-pointing contractors and insulating contractors; provided, that this ordinance shall not be construed as requiring a license for the operation of the business of plumbing contractor, the business of general contractor, or the business of electrical contractor by a person who has registered as such pursuant to the provisions of regulations relating to electrical contractors. Building Contractor Any person engaged in the business of acting as a *Lawn Care Applicator Contractor*.

(b)      Electrical Contractor: Any person engaged in the business of installing or altering by contract electrical equipment for the utilization of electricity supplied for light, heat or power, not including radio apparatus or equipment for wireless reception of sounds and signals, for the operation of a community antenna television system as defined by the ordinance of the City, conductors, and other equipment installed for or by public utilities including common carriers which are under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities; but the term "electrical contractor" does not include employees employed by such contractors to do or supervise such work.

13.14.02 APPLICATION; INSPECTION:

- (a)      An application for a contractor's license shall set forth the number of individual employees of the applicant which will be operating under such license, the type of contracting activity for which a license is requested, and a statement that the applicant agrees to comply with this Article and all other provisions of this ordinance relating to or regulating the activities engaged in by said applicant.
  
- (b)      If any electrical contractor is already registered for the current year in another city or village

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13.14.02 Continued:

within the State of Illinois, in conformity with the State Statutes, and testing requirements of the City's Electrical Code, such contractor shall not be required to pay a registration fee in this City.

- (c) The provisions of this Article are declared to be of a regulatory nature, and it shall at all times be the duty of the Building Commissioner or his delegated authority to regularly inspect the site of the building contractor's activities and to investigate whether persons engaged as building contractors are properly licensed and that their activities are being conducted and operated in accordance with the provisions of this ordinance applicable thereto.

13.14.03 DUTIES OF LICENSEE:

It shall be the absolute and nondelegable responsibility of all contractors licensed hereunder to secure the appropriate and necessary permits required by this ordinance before undertaking to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish the whole or any part of any building, structure, or sidewalk or street pavements. It shall also be the duty of all contractors licensed hereunder to comply with all the provisions of this ordinance relating to or regulating their activities as contractors, and, in addition thereto, to remove or cause to be removed at least once each week from the site of said contractor's activities all trash, refuse and waste materials. Contractors shall, at all times, keep the site of activities in an orderly condition, free from standing water, unguarded dangerous implements, and health and safety hazards. Contractors shall not obstruct traffic, streets, or sidewalks nor permit dirt or waste materials from falling or being carried onto such public ways.

13.1.04 BOND REQUIRED:

All contractors shall give bond to the City in the penal sum of \$10,000, conditioned to keep and save harmless the City from any and all damage that may result to pavements, sidewalks or other public property of the City resulting from the use of its streets in connection with such business, and, further, to save and hold harmless the City from damages to persons or property arising from suits or claims resulting from obstructions or materials deposited or dropped upon the streets or other public places in the City by such contractor.

13.14.05 All contractors shall furnish the City with a certificate or other satisfactory evidence that:

- A The contractor has obtained public liability and property damage insurance in an amount of not less than Five Hundred Thousand (500,000) Dollars; and
- B. That the contractor has obtained worker's compensation insurance covering its employees or is approved as a self-insurer of worker's compensation in accordance with Illinois law.

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ARTICLE 15

FUEL OIL DEALERS AND STORAGE FACILITIES

13.15.01 DEFINITIONS:

Fuel Oil Dealer: Any person whose primary business is the storage of fuel oil, gasoline or petroleum in bulk for the purpose of sale, or whose primary business is the conveyance of fuel oil, gasoline or petroleum in any vehicle for the purpose of sale.

Fuel Oil Storer: Any person who keeps on hand or stores fuel oil for use in any business, but not for resale.

13.15.02 APPLICATION:

Flammable & Combustible Liquids: The applicant shall state the location of the place at which it is desired or intended to store-flammable liquids for use..in applicant's busi--. ness, the maximum aggregate quantity to be so stored for use, and .. shall give a description of the business engaged-in, the location-.. and capacity of all-containers-or tanks having a capacity of fifty\_ (50) gallons (190 liters) or more for the storage of any flammable liquid, and such other information as may be required.

Fuel Oil:

- (a) The application for fuel oil dealer shall set forth the number of vehicles, if any, to be used in connection with said business. The application shall also state whether the applicant uses or proposes to use storage facilities in connection with the business of fuel oil dealer, and, if so, the location, place, or premises where such storage facilities are located or are..to b e located, and their capacity.
- (b) The application for a fuel oil storers license shall-also"state the location-of the place at which the applicant desire-or intends to store fuel oil-for use in applicant's business, the maximum aggregate quantity to be so stored or used, a description of the business engaged in, the location and capacity of all containers or tanks have a capacity of fifty (50) gallons (190 liters) or more for the storage of fuel oil, and such other information as may be required by the Fire Safety Inspector.

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13.15.02 Continued

No License shall be required of any person who keeps on hand or stores fuel oil at any location, place or premises in a quantity less than two thousand (2,000) gallons (7,700 liters) for use exclusively in the heating of any building.

Nothing herein contained shall require any gasoline filling station, dry cleaner and spotter, drug, chemical or paint factory, drug, chemical or paint store, wholesale gasoline dealer, retail hardware store, or retail paint store, duly licensed under any other provision of this ordinance to obtain a separate license hereunder.

13.15.03      INVESTIGATION:

The Building Commissioner and Fire Safety Inspector shall make or cause to be made such investigations as they deem necessary to determine whether the applicant's proposed place of business and the methods and equipment intended to be used by such applicant comply-with all the applicable provisions of this ordinance, particularly those relating to building, zoning and fire prevention.. No license shall be issued to any applicant whose proposed place of business and methods and equipment do not comply with the applicable provisions of this ordinance. Said City officials shall indicate on the application for a license the results of their investigation and their approval or disapproval of said application.

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ARTICLE 16

FLORISTS AND PLANT SHOPS

13.16.01            DEFINITION:

Florist shall mean any person, partnership, firm, or corporation regularly engaged in the conduct of an established business for selling; offering for sale, or keeping with the intention of selling, cut flowers, bridal bouquets, funeral designs, growing plants, or garden supplies, from a fixed and permanent business location. This term, for purposes of this Article, shall include establishments commonly referred to as florists, plant shops and nurseries.

13.16.02 MULTIPLE LICENSES REQUIRED:

Every person who shall engage in both a retail florist business and a wholesale florist business shall procure a separate license for each: A separate-license shall be required for each location; place or premises where the person is located--to engage in business, and-in the case of an itinerant wholesale florist, separate license shall be required for each vehicle from which flowers, bouquets, funeral floral designs and growing plants are sold.

13.16.03 SANITARY REGULATIONS:

Every location; place or establishment where the business of a florist is conducted, managed or carried on shall be kept in a clean and sanitary condition and free from vermin. No decayed, decaying, unwholesome, contaminated or diseased flowers or plants shall be allowed to remain in or about said establishment. Adequate and convenient washing and toilet' facilities shall be provided.

No licensee shall sell or offer for sale any flowers or plants. the sale of which is restricted by any Federal or . State -law. -Every itinerant florist shall thoroughly clean each vehicle operated by him in his business once daily and dispose of all decaying flowers or plants in a suitable sanitary manner.

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13.16.04 HAZARDOUS MATERIALS:

All pesticides and any other material which may be hazardous to employees or the public shall be stored in florists establishments in a safe manner and shall be plainly identified.

13.16.05 INSPECTION:

The Commissioner of Buildings and Health Officer may inspect at any reasonable time, all florist establishments to determine whether they are in compliance with the requirements of the ordinances of the City.

13.16.06 OFF-PREMISES SALES PROHIBITED:

Except in the case of an itinerant florist, no license shall be issued except for a fixed location. The sale of flowers, plants or floral bouquets or designs on the public way or at places other than those at which the licensee is licensed is hereby prohibited unless said licensee obtains a license as a peddler under this ordinance.

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ARTICLE 17

FOOD SERVICE ESTABLISHMENTS

13.17.01            DEFINITION:

Food Service Establishment shall mean food handlers, including sale of frozen food, food processing establishments, food service establishment, mobile food units, temporary food service establishments and retail food stores as they are defined in Food Service Sanitation Rules and Regulations, State of Illinois, Department of Public Health, and Food Service Sanitation Manual of the Food & Drug Administration, U. S. Department of Health, Education and Welfare, Public Health Services, Retail Food Sanitation, Illinois Department of Public Health.

13.17.02            APPLICATION:

An application for said license and/or permit shall be made in conformance with the general requirements of this ordinance relating to applications for license and/or permit. No such food service establishment license and/or permit shall be issued until the premises shall have been inspected and approved by the Health Officer, and the Building Department.

13.17.03            REGULATIONS; INSPECTIONS:

All food service establishments shall comply with the requirements of the above described Food Service Sanitation Rules and Regulations. The Health Officer shall regularly inspect all food service establishments, at intervals not greater than three (3) months, to insure compliance with said Rules and Regulations.

If no immediate hazard exists, any violations may be corrected in a reasonable time at the direction of the Health Officer; In case of serious or repeated violations, proceedings may begin to revoke the City license and/or permit pursuant to Article d of this Chapter. In the case of an immediate, serious health hazard, the Health Officer may order the food establishment closed until such hazard no longer exists.

13.17.04            INSPECTION:

The Building Department, in addition to making the initial inspections provided for herein, shall visit or cause to be visited all such places of business licensed under this Article as often as it shall deem necessary, but at least once a year, to see that the provisions of this Article are complied with, and said Building Department shall have the authority to require that such arrangements be made as may be deemed necessary for the safety and health of the employees, pursuant to the terms of this ordinance and such laws as may be in force concerning health and sanitary conditions.

It shall be the duty of every person licensed under this Article to comply with the fire regulations of this ordinance applicable thereto, and the Fire Safety Inspector shall periodically inspect each such place of business to determine whether the said regulations are being complied with.

13.17.05            SANITARY REQUIREMENTS:

Every place wherein any business licensed under this Article is carried on shall be kept in a clean and sanitary condition. All necessary measures shall be taken to safeguard the lives and health of all person employed in such establishment, and adequate and convenient washing and toilet facilities shall be provided for such employees. No person suffering from an active contagious or infectious disease shall be employed in such business.

All articles kept for sale in such establishments shall be kept free from vermin or any matter of a contagious or infectious nature.

All decomposed; fetid, or putrescent matter and all refuse, waste and sweepings shall be removed and disposed of at least once each day, and in such manner as not to cause a nuisance, and all cleaning shall be done as far as possible outside of working hours, but if done during working hours, it shall be done in such manner as to avoid the necessary raising of dust or noxious material.

13.17.06 PACKAGING OF FOOD:

a) Definitions:

1. The term "food dealer" means every person, firm or corporation engaged in the business of selling food at retail for human consumption.
2. The term "food" shall include beverages.
3. The term "package" shall mean a paper bag or other similar material or a cardboard box.

b) Packaging of Food

"It shall be unlawful for any food dealer to sell three (3) or more items of food to any customer without placing the items sold in a package prior to the customer leaving the premises where sold.

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ARTICLE 18

GASOLINE FILLING STATIONS

13.18.01            DEFINITION:

Gasoline Filling Station: Any building, structure, premises, enclosure, or other place within the City where a container or containers, tank or tanks, either portable or stationary, and containing either, carbon bisulphite, gasoline, naphtha, benzole, hydrocarbon (gas drips), liquefied petroleum gas, acetone, kerosene, turpentine, or otiser flammable liquids having a flash point below 74 degrees celsius (165°F), are kept or located for the purpose of selling, offering for sale, or distributing any such liquids from such container or tank; provided, however, that the provisions of this Article shall not apply to any place where such. flammable liquids are kept or sold for medicinal purposes only.

13.18.02            APPLICATION; INVESTIGATION:

The applicant shall specify the capacity in gallons of every container or tank-installed or to be installed up-on the premises.

Every such application shall be investigated by the Fire Inspector and Building Commissioner, to determine whether the applicable provisions of this ordinance are being complied with, and the approval of such officers noted thereon; before a license shall be issued.

13.18.03            LOCATION:

No tank, container, pipe or other equipment for the storage and handling of flammable liquids shall be installed within two hundred (200) feet (61 meters) of the nearest boundary of any lot or plot of ground used for -a school, hospital, church or theater.

13.18.04 CHANGE OF LOCATION:.

If any person licensed to engage in the business of a filling station shall, before the expiration of such license, desire to change the location of the business engaged in thereunder, the licensee shall notify the City Clerk, and shall furnish all of the information which is required to be furnished on an original application for license. Every such application for

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13.18.04 Continued:

change of location shall be approved by the Building Commissioner and the Fire Inspector, before a change in location shall be authorized, and the new location shall be subject to the same conditions and restrictions as are prescribed for the premises for which the license was first issued.

13.18.05 SMOKING:

It shall be unlawful for any person to smoke or to permit smoking in any filling station within fifty (50) feet (15 meters) of any pump or dispensing unit.

13.18.06 FLAMMABLE LIQUIDS:

Gasoline, benzine, naphtha and similar flammable liquids shall not be used for washing or cleaning purposes within any filling station nor in the open air within a distance of fifty (50) feet (15 meters) of any repair pit or any opening from any basement space. Washing and cleaning should be performed in an appropriate container that has a fusible link cover that automatically closes in case of fire.

13.18.07 WASTE DISPOSAL:

Waste oil or other flammable liquids shall be stored in closed metal containers pending removal from the premises. No such waste shall be permitted to drain into any sewers or storm water drainage system. Rags, and soiled "waste shall be kept in totally closed metal containers.

13.18.08 BUILDING AND FIRE REGULATIONS:

The construction and equipment of filling stations, including tanks and the requirements for safety clearances around same, shall be made and maintained in accordance with the provisions of this ordinance regulation buildings and flammable liquids. Filling stations shall be inspected by the Fire Department or Building Department at least once every year.

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ARTICLE 19

HARDWARE STORES AND PAINT STORES

13.19.01 DEFINITION:

(a) Hardware Store shall mean any building, room enclosure, premises, place, establishment in the City, operated, maintained, or conducted for the sale or offering for sale at retail of any of the following articles: hardware; tinware; aluminumware; enamelware; cutlery; tools; implements; apparatus; machinery; plumbing; engineers', janitors' blacksmiths', contractors' or electrical supplies; gas, plumbing, or electrical fixtures; other articles or wares made largely of metals; kerosene; rifles, shotguns and loaded shot shells or cartridges provided, however, that dealers or establishments or parts of establishments of a similar nature specifically defined and licensed by other parts of this ordinance shall be exempt from the requirements licensing as a hardware store.

(b) Paint Store shall mean any building, room enclosure, premises, place, establishment; or part of an establishment in the City operated or conducted for the sale or offering for sale at retail of any paints, dry colors, wall paper, varnishes, calcimine, white or red lead, raw or boiled linseed oil, turpentine, dryer, benzine, naphtha, painters' tools, supplies and equipment; and provided, further, that dealers or establishments or parts of establishments of a similar nature specifically defined and licensed by other provisions of this ordinance shall be exempt from the provisions of that part of this Article dealing with paint stores.

13.19.02 INSPECTION

(a) The Building Commissioner and Health Officer shall cause an investigation to be made of the premises named and described in the application for a license to conduct a hardware store, for the purpose of determining the fitness and suitability of said premises for such business from a sanitary standpoint, and determining whether or not the said premises comply with all the provisions of this ordinance and laws of the State regulating health, safety and sanitation so as to safeguard properly the lives and health of the employees engaged therein. The Fire Safety Inspector shall investigate said premises to determine whether regulations of the ordinances of the City applicable thereto, have been complied with and the premises comply with the ordinance of the City.

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13.19.02 Continued:

(b) The Building Commissioner shall cause an investigation to be made of the premises named and described in the application for a license to conduct a paint store for the purpose of determining the fitness and suitability of said premises for such business from a sanitary standpoint, and of determining whether or not the said premises comply with all the provisions of this ordinance and laws of the State regulating health, safety and sanitation so as to safeguard properly the lives and health of the employees engaged therein. The Fire Safety Inspector shall also cause an investigation to be made of such premises for the purpose of determining whether the same comply with all of the fire regulations of this ordinance applicable thereto.

(c) The Building Department, in addition to making the initial inspections provided for herein, shall visit or cause to be visited all such places of business licensed under this Article as often as it shall deem necessary, but at least once a year, to see that the provisions of this Article are complied with, and said Building Department shall have the authority to require that such arrangements be made as may be deemed necessary for the safety and health of the employees, pursuant to the terms of this ordinance and such laws as may be in force concerning health and sanitary conditions.

It shall be the duty of every person licensed under this Article to comply with the fire regulations of this ordinance applicable thereto, and the Fire Safety Inspector shall periodically inspect each such place of business to determine whether the said regulations are being complied with.

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ARTICLE 20

HOSPITALS

13.20.01            DEFINITIONS:

Hospital shall mean any institution or place used for the harboring or the reception, care, and treatment, including treatment known as rest cure, physical culture, hydropathic massage, and all other forms of drugless treatment, of two (2) or more persons suffering from or afflicted with any mental or physical disease, bodily injury, alcohol or drug addiction; or any institution or place for the care of one (1) or more pregnant women during confinement; or any place or establishment advertised, announced, conducted or maintained under the name "hospital" without a qualifying statement that such hospital is not intended for human beings.

13.20.02            APPLICATION; INVESTIGATION:

(a) The application shall state the purpose for-which it is to be conducted or operated, the accommodations or proposed accommodations for the inmates thereof, the-nature and kind of treatment given. or proposed to be given therein, the name and-address of the chief-physician; surgeon, or attending chief physician or surgeon, or board of physicians or surgeons attendant therein.

(b) The Health Officer, upon the presentation of such application for a license, shall make, or cause to be made; inquiry into the facts set out in such application to ascertain whether' such hospital is, 'or is intended to be,' so conducted as to afford proper accommodations for the care of. persons received or proposed to be received therein and that the chief physician or surgeon, or intended chief physician or surgeon, or board of physicians or surgeons thereof, at the time of such application gives, or is under agreement thereafter to give, such attendance therein as does or will render him or them responsible professionally for the medical or surgical treatment given or to be given to any and allpatients -. therein, 'and that such chief.. physician or surgeon, or board of physicians or surgeons, is regularly authorized to act as such under the laws of the State, and that such hospital complies or will comply with all the laws, rules and regulations which shall then be in force concerning the management and control of such hospitals.

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13.20.02 Continued:

(c) Every hospital shall at all times be open to inspection by the Health Officer and the Building Commissioner whenever and as often as they shall deem proper. The dispensing or serving of food in a hospital shall comply with the health and sanitary requirements of the ordinances of the City and subject to inspection as therein provided.

13.20.03 HOSPITAL BUILDING: EVACUATION PLAN:

Every hospital shall supply an evacuation plan for approval to the Fire Safety Inspector.

13.20.04 ISOLATION OF CONTAGIOUS DISEASED AND DEAD:

There shall be provided in each hospital building a suitable room or rooms, approved by the Health Officer, to be used for the isolation of cases of contagious, infectious, epidemic or communicable diseases that may be found in the hospital, until such time as the parties suffering from such diseases shall be removed. The room or rooms thus provided for the isolation of contagious disease cases shall have separate toilet facilities and a stationary washstand with a supply of running water.

There shall be provided also in each hospital building a suitable room or rooms approved by the City for the proper case of the dead pending their removal, which room shall be not less than six (6) feet (1.8 meters) by eight (8) feet (2.4 meters) square and be provided with running water; impervious floors properly drained, and tight, well-fitting doors and windows. The walls must be smooth and rendered impervious. The room must be properly ventilated by having at least one (1) opening to the outside air, or a flue to the roof when necessary:-- There shall be no uncovered steam pipes in such room.

13.20.05 REMOVAL OF DEAD:

No person acting as superintendent or manager, or who is otherwise in charge or control of any hospital, or any person connected with any hospital in any capacity whatsoever as nurse, physician, or attendant, shall order, permit or allow the body of any patient or person who has been under treatment in such hospital, and who shall have died therein, to be removed from any such hospital at any time within twenty four (24) hours after the hour of death, unless the removal of such body has been authorized in writing by some member of the immediate family of such deceased person, or by some other person legally authorized to order or permit such a removal.

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13. 20.06

RECORDS:

Every hospital shall keep a complete record of all patients admitted to the institution, giving name, age, address and condition of each patient, and the disease or injury for which such patient is being treated, together with any complications which may arise from or during such treatment, the date of admission and discharge of such patient from such hospital, and a record showing the date of birth, sex and disposition of every child born in such hospital. In the case of patients admitted on account of injuries, insanity, drug addiction or contagious diseases, the hospital record shall show by who and, in whose ambulance or conveyance such patient was brought to the hospital. Such records shall be open at all times to the inspection by the duly authorized representative of the City.

It shall be the duty of any person conducting or operating a hospital to telephone the Police Department immediately upon application for treatment of a person, who is not accompanied by a Country Club: Hills-Police Officer, when the person conducting or operating the hospital, or any employee thereof knows that the person to be treated is at the hospital as a result of:

- a. Any injury resulting from the discharge of a firearm.
- b. Any injury or wound apparently inflicted by any object used as a weapon....
- c. Any injury sustained in the commission of or as a victim of a criminal offense.
- d. An animal or human bite.
- e. Poisoning
- f. Any injury sustained on public property .:
- g. Any injury in which a moving motor vehicle was involved.,
- h. Any injury of any cause where it is evident that death will probably ensue as a direct result thereof; or when death has resulted.
- i. Contagious diseases.
- j. Drug overdose.

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ARTICLE 21

HOTELS AND MOTELS

13.21.01            DEFINITIONS:

(a) Hotel or Lodging House shall mean and include every building or structure kept, used or maintained as, or held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which rooms are used for the accommodation of guests.

(b) Motel or Motor Court shall mean and include cottages or cabins, either detached or connected, which are used by tourists, transients or other persons for sleeping or dwelling purposes.

13.21.02            INSPECTIONS:

Every hotel, lodging house, motel or motor--court operated or maintained-in the amity shall be inspected under and by authority of the Health Officer at least once every year. Such - inspections shall-cover-all matters pertaining-to-the-sanitary-conditions of the rooms; beds and bedding, including the ventilation of all rooms or occupied rooms, and also all rooms occupied by the servants or other employees, to ascertain the condition of such rooms with-respect to light, heat, ventilation and general sanitation. The investigation shall be sufficiently accurate and-complete-to convince the Health Officer or his duly authorized representative whether the building-and-premises and parts thereof, comply\_ with all respects - with the ordinances of the City -and the laws of the State pertaining to such establishments.

13.21.03            REGULATIONS

(a) Every establishment licensed under this Article and every part thereof shall be clean and free from any accumulation of dirt,--filth, garbage and other matter, in or on the.. same, or in the yard, court, passage area or alley connected with or belonging to the same.

The owner or keeper shall thoroughly cleanse all rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains of the house or part of the house of which he is the owner, lessee or keeper.

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- (b) Every licensee shall have proper and suitable conveniences or receptacles for receiving garbage and other refuse matter.
- (c) All water closets and urinals in, or used in connection with any hotel or lodging house, shall be disinfected daily to keep them in sanitary condition.
- (d) Each licensee having a public wash room shall keep therein at all times a sufficient supply of clean towels or drying machines and toilet paper in a place in sight of, and easy of access to guests.
- (e) All beds for the accommodation of guests shall be provided with a sufficient supply of clean bedding and with clean sheets. All beds shall be provided with clean sheets as often as the beds are assigned to different persons and in any event not less than semi-weekly.
- (f) The owner or keeper shall, whenever any person in such house is sick of fever or of any infections, pestilential or contagious diseases or such premises is infected by pestilential, and such condition is known to such owner, keeper, agent or lessee, give immediate notice thereof to the Health Officer. Thereupon, such officer shall cause the premises to be inspected, and may, if found necessary, cause the same to be immediately cleansed, or disinfected, at the expense of the owner, in such manner as the Health Officer may deem necessary and effectual. Such officer may cause the blankets, bedding and bed clothes-used by any such sick person to be thoroughly cleansed and fumigated, or to be destroyed. In any event, such room shall not be let to any person for at least forty eight (48) hours after such fumigation or disinfection.
- (g) The licensed premises shall be in the charge of a manager who shall be of good moral character, available and responsible at all times for maintaining the grounds, buildings and facilities in a sanitary, safe, orderly and usable condition.
- (h) There shall be an office or room where incoming occupants will be registered and where the registration records shall be maintained in approved form and kept available at all times for inspection by City officials.

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13.21.03

Continued:

- (i) No person known to be suffering from a reportable disease, as defined by the State Department of Public Health, shall be given accommodation, but shall rather be directed to a hospital. The manager shall immediately notify the Health Officer of any illness in the facility which is believed to be reportable. (j) Each sleeping unit shall be furnished with its own sanitary facilities, which shall consist of a minimum of one (1) flush toilet, one (1) lavatory, and one (1) bath or shower.
- (k) Hot and cold running water shall be available at all times at lavatory, bath and shower fixtures. (1) Plumbing fixtures and floors shall be thoroughly cleaned at least once daily, or more often, if necessary.
- (m) Water supply and sewage disposal facilities shall be maintained and operated so as to perform their function.
- (n) Each sleeping unit shall be furnished with beds and bedding which shall be in good condition, clean and adequate to maintain body comfort.
- (o) Each occupant of a sleeping unit shall be furnished with soap and at least one (1) clean; freshly laundered bath towel and hand towel daily. (p) A comfortable temperature shall be maintained in sleeping units heated from a central plant. -Where central heating is not provided, sleeping units shall be furnished with safe, convenient and adequate facilities for use by occupants as necessary.
- (q) During hours of darkness, adequate lighting shall be maintained at all buildings and on the site.
- (r) Fire extinguishers shall be maintained in a filled and workable condition.
- (s) The manager shall comply with such other applicable health and sanitation rules and regulations that have been adopted under the powers granted State or County Health Departments.

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ARTICLE 22

LAUNDRIES LAUNDRY VEHICLES AND LAUNDROMATS

13.22.01        DEFINITIONS:

- (a)        Laundry shall mean any place, building, structure, room, establishment, or portion thereof, which is used for the purpose of washing, drying, starching, or ironing shirts, dresses, underwear, collars, cuffs, or other wearing apparel, table, bed or other household linens, towels, curtains, draperies or other washable fabrics, such work being done for the general public.

Laundry shall also mean any towel or linen supply laundry maintained or operated for the purpose of washing, drying, starching or ironing towels, aprons, napkins, table linens, washable clothing, or other similar articles, the property of such laundry, but rented or loaned for a consideration to patrons or customers of said laundry.

Laundry shall also mean any private laundry maintained or operated in connection with any hotel, restaurant, or public institution, except a hospital or charitable institution where no charge is made for laundry services.

- (b)        Laundromats shall mean any establishment wherein washing machine units are available for use by the general public upon the deposit of a coin or the payment of a fee to the operator of such establishment or his agent;

13.22.02 APPLICATION INVESTIGATION:

An application for said license shall be made in conformity with the general requirements of this ordinance relating to applications for licenses.

The Building Commissioner and Health Officer shall cause an investigation to be made of the premises or vehicles named and described in such application, for the purpose of determining whether they comply with the sanitary regulations and any other requirements of the City ordinances.

13.22.03 SANITARY CONDITIONS:

- (a)        Every room or place used as a laundry, or for the

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13.22.03 Continued:

storage of unlaundered or laundered fabrics in connection therewith, shall at all times be kept in good repair and maintained in a clean and sanitary condition as to floors, walls, ceilings, windows, woodwork, machinery, utensils and fixtures, and every such room or place shall be kept free from rats, mice, and vermin; and all matters of an infectious or contagious nature. No wallpaper shall be applied upon the walls or ceilings of any room used for laundry purposes.

- (b) No person who has tuberculosis, or acute or active venereal disease or any communicable disease, shall work in any laundry, and no owner, proprietor, manager, or person in charge of any laundry shall knowingly, permit any such person to be employed therein.
- (c) All vehicles used for the transportation of laundry shall at all times be kept in clean and sanitary condition and be properly equipped with means to separate the laundered-from the unlaundered fabrics:- Every such. vehicle shall have separate containers for bedding, linen and wearing apparel taken from places where quarantine has been established or where person are convalescing from a communicable disease.

13.22.04 EMISSION OF VAPORS:

Vapors, smoke or odors emanating from any laundry shall not-be permitted at any time to become a nuisance to any portion of the premises in which such laundry is located, nor to any adjoining or nearby premises:

13.22.05 EXCESSIVE HEAT:

Every machine or mechanical device in any laundry - that is operated by an employee, shall be equipped - with proper heat deflectors, hood and exhaust, or other apparatus. that will carry the heat from the room or place in which the same is located.

13.22.06 SEPARATION OF LAUNDERED AND UNLAUNDERED ARTICLES:

Every person conducting or operating any laundry shall be required to provide proper facilities and equipment for the handling of clean and soiled articles, and no clean or laundered articles shall be allowed to come in contact with any unlaundered or soiled articles of any kind at any time.

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13.22.07 STERILIZATION OF ARTICLES:

No person conducting or operating any laundry in which wearing apparel, household linens, towels, bedding, or any other fabrics are received and treated through the process of washing shall remove, or cause to be removed, from such premises, any laundered article until the same has been thoroughly sterilized by keeping it in the washing machine, vat or other vessel provided for that purpose and the water therein has been brought

to a boiling temperature or maintained at a temperature of 80 degrees C. (1760F) for at least twenty (20) minutes; or by subjecting it to live steam under pressure; or by keeping it in a drying house, or drying tumbler in which the temperature is not less than 102 degree= C. (2160F) for a period of not less than fifteen (15) minutes; or by passing it through any ironing machine where the ironing surface is at a temperature of not less than 115 degree C. (2400F); except in the case of silks and woolens or other fabrics which would be injured by the foregoing processes, in which event the same shall be treated with soap, bleach, or such other standard disinfectant solutions as shall be approved by the Health Department.

13.22.08 ESTABLISHMENT OF NEW LAUNDRIES AND LAUNDROMATS:

- a. Any person establishing a new laundry shall be required to submit to the Building Commissioner, for approval, a complete set of plans and specifications of the building in which any such new laundry is to be located; also, a complete diagram of the floor plan of each room to be occupied by such new laundry, correctly showing the arrangement or setting of all machinery and equipment to be in- stalled therein.
- b. Any person establishing a laundry of the coinoperated self-service type shall be required to submit to the Building Commissioner for his approval a complete set of plans and specifications and a complete diagram of the floor plan of each room to be occupied by such establishment, showing the arrangement or setting of all machinery and equipment to be installed therein. Each such plan shall be explicit and complete.

13.22.09 NAME OF LAUNDRY ON VEHICLE:

A Laundry Vehicle shall be any wagon, automobile, or other vehicle used for the purpose of collecting or delivering clothes within the City.

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13.22.09 Continued:

No vehicle of any kind shall be used for the purpose of collecting or delivering laundry work, unless said vehicle shall carry upon two (2) sides of the same, in plain legible letters, at least one and one-half (1 1/2) inches (3.8cm) high, the name of the laundry where the laundry work is actually done.

Such vehicles shall be inspected under the direction of the Health Officer as often and at such times as said Health Officer may deem necessary or proper in order to keep them in a proper sanitary condition. The result of all such inspection shall be in writing noting any violation of the sanitary and health regulations of the City in the operation of such vehicles or of any unsanitary or unclean conditions, with respect to the transportation or delivery of laundered and unlaundered fabrics.

13.22.10 An attendant must be on duty at all times the laundromat is open to the public.

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ARTICLE 23

LUMBER YARDS

13.23.01 DEFINITION:

Lumber Yard shall mean all lumber yards, lumber storehouses, and other places where new, used, finished or unfinished lumber, timber, wood (except firewood), wooden boxes, wooden barrels, veneers, plywood, flex woods and the like, in excess of five thousand (5,000) board feet, are kept, stored, placed or piled for sale or use, other than lumber for use in the repair, erection, or construction of buildings or improvements incident to the land on the premises where so kept, placed, stored or piled on the premises immediately adjacent thereto.

13.23.02 INSPECTIONS:

The Fire Safety Inspector shall inspect all lumber yards for conformance with the City ordinances as deemed necessary, but in no event less than once a year.

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ARTICLE 24

MACHINE SHOPS

13.24.01            DEFINITION:

Machine Shop shall mean a place or workshop in which machines or implements are made, or parts thereof are manufactured, repaired or processed, or where parts of machines, tools, implements, gears, dies, screws or any other metal, glass, plastic or wood articles are cut, filed, shaped, punched, stamped, abraded, ground or otherwise processed by means of a lathe or other machinery or implements.

13.24.02 APPLICATION; INVESTIGATION:

The Building Department and the Health officer shall make the necessary investigations in order to determine whether the building or place within which such machine shop is conducted or is to be conducted complies with all the provisions of City ordinances and regulations relating to health; safety and sanitation, buildings, and fire prevention, respectively.

13.24.03 SANITARY AND HEALTH REQUIREMENTS:

No building, structure, or part thereof used for or in connection with any machine shop shall be so used as to endanger the health or property of the employees or of the public. The owner, lessee, tenant, occupant, or manager of any such machine shop shall cause all floors and other surface around or beneath any machine or work bench to be kept in good order and repair and shall have suitable and convenient sanitary receptacles for receiving waste and cloths used in and about the machine shop for the purpose of cleaning machines or parts thereof or which are intended for any other necessary use.-- Such owner; lessee, tenant, occupant, or manager shall not permit any steel cuttings or machine parts to accumulate on or about any machine or work bench so that the same may become detrimental to the health or safety of any person therein engaged.

It shall be the duty of the representative of the Building Department and Health Officer to cause an inspection to be made of the premises used for machine shop purposes and all buildings used in connection therewith as often as may be necessary to abate or cause to be removed any condition detrimental to the health and safety of any person therein.

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ARTICLE 25

MASSAGE PARLORS AND BATH HOUSES

13.25.01 DEFINITIONS:

Massage Parlor shall mean any building, room, place or establishment, other than a hospital or dispensary, where, for a consideration, non-medical and non-surgical manipulative exercises are practiced upon the human body, for other than solely cosmetic or beautifying purposes, by anyone not a physician or surgeon with or without the use of mechanical, therapeutic or bathing devices.

Bath House shall mean any building, room, place or establishment, other than a hospital or dispensary, or a massage parlor as hereinabove defined, where, for a consideration, steam baths, steam rooms, sauna, mud baths, mineral baths, or other bathing facilities, are furnished.

13.25.02 INSPECTIONS:

Every massage parlor and bath house shall at all times be held open for inspection by duly authorized representatives of City Departments concerned with the licensing and supervision of such establishments. The City Health Officer shall have general sanitary supervision thereof, and shall cause inspections of such establishments to be made periodically to determine whether they comply with the health and sanitation provisions of ordinances - of the City.

13.25.03 REGULATIONS:

- (a) It shall be the duty of every person conducting or operating a massage parlor or a bath house to keep . the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic, and bathing devices or parts thereof that come into contact with the human body shall be sterilized by a modern and approved method of sterilization, before initial use, and any such instruments and devices or parts thereof, after having been used upon one patron, shall be sterilized before being used upon another. All towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.
- (b) All masseurs and operators shall wash their hands thoroughly before administering massage manipulations to each patron accommodated. No person suffering from a communicable disease shall work or be employed in a massage parlor.

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13.25.03

Continued:

- (c) No person conducting or operating a massage parlor or bath house shall give treatment, permit treatment to be given by any of his employees, or provide facilities to nude patrons of one sex in the presence of patrons of the other sex. No male person shall give treatment in a massage parlor to nude female patrons, and no female person shall give treatment in a massage parlor to male patrons. It shall be unlawful for any person conducting a massage parlor or bath house to give treatment, or provide facilities to nude patrons of either sex without providing adequately for segregation of the sexes, either by arrangement of hours when patrons of either sex are received or by providing separate quarters and accommodations for patrons of each sex.

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ARTICLE 26

NURSING HOMES, SHELTERED CARE HOMES  
AND HOMES FOR THE AGED

13.26.01            DEFINITIONS:

Nursing Home shall mean a private home, institution, building, residence, or other place for the infirmed, whether occupied for profit or not, which provides through its ownership or management, maintenance, personal care or nursing for three (3) or more persons, not related to the applicant or owner by blood or marriage, who by reason of illness or physical infirmity, are receiving such care.

Sheltered Care Home shall mean a private boarding home, institution, building, residence, or other place operated for profit which, through its ownership or management, provides sheltered care to three (3) or more adults who are not related to the applicant or owner by blood or marriage.

Home for the Aged shall mean any home which as its principal objective, provides maintenance, personal care, nursing or sheltered care to aged persons, and in the conduct of which provides such service or services to not less than three (3) persons over sixty (60) years of age, who are not related to the applicant or owner by blood or marriage.

Maintenance shall mean food, shelter and laundry.

Personal Care shall mean assistance with meals, dressing, transportation and movement, and such other general oversight of the physical well being of the residents of the home, exclusive of nursing, as may be required by their condition.

Nursing shall mean professional nursing or practical nursing as these terms are defined in Section 4 of the Illinois Nursing Act; approved June 14, 1951, as the same is now or may hereafter be amended, for sick or infirm persons who are under the care and supervision of licensed medical practitioners.

Sheltered Care shall mean maintenance and personal care.

Person shall mean any individual, partnership, association, firm, corporation, municipality, political subdivision, trust or estate, or any other entity whatsoever.

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13.26.01 Continued:

Resident shall mean any person admitted to a nursing home, sheltered care home or home for the aged for care.

13.26.02 INSPECTIONS:

Every home shall be open at all reasonable times to inspection by the authorized representative of the City.

13.26.03 MINIMUM STANDARDS:

The building used as a nursing home, sheltered care home or home for the aged shall comply with the zoning and building provisions and fire regulations of the ordinances of the City.

If, in those cases permitted by this Section, a single or multiple dwelling is used for a home as herein defined, and such dwelling has sleeping accommodations above the first story, it shall be provided with at least two (2) stairways, each of which shall be not less than three (3) feet (.9 meters) wide. Each such stairway shall be enclosed with walls, partitions; floors, and ceilings of non-combustible construction or of construction consisting of wood studs or wood joists and a non-combustible surface material providing fire resistance of not less than one (1) hour, the door openings of which shall be protected by self-closing fire-resistive doors. A separate door exit shall be provided for each such stairway and for each exit for the basement-to the outside of the building;

13.26.04 ADMINISTRATOR - PHYSICIAN - HOSPITAL-CARE:

Each Nursing Home, Sheltered Care Home or Home for the Aged, shall:

- (a) Employ a full-time qualified administrator who is directly responsible for the operation and administration of the facility, irrespective of the assigned title.
- (b) Make available to every resident the service of a physician licensed to practice medicine in Illinois and the resident or his legally appointed guardian shall be permitted his choice of a physician. Each resident shall be given a complete physical examination by a physician at least once a year. A written record of such physical examination shall be prepared, signed and dated by the attending physician and a copy thereof maintained.

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13.26.04 Continued:

- (c) Provide evidence of a written agreement with a local hospital or provide each resident with emergency care and hospitalization.

13.26.05 ISOLATION ROOM:

Each nursing home, sheltered care home or home for the aged shall be provided with a suitable room or rooms, approved by the Health officer, to be used for the cases of serious illness, terminal cases and for the isolation of cases of contagious, infectious, epidemic or communicable diseases. The room or rooms thus provided shall have a stationary washstand with hot and cold running water supply.

It shall be the duty of every person conducting or operating any nursing home, sheltered care home or home for the aged within the City to cooperate with the Health Officer in minimizing the danger of transmission

of - communicable diseases as set forth in the rules and regulations promulgated by the Health Officer.

13.26.06 REMOVAL OF DEAD:

There should be provided in each establishment covered by this Section a suitable room or rooms approved by the City for the proper care of the dead pending their removal. This room shall be not less than six (6) feet (1.8 meters) by eight (8) feet (2.4 meters) square and be provided with running water, impervious floors properly drained, and tight, well-fitting doors and - windows-The walls must be smooth and rendered impervious. The room must be properly ventilated by having at least one- (1) opening to the outside air or-a flue to the roof when necessary. There shall be no uncovered steam pipes in such room.

No person acting as Superintendent or Manager, or who is otherwise in charge or control of any nursing home, sheltered care home, or home for the aged, nor any person connected with any nursing home, sheltered care home, or home for the aged, in any capacity whatsoever, as nurse, physician, or attendant, shall order, permit or allow the body of any resident or person who has been under care in such nursing home, sheltered care home, or home for the aged, and who shall have died therein to be removed from such home at any time within twenty four (24) hours after the hour of death, unless the removal of such body has been authorized in

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13.26.06 Continued:

writing by some member of the immediate family of such deceased person or by some other person legally authorized to order or permit such a removal; provided, that no body shall be kept at any nursing home, sheltered care home, or home for the aged longer than thirty six (36) hours after death without the permission of the Health Officer.

13.26.07 RECORDS:

Each nursing home, sheltered care home or home for the aged shall maintain individual records for each resident and shall include resident's admission record, which record shall show the name, address, age, sex, marital status, information required for the filling in of death certificate, and the date of admission and discharge or disposition of each resident in the home, a medical record, physician's order record, nursing notes, and list of resident's belongings.

Accurate records of financial transactions involving use of resident's funds shall be on file in the nursing home, sheltered care home or home for the aged.

Personnel files shall be maintained for all employees and shall include records of education, experience, and findings of physical examinations as to physical and mental fitness and also showing freedom from any communicable disease. Daily work and time schedules of employees shall be maintained;

All records shall be open at all times to the inspection of the duly authorized representative of the City.

13.26.08 REPORTS:

All accidents involving injury to patients which occur on the premises of any nursing home, sheltered care home, or home for the aged, shall be reported immediately to the Health Officer.

Any assault or battery upon any patient in any nursing home, sheltered care home, or home for the aged, caused by any employee, visitor or any other person, shall be reported immediately to the Health Officer and the Police Department.

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It shall be the duty of every person conducting or operating any such nursing home, sheltered care home or home for the aged within the City to make a report to the Health Officer, orally and in writing, of all epidemic, communicable or contagious diseases. Such reports shall contain the name and residence of all person suffering from any of these diseases, together with such other information as may be required by the Health Officer.

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ARTICLE 27

PARKING LOTS AND GARAGES

13.27.01        DEFINITIONS:

Garage shall mean a building, shed or full enclosure or any portion thereof in which more than five (5) motor vehicles may be parked, stored, housed or kept for which any charge is made.

Motor Vehicle shall mean any automobile, truck, motor scooter, or other self-propelled vehicle not operated on tracks or from trolleys.

Parking Lot shall mean any paved outdoor space, or plot, place, lot, parcel, yard or partial enclosure, or any portion thereof, where more than five (5) motor vehicles may be parked, stored, housed or kept for which any charge is made.

13.27.02        APPLICATION:

The application shall include the following supplemental information:

- (1) A plot or drawing of the parking lot or garage, showing: (a) the location, size, capacity; (b) location and size of entrance and exit; (c) kind of floor or.. \_ ground surface; (d) location; size and construction of attendants\_ station; (e) wall or barriers surrounding said premises.
- (2) The hours for storage or parking of the vehicles and whether night-storage is to be maintained - upon the licensed premises.
- (3) The hours during which parking attendants will be on duty.
- (4) A complete schedule of the rates to be charged for storing or parking of vehicles.
- (5) Such other information as the City may deem necessary for the issuance of the license.

Every licensee shall file, at the time of application, for license, a complete schedule of rates and charges to be made for storing or parking motor vehicles on the premises to be licensed with the City.

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13.27.02 Continued:

No licensee shall make any charge for storing or parking any vehicle in a parking lot or garage in excess of that set forth in his application for a license unless and until he has notified the City in writing of the new schedule of rates and posted signs showing such increase.

13.27.03 RATE AND HOUR SIGNS REQUIRED:

- (a) Each licensee shall maintain at each entrance to such parking lot or garage a permanently affixed sign identifying the name of the licensee; the hours of the day or night when such places are open for parking or storing motor vehicles; the rates charged and the closing hours of such parking lot or garage.
- (b) Where more than one (1) rate is charged for parking, the figures on the sign required above for each rate will be of the same size and dimensions and such figures shall measure not less than six (6) inches (15cm.) in height, and the letters and figures indicating the closing hours shall be not less than six-(6) inches (15cm;) in height. All such signs shall be subject to the approval of the Building Commissioner\_ or his representative.

13.27.04 CLAIM CHECKS; RETURN OF VEHICLE:

- (a) When a vehicle is left for storing or parking, the licensee of the parking lot or garage, his agent, servant or employee, shall furnish the owner or operator of the vehicle with a distinctive claim check, which shall be printed thereon the full name and address of the parking lot or garage; a number corresponding to a coupon placed upon the vehicle, and shall have written or stamped thereon the date and license number of the motor vehicle. The licensee shall not deliver any vehicle without the proper claim check being presented, or without satisfactory proof of ownership of the vehicle.
- (b) This Section shall not apply where vehicles are stored or parked on a weekly or monthly fee basis.

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13.27.05 AFFIXING PARKING COUPONS TO LICENSE PLATES UNLAWFUL.

It shall be unlawful to affix any parking coupon upon any vehicle so as to obliterate in whole or in part any portion of the license plates on such vehicle.

13.27.06 BOND OR LIABILITY INSURANCE REQUIRED:

Every application for a license hereunder shall be accompanied by a bond, approved by the City Attorney, executed by a bonding or surety company authorized to do business in the State, in the penal sum of Five Thousand Dollars (\$5,000), conditioned upon the payment by the licensee of any and all final judgements for damages resulting to persons or property, including the theft of any motor vehicle or any part or accessory thereof, arising out of the operation or maintenance of any parking lot or garage. Such bond shall run to the City for the benefit of any person who may claim redress for property damage- or theft, resulting from the operation or maintenance of a parking lot or garage. The bond shall remain- in full force and effect for-the full period of time for which the license is effective. A liability insurance policy issued by an insurance company authorized to do business in the State of Illinois conforming to the requirements of this Section may be permitted in lieu of bond.

13.27.07 BARRIER REQUIREMENTS:

Except for places of entrance and exit, every parking lot shall be completely enclosed by barriers constructed and maintained so as to withstand the shocks and stresses to which they will normally be subjected by vehicles using the premises, and shall be located so that no portion of the vehicle shall extend over the property lines.

13.27.08 MAINTENANCE OF PARKING LOT:

Every operator of a parking lot-or garage shall maintain such premises in a safe and sanitary condition.

13.27.09 DISTRIBUTION OF HANDBILLS:

No person shall distribute literature or place handbills in or upon any vehicle while parked in a parking lot or garage.

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13.27.10 LOADING OR UNLOADING OF VEHICLES:

The loading or unloading of passengers or drivers of vehicles across or upon a public sidewalk is hereby expressly prohibited.

13.27.11 NOTIFICATION OF CLAIMS:

Every licensee shall immediately notify the Police Department of every claim made by reason of loss, theft, or conversion, or any damage or injury to person or property from the operation of a parking lot or garage, and occurring during the hours the premises are regularly open for business. The obligation created by this Section shall not extend beyond the regular posted hours of attendance as posted upon the premises and printed upon the regular receipt furnished to the owner or person parking a vehicle.

13.27.12 NOTIFICATION OF UNCLAIMED VEHICLES:

Every licensee shall immediately notify the Police Department, in writing, of the license number, make and the name of the owner, if known to him, of every vehicle left in the parking lot or garage for a period of more than forty eight (48) consecutive hours without a prior arrangement for extended parking privileges.

13.27.13 UNAUTHORIZED USE OR REMOVAL OF VEHICLES UNLAWFUL:

No licensee of a parking lot or garage shall make or permit any use for any purpose whatsoever of any vehicle parked in such place, unless the use shall have first been expressly authorized, in writing, by the owner or person having control of the vehicle. No licensee shall transfer or cause to be moved or transferred, any parked vehicle through or upon the streets, or alleys of the City without the consent of the owner or person having control of the vehicle

13.27.14 VEHICLES CARE AFTER CLOSING TIME:

When vehicles are not called for at closing time, the attendant shall leave the keys and parking coupon for safekeeping at a place within a rescuable distance of the parking lot or garage, with a responsible person whose name and address shall be posted in a conspicuous place on said premises.

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13.27.15 FIRE PROTECTION:

Every parking lot or garage shall be equipped with proper fire extinguishing apparatus subject to the approval of the Fire Safety Inspector, and all vehicles shall be so parked or stored that they may be reached readily in case of fire or other emergency.

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ARTICLE 28

PEDDLERS AND SOLICITORS

13.28.01 DEFINITION:

- a. Peddler shall mean every person who shall sell or offer for sale, barter or exchange any goods, wares merchandise or other commodities, while traveling from residence to residence on, along or upon the streets and sidewalks of the City.
- b. Registered Solicitor shall mean and include any person, group or association, business (whether it be sole proprietorship, partnership or corporation) or firm which has obtained valid certificate of registration as hereinafter provided.
- c. Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- d. Soliciting shall mean and include any one or more of the following activities.
  - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or,
  - (2) Seeking to obtain prospective customers for applications or purchase of insurance of any type, kind or character; or,
  - (3) Seeking to obtain subscriptions to books; magazines, periodicals, newspapers and every other type or kind of publications; or,
  - (4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation, or project.
  - (5) Seeking to represent owners of residential property in the sale of that property.

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13.28.02 APPLICATION: LICENSE CLASSIFICATION:

Every person, business, partnership, corporation, firm or group or association or representative thereof desiring to engage in soliciting or peddling within the City of Country Club Hills is hereby required to make written application upon a form provided by the Chief of Police of the City of Country Club Hills and file such application with the Chief. Where the entity desiring to engage in soliciting or peddling is an association, corporation, partnership or other entity in which multiple persons are to engage in soliciting, on behalf of the entity then a responsible representative of that entity shall make the application. The applicant shall truthfully state in full the information requested on the application, to-wit:

- A. Name and address of present place of residence and length of residence at such address; also, business address, if other than residence address; also Social Security number;
- B. Address of place of residence during the preceding three years, if other than present address;
- C. Age of applicant and marital status; and if married, the name of spouse;
- D. Physical description of the applicant;
- E. Name and address of the person, firm or corporation or association by whom the applicant is employed or who he or she represents; and, the length of time of such employment or representation;
- F. Name and address of each employer during the preceding three years; if other than the present employer;
- G. Description of the subject matter of the soliciting in which the applicant will engage or description of the commodities or article of such merchandise peddler intends to deal;
- H. Period of time for which the Certificate is requested;
- I. The date, or approximate date, of the most recent previous application for Certificate under this Article, if any;
- J. Statement whether a Certificate of Registration issued to the applicant under this Article has ever been revoked;

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13.28.02 Continued:

- K. Statement whether the applicant has ever been convicted of a violation of any provision of this Article, or the ordinance of any other Illinois municipality regulating soliciting;
- L. Statement whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State, or under the laws of the United States.
- M. Such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant under the application of in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all information and data pertaining thereto, and all Certificates of Registration issued under the provisions of this Article and of the denial of applications. Applications for Certificate shall be numbered in consecutive order as filed, and every Certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State, or under the laws of the United States, within five years of the date of application; nor to any person who has been convicted of a violation of any of the provisions of this Article, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, or if the issuance of the Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Article. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, a Certificate of Registration (or duplicate Certificates of Registration and in situations in which multiple persons will be soliciting) shall be issued. When duplicate Certificates are required, the applicant shall be required to pay the cost of providing duplicate Certificates of Registration.

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13.28.02 Continued:

The Chief of Police shall either grant or deny the application within five (5) business days from the receipt thereof. In the event that no action is taken by the Chief of Police within five (5) business days as provided hereinabove, the application shall be deemed granted as requested.

Any certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any of the provisions of this Article, - or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Article. Immediately-upon such revocation, written notice thereof shall be given by the Chief 'of Police to the holder of the Certificate in person or by certified-U.S. mail addressed to his or her residence address.as set forth in the-application:

Immediately upon the giving of such notice, the Certificate of Registration shall become null and void. The Certificate of Registration shall state the expiration date thereof.

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13.28.03 MOBILITY OF PEDDLERS:

All peddlers must keep moving from place to place except when in the act of showing goods or selling the goods to customers.

13.28.04 MISREPRESENTATION AND FRAUD BY LICENSEES:

All licensed peddlers and solicitors shall not engage in any fraud, misrepresentation, or imposition, while acting as peddler, and shall offer for sale, barter or exchange only those goods, wares or merchandise specified in the license.

13.28.05 CITY POLICY ON SOLICITING:

It is hereby declared to be the policy of the corporate authorities of this City that the occupants of the residences in the City of Country Club Hills shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.

13.28.06 NOTICE REGULATING SOLICITING:

A. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this ordinance, shall comply with the following directions, to-wit:

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

(1) A weatherproof card, approximately three (3) inches (8 cm.) by four (4) inches (10 cm.) in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"ONLY SOLICITORS REGISTERED IN COUNTRY CLUB HILLS INVITED"

or

"NO SOLICITORS INVITED"

(2) The letters shall be at least one-third (1/3) inch (8mm.) in height. For the purpose of uniformity, the cards shall be provided by the City to person requesting at the cost thereof.

C. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

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13.28.07 DUTY OF SOLICITORS:

- A. It shall be the duty of every solicitor, upon going onto any premises in the City of Country Club Hills upon which a residence as herein defined is located, to first examine the notice provided for in this Article, if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY SOLICITORS REGISTERED IN COUNTRY CLUB HILLS INVITED", then the solicitor not possessing a valid Certificate of Registration as herein provided shall immediately and peacefully depart from the premises. If the notice states "NO SOLICITORS INVITED", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.
- B. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- C. Every solicitor and peddler as defined in this Article when engaging in soliciting or peddling shall have in their possession, on his or her person, the Certificate of Registration or duplicate Certificate of Registration issued by the Chief of Police.

13.28.08 UNINVITED SOLICITING PROHIBITED:

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

13.29.09 TIME LIMIT ON SOLICITING AND PEDDLING:

It is hereby declared unlawful and a nuisance for any person, whether or not registered under this Article, to go upon any premises and ring the door bell upon or

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Continued:

near any door of a residence located thereon or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupants thereof and engage in soliciting. as herein defined prior to 9:00 a.m. or after 9:00 p.m. on Monday through Friday, prior to 9:00 a.m. or after 6:00 p.m. of any Saturday, or at any time on a Sunday or a State or National holiday.

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13.28.10 SOLICITING WITHIN THE PUBLIC HIGHWAY RIGHT-OF-WAY:

A. Persons may solicit within the public highway right-of-way provided such solicitation is engaged in a state-wide fund-raising activity.

- (1) Such solicitors must be at least 16 years of age and must wear high visibility vests while standing within the highway.
- (2) Such solicitation may only be conducted at highway intersections where all traffic is required to come to a full stop by either traffic signals, four-way stop signs or a combination thereof.
- (3) All such solicitation shall be subject to and conducted in accordance with Illinois Revised Statutes regulating soliciting within the public highway right-of-way.
- (4) Except as authorized by this paragraph, no other soliciting within the public highway right-of-way is permitted within the City limits.
- (5) Permission is required of the City Council to solicit on public right-of-way and other public property.

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ARTICLE 29

SCAVENGERS AND WASTE DISPOSAL

13.29.01 DEFINITIONS:

Offal Scavenger shall mean any person engaged in the business of collecting, gathering, or transporting butcher's offal, calfskins, hotel or restaurant bones, grease, glue, stock or kindred refuse, by wagon, cart, or otherwise, or to drive any wagon or vehicle for such purpose through the public ways of the City.

Private Scavenger shall mean any person engaged in the removal and disposal of table refuse or animal and vegetable matter usually known as garbage, or removal and disposal of ashes and cinders; or the removal and disposal of manure, swill, or any animal or vegetable refuse and wastes, including decaying animal matter and fish from commission houses and other places where such decaying animal matter and fish may accumulate.:

Sewer and Catch Basin Cleaner shall mean any person, engaged in the business of cleaning, collecting, or transporting the contents of catch basins or sewers by vehicle or otherwise or in any way engage in the business of cleaning catch basins and sewers; provided that licensed plumbers or licensed sewer builders who may clean catch basins or sewers as an incident to the repair of such catch basins or sewers shall not be included in such definition. .

13.29.02. DUTY OF SCAVENGERS:

It shall be the duty of every contractor, scavenger, and person, his agents- and employees, who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish; garbage, dirt, street-sweepings or other filthy, offensive or noxious substance, or- is engaged in any such removal or in the-loading or unloading of any such substance\$ to do the same with dispatch and in every particular in a manner as cleanly and free-from offense and with as little danger and prejudice to life and health as possible.

13.29.03 DISPOSAL:

All of the offensive matters described in this Article shall under no circumstances be disposed of in any

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13.29.03 Continued:

public dump or public place within the City, nor in any manner or place except as described by the Health Department.

13.29.04 ENFORCEMENT:

The Building Commissioner and the Health Officer shall enforce the provisions of the City ordinances and shall issue such reasonable orders in connection with the carrying on of the business of a licensed scavenger as it deems necessary to protect the health of the public. It shall be the duty of such licensed scavengers to comply with such orders and to perform the work required of them in such a way that no nuisance will be created thereby.

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ARTICLE 30

SECOND HAND DEALERS

13.30.01 LICENSE/AND OR PERMIT; EXCEPTIONS:

The words "Second Hand Dealer" as used in this Section shall include itinerant dealers in second hand clothes, second hand bottle dealers or exchangers, sales or exchanges of used articles and materials conducted by charitable or religious organizations, or garage and rummage sales as hereinafter described in this Article. The business of a salvage dealer or salvage store shall be included in the business of "Second Hand Dealer" and shall obtain a license/and or permit under the provisions of this Article.

13.30.02 APPLICATION FOR LICENSE/AND OR PERMIT INVESTIGATION:

An application for license/and or permit as a second hand dealer shall be made in conformance with the general requirements of this ordinance relating to applications for licenses and/or permits. When an application for such license/and or permit is made, the Police Chief shall cause an investigation to be made to ascertain whether the applicant has complied with the State laws and the provisions of this Article applicable to such business, and whether the applicant has been convicted of any crime in the past five (5) years. Any person convicted in the past five (5) years of a felony or any other crime including in its essential elements the possession of stolen property shall not be issued a license and/or - permit under this Article.

13.30.03 RECORDS TO BE KEPT BY LICENSEES/AND OR PERMIT HOLDER" INSPECTION:

- (a) Every second hand dealer shall keep a book in which there shall be made at the time of the transaction, a record of every article received, -purchased, sold or exchanged by him; setting forth the following the date of the transaction, the name and residence. of the purchaser or seller, and a brief description of the article sold or purchased including identification numbers thereon, if any.
- (b) Such record shall at all reasonable times be open to the inspection of the Police Department.

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13.30.04 PURCHASE FROM MINORS PROHIBITED:

No second hand dealer shall purchase any second hand article whatsoever from any minor without the written consent of the parents or guardians of said minor.

13.30.05 GARAGE AND RUMMAGE SALES:

- (a) No owner or occupant of a dwelling unit may conduct more than three (3) garage sales in any one (1) calendar year. The garage sale shall be limited to the sale of household goods and furnishings which have been in use in the dwelling unit located on the premises on which such sale is to be conducted. Each such sale shall extend over not more than three (3) consecutive days.
- (b) No sidewalks or public parkway shall be obstructed as a result of such rummage, garage, or other like sale. No such sale shall commence before the hours of 9:00 A.M. nor extend beyond the hour of 8:00 P.M.
- (c) Sale items purchased for intentional sale or resale may not be sold from a private residential property.
- (d) Written application for a garage sale shall be filed with the City Clerk at least 72 hours in advance of the first day of such sale. The City Clerk shall furnish each applicant with a permit card of size and design approved by the City Council. This permit card shall be placed in a conspicuous place visible from the street during each day of the sale.
- (e) Signs advertising such sale shall be in conformance with the provisions of the ordinances of the City.

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ARTICLE 31

TAXICABS AND LIMOUSINES

13.31.01 DEFINITIONS:

Flat Rate Taxicab shall mean all public vehicles driven by mechanical power used for the carriage of persons for hire on a flat rate or pre-designated charge basis, except those vehicles commonly known as buses.

Limousine shall mean and include public vehicles with a seating capacity for six (6) or more persons.

Owner shall mean every person having the use or control of one or more taxicabs as herein defined.

Taxicab shall mean all public vehicles driven by mechanical power used for the carriage of a persons for hire except those vehicles commonly known as buses.

Taximeter shall mean a mechanical-instrument or \_ device-by which the charge for hire-of a taxicab is mechanically calculated, either for distance traveled or for waiting time, or for both, and upon which such charge shall be indicated by means of figures.

13.31.02 LICENSE REQUIRED APPLICATION:

- a. No taxicab or limousine shall ply upon-the streets of the City without first obtaining a license .therefor; provided; however, that .this Article shall not-prevent taxicabs or limousines licensed by other municipalities from entering the City.
- b. Application for licenses for the-taxicabs- or limousines shall contain,-the class of the vehicle for which the-license is. desired, the length of time the vehicle has been in use, the number of persons it is capable of carrying, and, if a motor driven vehicle, the motor power thereof.
- c. The City Clerk shall keep a register of the name and address of each person owning and operating a vehicle licensed hereunder, together with the license number and the description, make, and necessary dimensions of such vehicle with the date and complete record of all inspections made of it.

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13.31.02 Continued:

Such records shall be open to the inspection of the public at all times, and shall be public records, extracts of which may be certified for use as evidence by the City Clerk.

13.31.03 INSPECTION AGE OF TAXICAB AND LIMOUSINE:

- (a) No vehicle shall be licensed until it has been thoroughly and carefully inspected and examined and found to be clean, fit, of good appearance and well painted and in a safe condition for the transportation of passengers.
- (b) No license shall be issued to any person having the name or color of his taxicab similar to that of any other person licensed to operate a cab within the limits of the City.
- (c) The Police Department shall make or have made by its inspectors an examination and inspection of any taximeter attached to any taxicab and see that the same is accurate before the license to operate such taxicab is issued

13.31.04 DUTIES OF TAXICABS AND LIMOUSINES:

Every taxicab and limousine is required to furnish safe and adequate service at reasonable rates within the City as may be required to assure adequate accommodation to the public in accordance with the provisions hereinafter provided. Every taxicab shall follow the schedule of rates and charges as required by this Article.

13.31.05 INSPECTION OF TAXICABS LIMOUSINES:

The Police Department shall maintain constant vigilance over all taxicabs or limousines, see that they are kept in a condition of continued fitness for public use and to this end it shall order the inspection of a taxicab or limousine, on the complaint of any person or in any other circumstance such inspection may be necessary. The Chief of Police may direct that the owners of such taxicab or limousine shall have them tested at a reputable testing lane or garage in order that the Chief of Police may receive reports regarding the condition of such vehicles. At least once in each year, the Chief of Police shall make a written report of the result of all inspections to the Mayor and City Council. Such inspections shall include a test of all taximeters.

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13.31.06 COMPLIANCE. BY LICENSEES SURETY BOND AND INSURANCE POLICY REQUIRED:

No person shall be licensed to operate a taxicab or limousine until the owner or operator thereof has complied with all provisions of this Chapter and with all Sections of the State law pertaining to a surety bond or the insurance policy issued for the benefit of any person who might suffer damage by reason of the operation of such vehicle. Before issuing such license, the applicant shall submit to the City Clerk a copy of a current certificate of insurance or a surety bond.

13.31.07 LICENSE CARD OR PLATE:

- (a) The license to be issued by the City as hereinabove provided shall be in the form of a card or plate which shall contain the official license number of the taxicab or limousine-together with the date of the inspection.
- (b) Such card. shall be signed-by the City..Clerk-and.\_shall-contain a blank-space upon which an entry.-shall be made of the date of inspection of such taxicab or limousine by the-Chief-of Police or an inspector-appointed by him. License cards shall be of a distinctly different color each year.
- (c) Such cards shall be affixed to a conspicuous and indispensable part of each taxicab or limousine. The City Clerk shall at the same.time-issue-a vehicle license for such taxicab or limousine.
- (d) Licenses granted herein are subject to revocation or suspension as-provided in this ordinance. at any time by the. Mayor for-cause shown, or if it shall have been - determined that' the vehicles are not in safe condition for operation. Licenses when so revoked or suspended shall. riot be reissued until the cause for such revocation or suspension shall have been removed;

13.31.08 PUBLIC CONVENIENCE AND NECESSITY REQUIRED; EXCEPTIONS

- (a) No license shall be issued unless the Mayor and City Council, after a hearing, shall by resolution declare that public convenience and necessity required the proposed service for which application for a license is made.
- (b) Such declaration of public. convenience and necessity shall not be necessary:

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Continued:

1. For the licensing of the same number of vehicles licensed for operation and operated by the applicant under the same name and colors, for which license was issued previous to the passage of this ordinance, or the renewal of the same number of licenses annually thereafter.
2. For the renewal of licenses to the applicant for the number of vehicles of the applicant, for which the Mayor and City Council shall have at any time prior to the date of application for such renewal, made declaration of public convenience and necessity.

13.31.09 STANDARDS FOR DECLARATION OF PUBLIC CONVENIENCE AND NECESSITY:

- (a) In determining whether' public-convenience and necessity require the-licensing of such vehicles for which application may be made, the Mayor and-City Council shall take into consideration the following:
  1. Whether the demands of public convenience and necessity require such proposed or such additional service within the City.
  2. The financial responsibility of the applicant; the number-,.kind, type of equipment,-the- - schedule-of maximum-rates proposed-to be charged, the- - color scheme to-be used-by-the applicant:
  3. The increased traffic congestion and demand for increased parking- spaces on the street of the City which may result.
  4. Whether the safe use of the streets by the public, both vehicular and pedestrian; will be preserved by the granting of such additional licenses; and such other relevant facts and the Mayor and City Council may deem advisable or necessary.

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13.31.10PROCEDURE AFTER HEARING ON PUBLIC CONVENIENCE AND NECESSITY:

- (a) If the Mayor and City Council find from the investigation and hearing that the public convenience and necessity justify the operation of the vehicle for which license is desired, it shall notify the applicant of its findings.
- (b) Within sixty (60) days thereafter, the applicant shall furnish to the Mayor and City Council any and all additional information which may be required, and if the Mayor and City Council then find that the applicant is the owner or lessee and bona fide operator of the vehicle for which license is required, and that such vehicle complies with this ordinance and all the ordinances of the City, license shall thereupon be issued to such applicant upon the payment of the proper license fee.
- (c) If the Mayor and City Council find from such investigation and hearing that.. the public convenience and-necessity do not justify the operation of the-vehicle. \_ for which license is desired, it shall forthwith notify the applicant of such finding and the reasons for such finding

13.31.11 PUBLIC SERVICE OF VEHICLE REQUIRED; ABANDONMENT:

The applicant shall regularly and daily operate his licensed vehicle during each day of the licensed year.to the extent reasonably necessary to meet the public demand for such service: Abandonment of such service of ten (10). consecutive days by the owner-or operator of such service shall be grounds for the suspension or revocation of such license.

13.31.12: REQUIREMENTS-- TAXICABS

No taxicab operating shall travel, pick up or discharge passengers on any public street without a call for service. Every taxicab stopped or parked for the purpose of picking up or discharging passengers. shall stop or park such taxi cab within twelve (12) inches (30 cm) of the right hand curb. It shall be unlawful for any driver to permit any person to board or alight from any taxicab on any side other than the right hand side thereof.

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13.31.13

TAXIMETERS:

Each taxicab not operating on a flat rate basis must have a taximeter affixed thereto in good working order. No license shall be issued for a taxicab not operating on a flat rate basis until the taximeter attached thereto shall have been inspected as provided in this Article and found to be accurate.

No such person shall detach any certified or inspected taximeter from any taxicab and attach the same to any other taxicab, the front wheels of which are of different diameter from those with reference to which such taximeter was originally tested, unless a new inspection or certification is had on such taximeter.

Each taxicab required to have a taximeter shall, during the period between sunset and sunrise, be equipped with a light which shall be so reflected upon the dial of the taximeter as to enable the passenger engaging and using such taxicab to read the figures indicated thereon.

Each taximeter hereafter placed on a taxicab shall be so arranged that the dial thereof is in plain view of the passenger while riding in such taxicab or upon alighting from the same.

13.31.14 SCHEDULE OF RATES AND CHARGES:

The schedule of rates and charges, either meter or flat, shall be approved by the City Council. This schedule shall be conspicuously posted within each taxicab to enable the passenger to read the rates so posted.

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ARTICLE 32

VENDING MACHINES

13.32.01 APPLICATION:

Application for said license shall include the name of the owner of the premises upon which the machine is to be located for use and the product to be sold or distributed by the machine.

13.32.02 INSPECTION:

The Health officer shall inspect the servicing, maintenance and operation of vending machines dispensing readily perishable foods at least once every three (3) month. Vending machines dispensing other than readily perishable foods may be inspected as often as deemed necessary.

The Health-officer shall be permitted to enter at any reasonable time, upon any private or public-property within the City where vending machines are operated, for the purpose of determining compliance with the provisions of this Article and all other City ordinances, especially those pertaining to food, as stated in Article 1, 11 and 17 of this Chapter. The operator shall make provision for the duly authorized representative of the City to have access to the interior of all vending machines operated--by said operator.

Whenever such representative of the City discovers a violation of any provisions of this Article, the operator concerned shall be notified. Such notice-shall (1) describe the condition found and state which Section of this Article is violated by such condition; (2) provide a specific and reasonable period-of time for the correction of the condition; and (3) state that an opportunity for a hearing on inspection findings..will be provided. Such hearing-shall be in the form prescribed in this Chapter.

13.32.03 ADULTERATED OR-MISBRANDED..FOOD OR BEVERAGE:

It shall be unlawful for any person within the City to sell, offer, or expose for sale, through vending machines, or to have in possession with intent to sell therefrom any food, beverage or ingredient which is adulterated or misbranded.

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Continued:

Samples of food, beverage or ingredient may be taken and examined by the Health Officer or duly authorized personnel, as often as may be necessary to determine freedom from adulteration or misbranding, The City may, on written notice to the operator, impound and forbid the sale of any food or beverage which is adulterated or misbranded, or which it has probable cause to believe to be adulterated or misbranded. After the operator has been given an opportunity for a hearing, the City may cause to be removed or destroyed any food or beverage which is adulterated or misbranded; provided that in the case of misbranding which can be corrected by proper labeling, such food or beverage may be released to the operator for correct labeling under the supervision of the City.

13.32.04 SANITATION REQUIREMENTS:

- (a) Foods, Beverages, Ingredients, Consumer Containers, Equipment Maintenance, and Operations: Foods, beverages and ingredients intended for sale through vending machines shall be obtained from sources complying with the regulations of the City and with other applicable State and Federal laws and regulations. Such products shall be clean and wholesome; free from spoilage, and shall be processed, prepared, handled and stored in such a manner as to be protected against contamination and adulteration. All product contact surfaces of containers and equipment shall be protected from contamination.
- (b) All foods, beverages and-ingredients shall be stored or packaged in clean, protective containers, and shall be handled, transported-and vended in a sanitary manner Wet-storage of packaged products is prohibited.
- (c) Readily perishable foods offered for sale through vending machines shall be dispensed to the consumer in the individual original-container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such-products :shall be dispensed into single service containers.
- (d) In those vending machines dispensing readily perishable foods, beverages, or ingredients in bulk, the bulk supplies of such-.foods, beverages or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved bactericidal process.

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- (e) Readily perishable foods or ingredients within the vending machine shall be maintained at a temperature not lower than one degree (10) celsius (34°F), nor higher than ten degrees (100) celsius (50°F). Vending machines dispensing readily perishable foods shall be provided with controls which insure the maintenance of these temperatures at all time; provided that an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of thirty (30) minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition, which permits the food storage compartment to attain a temperature above ten degrees (100) celsius (50 F), or below one degree (10) celsius (340F), whichever is applicable. Vending machines dispensing readily perishable food shall be provided with a thermometer which, to an accuracy of f (10) celsius (1.80F), indicates the air temperature of the food storage compartment.

The temperature for hot liquid foods or beverages shall be not-less than sixty-six degrees (660) celsius (1510F), and-for -frozen foods, not more than zero degrees (0) celsius (320F).

- (f) Milk offered for sale through vending machines shall be dispensed only in individual containers or from bulk containers into which-the milk was placed at the plant.
- (g) Machine Location: The machine location shall be such as to minimize the potential for contamination of the product, shall be easily cleanable, and shall be kept clean. .
- (h) Exterior Construction and Maintenance: The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and-rodents,-:and the exterior-of the machine shall be kept. clean. Service connections shall be such-as to protect against unintentional or accidental interruption of service to the machine.
- (i) Unless the vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations: (1) the machine shall be mounted on legs six (6) or more inches (15.cm) in height;

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13.32.04

Continued:

or (2) the machine shall be mounted on casters or rollers; or (3) the machine shall be mounted on gliders which permit it to be easily moved.

- (j) Interior Construction and Maintenance: All interior surfaces and component parts of the vending machine, shall be so designed and constructed .as to permit easy cleaning, and shall be kept clean. All product contact surfaces of the machine shall be of smooth, nontoxic, corrosion resistant, and relatively nonabsorbent material, and shall be capable -of withstanding repeated cleaning and bactericidal treatment by normal procedures. Such surfaces shall be protected against contamination.
- (k) Water Supply: Water used in vending machines shall be from an approved source, and shall be of a safe and sanitary quality.
- (l) Waste Disposal: All wastes shall be properly disposed of, and pending disposition shall be kept in suitable\_ containers so as to prevent. creating a nuisance

This Section shall be deemed to have been satisfied when the following requirements are met.

1. All trash and other waste material shall be removed-~~from the~~ machine-location-as - frequently as-may-be necessary to prevent nuisance - and unsightliness,,and shall be disposed of in a manner approved by the Health Authority.
2. Self-closing, leakproof, readily-cleanable, plainly labeled and designated waste container or containers shall be provided-in the vicinity of each machine or machines to receive used cups,,cartons, wrappers, straws, closures, and other single. . service items. Such waste containers shall not be located within the vending machine; provided that an exception may be made for those machines dispensing only packaged products with crown closures, in which case the closure receptacle may be located within the machine. Suitable racks or cases shall be provided for multi-use containers or bottles.

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3. Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drips, spillage, overflows or other liquid wastes.

An automatic shutoff device shall be provided which will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion resistant. If liquid wastes from drip, spillage or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

- (m) Delivery of Foods, Ingredients, Equipment and supplies to Machine Location:- Foods, beverages and ingredients-and-product contact surfaces of containers, equipment and supplies; shall be protected from contamination while in transit to machine location. Readily perishable foods and beverages, while in transit shall be maintained at a temperature required by law.

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ARTICLE 33

RAFFLES

13.33.01      AUTHORITY:

Raffles may be conducted in the City only upon complying with the provisions of this Article and after obtaining a raffle license.

13.33.02      DEFINITIONS:

For purposes of this Article, the following definitions apply:

- a.      **Business:** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interest of the community.
- b.      **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.
- c.      **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.
- d.      **Fraternal:** An organization of persons having a common interest, the primary interest of which is to promote the welfare of its member 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.
- e.      **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.
- f.      **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.
- g.      **Nonprofit:** An organization or institution organized and conducted on a not-for-profit basis with no personal profit incurred to anyone as a result of the operation.
- h.      **Raffle:** A form of lottery, other than Bingo, as regulated by the State of Illinois pursuant to the Bingo License and Tax Act, Illinois Revised Statutes, ch. 120, Section 1101, et seq., and the State Lottery, as regulated by the State of Illinois pursuant to the Illinois Lottery Law, Illinois Revised Statutes, ch. 120, Section 1151, et seq., in which:
  1.      The player pays or agrees to pay something of value for chance, represented and differentiated by a number or by a combination of numbers or some other medium, one or more of which chances is to be designated the winning chance, and

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2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by a random act or set of random acts on the part of persons conducting or connected with the raffle, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest or any contest involving anything other than a random or chance act.
- i. Religious: Any church, congregation, society or organization founded for the purpose of religious workshop.
- j. 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.

13.33.03 LICENSE REQUIRED:

It shall be unlawful to conduct a raffle without a license issued pursuant to this Article.

13.33.04 APPLICATIONS FOR LICENSE:

- a. Licenses may be issued to bona fide nonprofit business, religious, charitable, labor, fraternal, educational or veterans' organizations 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 objects. In addition, a license may be issued to a nonprofit fundraising organization that the City determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.
- b. The applicant must specify the area or areas within the City in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances, and the location or locations at which winning changes will be determined.
- c. The license application must be on the letterhead of the organization and must contain a sworn statement of the presiding officer and the secretary of their organization that the organization is qualified to hold a license under the provisions of this Article,
- d. A license shall be valid for only one raffle, or for a specified number of raffles to be conducted during a specified period not to exceed one (1) year.

13.33.05 LICENSE FEES, ISSUANCES:

- a. The license fee for each raffle conducted under the terms of this Article shall be One and No/100 Dollars (\$1.00).
- b. When all the requirements of this Article have been met, the license shall be issued by the City Clerk.

13.33.06 LICENSE ISSUE RESTRICTIONS:

No license shall be issued to:

- 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 or corporation in which a person defined in subsections a, b or c above has a proprietary, equitable or credit interest, or in which such a person is active or employed.
- e. Any organization in which a person in subsections 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 subsections a, b or c above is to participate in the management or operation of a raffle as defined in this Article.

13.33.06 CONDUCT OF RAFFLES:

The conducting of raffles is subject to the following restrictions:

- a. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- b. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- c. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- d. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article.
- e. Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the licenses.
- f. No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

13.33.07 RAFFLES MANAGER, BOND:

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the City Clerk in favor of the organization conditioned upon his honesty in



13.33.07 Continued:

the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation. The City Clerk may waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a unanimous vote of the members of the licensed organization has approved the waiver of the raffles manager's bond.

13.33.08 RECORDS:

- a. Each organization licensed to conduct raffles and chances shall keep the 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 deductions, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- b. 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 of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.
- c. Each organization licensed to conduct raffles shall report within seven (7) days after determination of the winners to the City and to its membership, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Article.
- d. Records required by this Article 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.

13.33.09 ADDITIONAL RESTRICTIONS:

- a. The aggregate retail value of all prizes and merchandise awarded by a licensee in a single raffle should not exceed Two Hundred Thousand and No/100 Dollars (\$200,000.00).
- b. The maximum retail value of each prize awarded in a single raffle should not exceed Fifty Thousand and No/100 Dollars (\$50,000.00).
- c. The maximum price which may be charged for each raffle chance issued or sold shall not exceed Two Hundred and No/100 Dollars (\$200.00).
- d. A license shall be valid for only the period of time specified thereon and no chances may be sold upon expiration of the license.

ARTICLE 35

CABLE TELEVISION RATE REGULATION

13.35.1      PURPOSE:

This Article is adopted to regulate ratemaking proceedings of the city with respect to the basic cable service rates of cable operators providing cable service within the City of Country Club Hills pursuant to and consistent with rules established by the FCC in MM Docket No. 92-266, FCC 93-177, as now or hereafter amended, for the regulation of basic cable service rates (hereinafter referred to as the "FCC Rule").

13.35.2      REGULATION OF BASIC CABLE RATES:

From and after the effective date of this Article, all rates charged by cable operators in the City for basic cable service, equipment and installations shall be subject to regulation in accordance with the FCC Rule and the provisions of this Article.

13.35.3      BASIC CABLE RATE FILINGS:

- A.            Initial Rate Schedule: A cable operator shall file with the city manager its schedule of current rates for the basic cable service tier, associated equipment and installation within thirty (30) days after receiving written notification from the City that the City has been certified by the FCC to regulate the operators basic cable service rates.
  
- B.            Subsequent Rate Schedules: A cable operator that intends to increase or adjust a rate schedule previously approved by the city shall file its proposed schedule of rates for the basic cable service tier, associated equipment and installation with the City Manager not less than 30 days before the effective date of any such change, including increases in the average per channel charge that result from reductions in the number of channels in the basic cable service tier.
  
- C.            Supporting Documentation: A cable operator shall provide the City Manager with such "information, including but: not limited to FCC Form 393, as the city manager may deem necessary to determine the reasonableness of the operator's basic cable service rates consistent with the FCC Rule.

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**13.35.4 PROPRIETARY INFORMATION:**

- A. **Non-disclosure:** To the extent provided in this section, trade secrets and commercial information obtained from or provided by a cable operator to support or determine the reasonableness of a proposed basic cable service-rate, where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm to the cable operator, will not be publicly disclosed by the City unless required by order of a court of competition jurisdiction.
- B. **Non-disclosure Requests:** Any such information claimed to be so privileged, and that part of any document claimed to contain such privileged information, shall be appropriately marked as a trade secret, or as privileged, confidential or proprietary commercial information, and accompanied by a written request for non-disclosure, upon submission to the City. Non-disclosure requests shall identify the portion of the materials claimed to be privileged from disclosure, shall contain a statement of the reasons for withholding the information from public inspection, and shall plainly set forth the facts upon which those reasons are based.
- C. **Review of Non-disclosure Requests:** Non-disclosure requests will be reviewed by the city Manager and will be granted in whole or in part, if a preponderance of the evidence demonstrates that the information. should be exempt from disclosure consistent with section 7 (g) of the Illinois Freedom of Information Act and the FCC Rule.
- D. **Appeals:** If a request for non-disclosure is denied by the City Manager, the person who submitted the request may, within 5 working days after notice of the denial, appeal the decision to the City Mayor. If the Mayor affirms, in whole or in part, the Manager's decision that the information is not exempt from disclosure, the person who submitted the request shall have 10 working days to seek a judicial order determining whether the information should be withheld from public inspection. All notices provided herein will be given by telephone with follow-up notice in writing. The first day to be counted in computing the time periods established in this subsection shall be the day after the date of oral notice.
- E. **Denial of Public Inspection:** If a request for non-disclosure is granted, in whole or in part, public requests for inspection or copying of such records shall be denied to the same extent; provided, however, that the City shall comply with the requirements of the Illinois Freedom of Information Act and any court order requiring disclosure.

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**13.35.5 EFFECTIVE DATE OF BASIC CABLE RATES:**

- A. Initial Rates: Existing basic service tier, equipment and installation rates in effect at the time this ordinance becomes effective shall remain in effect during rate review by the City.
- B. Subsequent Rates: Proposed increases in basic service tier, equipment and installation rates shall become effective 30 days after the date of submission to the City, unless the 30-day deadline is tolled as proved in section 13.34.6.

**13.34:6 EXTENSIONS OF TIME TO REVIEW RATES:**

If the City is unable to determine, based upon the material submitted by the cable operator, whether existing or proposed basic service tier, equipment or installation rates are within the presumptively reasonable levels permitted by the FCC Rule, or are justified by a cost-of-service showing, the City shall issue a written order within 30 days of the rate submission tolling the 30-day deadline for approval or disapproval of the rates and extending the time for review of the rate submission as follows:

- (1) An additional 90 days in rate' cases not involving cost-of-service showings; or
- (1) An additional 150 days in cases involving costof-service showings.

If the City fails to take action within the additional time provided herein, existing rates will remain in effect, and proposed rates will go into effect, at the end of such extended period, subject to refunds as provided in Section 13.34.8 hereof.

**13.35.7 RATE REVIEW:**

- A.. Rates Within FCC Standard: Existing rates or proposed rates which do not exceed the presumptively reasonable levels permitted by the FCC Rule shall be approved.
- B. Cost-of-Service showing Existing or proposed rates in excess of the presumptively reasonable levels permitted by the FCC Rule shall be approved only to the extent they are justified as reasonable by a cost-cf-service showing and generally accepted ratemaking methodology. .
- C. Burden of Proof: The cable operator has the burden of proving by a preponderance of the evidence that its existing or proposed rates are reasonable as provided in subsections A and S hereof. Unreasonable rates shall be disapproved.

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- D. Record Review:** All rate submissions, and any comments, views, evidence and objections pertaining thereto, shall be in writing and shall constitute the administrative record for review of existing or proposed rates. In the event that the City orders a public hearing on such existing or proposed rates, a record of the public hearing shall be made and included as part of the administrative record for review of such rates.

**13.35.8 REMEDIES FOR UNREASONABLE RATES:**

If the City determines that a current or proposed rate is unreasonable, the City may, consistent with the FCC Rule:

- (1) order the cable operator to implement a prospective rate reduction;
- (2) order the cable operator to charge a reasonable rate prescribed by the City;
- (3) order the cable operator to refund to subscribers the excess portion of previously paid rates; provided, however, that the City shall first give the operator written notice of apparent liability for a subscriber refund and an opportunity to comment.

**13.35.9 PARTICIPATION BY INTERESTED PARTIES:**

- A. Initial Public Notice:** Upon receipt of a rate submission from a cable operator, the City shall cause a public notice of the filing to be published in a newspaper of general circulation in the city, inviting interested persons to file written comments, views, evidence or objections to the submission. The notice shall state the date, time and place for filing such responses.
- B. Written Notices:** If the City extends the 30-day deadline for review of rate submittal, or sets a public hearing to consider the rate submittal, written notice of the extension, of the revised schedule for presenting written comments, views, evidence, objections, responses and replies, and of the date, time and place of the public hearing, if any, shall be posted at the City Hall and sent by first class mail to the operator, all persons who have previously filed written comments, views, evidence or objections concerning the rate submission, and all persons who have filed written requests for notice of such ratemaking proceedings.
- C. Schedule of Proceedings:** All interested parties shall be given the opportunity to present written comments, views, evidence or objections concerning rate submissions as follows:

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	<u>30 Day Review</u>	<u>Extended 120 Day Review</u>	<u>Extended 180 Day Review</u>
Objections, etc:	14 Days from submittal	42 days from submittal	56 days from submittal
Operator's Response:	21 days from submittal	63 days from submittal	84 days from submittal
Reply to Operator:	None	77 days from submittal	105 days from submittal
Public Hearing (if applicable):	28 days from submittal	not sooner than 84 days from submittal	not sooner than 112 days

Copies of all written comments, views, evidence or objections shall be made available for public inspection and copying by interested persons.

- D. Variances:** The City Manager may, for good cause shown, extend the time available for interested persons to present their written comments, views, evidence or objections concerning a rate submittal.

**13.35.10 WRITTEN DECISIONS:**

The City shall issue written decisions and orders in its ratemaking proceedings as follows:

- A. Extensions of Rate Review: Written orders shall be issued as provided in Section 13.34.6 hereof within 30 days of the rate submission if the deadline for review of a rate submittal is to be extended or the effective date of a proposed rate increase is to be tolled during such extension.
- B. Operator Records During FCC Benchmark Rate Review: Written orders shall be issued as provided in section 13.34.6 hereof within 120 days of the rate submittal, in cases not involving cost-of-service showings, directing the cable operator to keep an accurate account of all amounts received by reason of the rate in issue and the subscribers on whose behalf such amounts were paid, if a refund to subscribers is or may be ordered as a remedy for an unreasonable rate.
- C. Operator Records During Cost-of-Service Rate Review: Written order shall be issued as provided in Section 13.34.6 hereof within 180 days of the rate submittal, in cases involving cost-of-service showings, directing the cable operator to keep an accurate account of all amounts received by reason of the rate in issue and the subscribers on whose behalf such amounts were paid, if a refund to subscribers is or may be ordered as a remedy for an unreasonable rate.

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13-34-5

## **RESIDENTIAL REAL PROPERTY MANAGERS**

13.36.1: For purposes of this Article:

*"Residential Real Property Manager" or "Manager"* is any individual firm or corporation which is engaged in the business of managing, repairing or otherwise caring for Vacant Residential Real Property units as either agent or independent contractor for (i) a bank, (ii) any other lender, (iii) a department of the State or Federal Government or (iv) any other owner of Vacant Residential Real Property located in the City of Country Club Hills.

13.36.2: For purposes of this Article:

*"Vacant Residential Real Property"* shall mean any single-family detached, single-family attached or multi-family dwelling unit within the City of Country Club Hills, which is currently unoccupied.

### **13.36.3: License Required.**

No person shall engage in the business of Residential Real Property Manager without first obtaining a license therefor from the City of Country Club Hills. Any applicant for license shall provide at minimum the following information on forms prepared by the City Clerk:

- (a) Name;
- (b) Address;
- (c) Local Manager;
- (d) General Information about the applicant's background in managing real estate;
- (e) A listing of all Vacant Residential Real Property the applicant is currently managing or is proposing to manage within the City, said list to include a common address of such parcel, the permanent real estate tax index number of said parcel and the current owner of said parcel.

### **13.36.4: Updated Notice Required.**

Each Residential Real Property Manager shall advise the City Clerk of each Vacant Residential Real Property within the City for which the Manager has taken responsibility for care and maintenance.

**13.36.5: Inspection Required, Maintenance.**

Within fourteen (14) days after providing the City with a notice required in Section 13.36.4, the Residential Real Property Manager shall make arrangements with the City for the City to conduct an exterior and interior inspection of the Vacant Residential Real Property. Upon the completion of said inspection, the Residential Real Property Manager shall cause the premises to be brought into compliance with all City Codes and Ordinances within a reasonable time thereafter, but no later than thirty (30) days thereafter. As to those Vacant Residential Real Properties managed by the Residential Real Property Manager at such time as the Manager first obtains its license, all such property shall be inspected within thirty (30) days of the date of license application and the Manager shall complete all necessary repairs on each Vacant Residential Real Property unit within thirty (30) days of the date after such inspection when the City advises the Manager in writing of the necessary repairs.

**13.36.6: Annual License Fee.**

Each Residential Real Property Manager shall pay an annual license fee of \$1,000.00. The license year shall be January 1 through December 31. License fees shall be prorated.



**13.36.7: Suspension or Revocation of License-, Causes:  
Hearing.**

A license issued under this Article may be suspended or revoked for any of the following causes:

- (a) Failure to notify the City as to any Vacant Residential Real Properties for which the Manager is responsible;
- (b) Failure to complete maintenance repairs required by the inspections as provided in Section 13.36.5 hereinabove;
- (c) Three convictions in any one year with respect to violations of any City laws relative to the maintenance of property;
- (d) Causing the termination of water, electric or gas utilities for any property while that property is (i) occupied and (ii) the utility account is not delinquent.
- (e) Any other violation of this Ordinance.

Prior to suspending or revoking any license, the Manager shall be provided with written notice, setting forth the charges and setting forth the time and place of the hearing. The hearing shall be conducted by the Mayor or a hearing officer appointed by the Mayor. Following the hearing, the Mayor or hearing officer shall issue a hearing officer's report to the City Council setting forth proposed findings of fact and conclusions. The City Council shall act upon the Mayor or hearing officer's recommendation as to whether

or not to suspend or revoke the license. The decision of the City Council shall be final.

**13.36.8: Water Utility Termination: Inspection.**

In the event a Manager requests that the City terminate City water service to a premise, the Manager shall request such termination in writing. The City shall cause the premises to be inspected to insure that the premises is not inhabited. No water service shall be terminated if a premise is inhabited and the water charges are paid current, by or on behalf of the occupant of the premises. In the event of a vacant premise, water service shall not be terminated at the request of the Manager unless and until the Manager pays all water delinquency charges.

ARTICLE

37

Residential Rental  
License

**13.37.1 Definitions:**

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

- A. "Applicable ordinances" as used herein refers to all applicable City of Country Club Hills ordinances and codes, including , but not limited to the City's zoning code, building code, property maintenance code and health and safety codes.
- B. "Dwelling unit" means one or more rooms containing cooking, sleeping and sanitary facilities which is designed, occupied or intended for use by an individual, one family or household. A house designed for occupancy is a dwelling unit. Each apartment in a building which contains one or more apartments is a separate dwelling unit.
- C. "Licensee" means and includes a person to whom a Residential Rental License has been issued.
- D. "Owner" means and includes the following:
  - (1) any person who alone, jointly, or severally with others has legal title to any

land or premises on which a rental dwelling, dwelling unit, rooming house or rooming unit is located; or

(2) any person who acts as a manager or oversees the maintenance, operation or rental of a rental dwelling, dwelling unit, rooming house or rooming unit for a legal title holder or the land or premises on which the rental dwelling, dwelling unit, rooming house or rooming unit is located; or

(3) any person authorized to act as the agent of a legal title holder of the land or premises on which the rental dwelling, dwelling unit, rooming house or rooming unit is located in connection with management or rental of the rental dwelling, dwelling unit, rooming house or rooming unit; or

(4) any person who is an executor, administrator, trustee or guardian of the estate of a legal title holder of the land or premises on which the rental dwelling, dwelling unit, rooming house or rooming unit is located; or

(5) any person who is a mortgagee in possession, or has been appointed to serve as the trustee of the land or premises on which the rental dwelling, dwelling unit, rooming house or rooming unit is located.

E. "Person" means a natural person, corporation, partnership, joint venture, limited liability company, trust, unincorporated association and any other entity which has the authority to enter into a contract under the laws of the State of Illinois.

F. "Rental unit" means, except as provided in this subsection F, a single-family attached dwelling, a single-family detached dwelling, a multi-family, where rent in the form of a monetary payment or the provision of services is received from or on behalf of one or more occupants of the unit in return for the right to occupy the unit. A unit occupied by an owner is not a rental unit for purposes of this Article. A rectory, parsonage or similar religious facility where living quarters are provided for persons who perform religious services or provide religious counseling and/or persons who provide janitorial or maintenance services in consideration for providing such services or counseling is not a rental unit for purposes of this Article. A unit owned by the City of Country Club Hills or another unit of local government or by the State of Illinois or the United States of America is not a rental unit for purposes of this Article.

#### 13.37.2 License Required; Exceptions:

A. Except as provided in Subsection B of this Section 13.37.2, no person, condominium, townhouse or homeowners' association shall lease or otherwise rent or offer to lease or otherwise rent a rental unit unless such person holds a current un-revoked Residential Rental License issued by the City Clerk for the rental unit which is being leased or rented or offered for lease or rental.

B. The City Clerk is hereby authorized to issue a new Residential Rental License for each Rental Unit. No such license shall be issued unless the rental unit meets all applicable requirements of the City Code and all laws of the state regarding rental units.

C. No Residential Rental License shall be issued or renewed unless the applicant owner or operator has first made application on an application form provided by the Director of Housing.

D. The license requirements contained in this Article shall not apply to group homes governed by the Specialized Living Centers Act, 405 ILCS 25/1 *et seq.*, as amended, dealing with the developmentally disabled and other similar uses governed by state or federal laws, rules and regulations.

13.37.3 Term of License:

A Residential Rental License shall be valid from its date of issuance until the next April 30 of each year, unless the Residential Rental License is issued as a temporary license pursuant to the provisions of this Article; provided, that if an application for an initial Residential Rental License is submitted on or after November 1, the license fee shall be one-half(%) the annual fee set forth in Section 13.37.5 of this Article. All Residential Rental Licenses s

13.37.4 Application for Initial License and Renewal License:

A. The application for a Residential Rental License and any subsequent renewal of the Residential Rental License shall be made in the name of the legal owner of the premises to be rented, and shall be submitted to the City Clerk on a form to be provided by the Director of Housing. The application shall identify the location of the property to be rented; the name, address and telephone number(s) of the owner; the name, address and telephone number(s) of the manager or custodian of the property to be rented; the owner's agent for service of process; and such other information as the Director of Community development may reasonably require. Every applicant shall be given a packet of materials containing the following: a Public Safety/Crime Prevention inspection checklist; a Crime-Free Housing Lease Addendum; a letter to the tenant; a current Crime-Free Housing Seminar schedule; and the City's Crime-Free Housing contact information.

B. The owner, as part of its application for an initial Residential Rental License, shall include an authorization which provides the City with the authority to enter onto the premises and inspect the rental unit, on any non-holiday weekday between the hours of 8:00 a.m. and 4:00 p.m. Such authorization shall include authorization to inspect all common areas on or around the premises. The purpose of the inspection shall be to determine whether the premises are in compliance with all applicable codes, ordinances and any other applicable laws, rules or regulations.

C. Applications for the renewal of a Residential Rental License must be submitted to the City Clerk no later than March 1 of each year to renew a license that expires on the following April 30.

D. The application for an initial or renewal Residential Rental License must include the applicable license fee. If the license is denied, the license fee shall be returned to the applicant, unless a temporary license was issued as provided in Section 13.37.5A of this Article.

**13.37.5 License/Inspection Fees:**

A. The fees for an initial Residential Rental License are as follows:

<u>Residential Units:</u>	Fees:
1-2	\$ 50.00
3-5	\$100.00
6-12	\$150.00
More than 12	\$200.00

B. The fees for the renewal of a Residential Rental License are as follows:

<u>Residential Units:</u>	Fees:
1-2	\$ 50.00
3-5	\$ 50.00
6-12	\$ 50.00
More than 12	\$100.00

C. Neither the sale of a property, nor the suspension or revocation of a license, shall entitle an applicant to a refund of any license fee.

**13.37.6 Renewal; License Not Transferable:**

A. Application for renewal of a Residential Rental License shall be made in the same manner as for a new license. Application for renewal must be made by March 1 of each year.

B. A Residential Rental License is not transferable either as to location or as to licensee. Each time there is any change in the ownership of a rental unit that is required to be licensed under this Article, the new owner must obtain a new Residential Rental License. Such

license shall be applied for and obtained prior to a new owner closing on the purchase and sale of a rental unit. Failure to apply for a new license by a subsequent owner shall result in the revocation of the current license.

**13.37.7      Inspections:**

**A.      Initial Inspection:**

No Residential Rental License shall be issued or renewed unless the rental unit, along with its common areas and appurtenances has undergone an inspection for compliance with all applicable codes, ordinances and any other applicable laws, rules or regulations. Rental units that undergo a change in ownership shall be subject to an inspection, notwithstanding any other required inspection as a condition precedent to transfer of title or otherwise as set forth in the City Code.

The owner shall be provided with an inspection report describing any condition that fails to meet any applicable code, ordinance, and rules and regulations and shall be afforded a reasonable opportunity to correct such conditions. In the event that two follow-up inspections are required to determine compliance, the owner shall pay an additional inspection service charge of \$100.00 for each additional inspection. Payment of said service charge must be paid in full prior to the issuance of a license. Failure to correct said conditions shall result in a suspension or revocation of an existing license, or in the case of a new license application, the denial of a license application or a revocation.

**B.      Periodic Inspection:**

The designated Building Inspector is hereby authorized and directed to inspect the premises of any rental unit in response to a complaint that there is a violation of this Article or any other applicable code ordinance, law, rule or regulation. Additionally, every rental unit subject to this Article, along with its common areas and appurtenances, shall be subject to periodic inspections by the designated Building Inspector at reasonable times and in a reasonable manner to ensure continuing compliance with this Article or any other applicable code, ordinance, law, rule or regulation. If the owner or occupant of the premises to be inspected does not consent to this inspection, the Director of Housing is authorized to apply to the Circuit Court of Cook County for a warrant that will permit the Building Inspector to enter onto the premises for the purpose of making the inspection. In the event the inspection indicates that conditions exist in or about the premises which violate this Article or any other applicable code, ordinance, law, rule or regulation, the Director of Housing shall take action as provided in Section 13.37.8 of this Article.

**C.      Reinspection: Suspension of License:**

At the end of the time the Director of Housing as allowed for correction of any violation cited, the Building Inspector shall re-inspect the rental unit and if the Building Inspector determines that such condition(s) has not been corrected, the City Clerk or his/her designee may issue an order suspending the Residential Rental License.

**13.37.8 Violations:**

A. If the Director of Housing determines that a rental unit fails to meet the requirements set forth in this Article or otherwise is in violation of this Article or any applicable code, ordinance, law, rule or regulation, the Director of Housing may (i) revoke the Residential Rental License covering the rental unit as provided in Section 13.37.9 of this Article; (ii) initiate the prosecution or request the initiation of the prosecution of the violation pursuant to Section 13.37.17 of this Article; or (iii) issue a notice to the licensee describing the violation and advising the licensee that the violation must be corrected. This notice shall:

- (1) Be in writing.
- (2) Set forth the violation(s).
- (3) Describe the common area and/or rental unit where the violations are alleged to exist or to have been committed.
- (4) Specify a specific date for the correction of the violation(s).

- (5) State that unless the violation(s) cited are corrected within the time specified for correction of the alleged violation(s), the Residential Rental License may be revoked and/or prosecution initiated for the purpose of the imposition of a fine and/or obtaining injunctive relief.
- (6) Be served personally or by certified mail, return receipt requested, upon the licensee if a Residential Rental License has been issued for the premises upon which the violation is located or occurred and if no Residential Rental License has been issued for the premises, then on an owner of the premises.
- (7) Also be served upon tenant and occupant(s) of the rental unit personally, by first class United States mail, postage prepaid, directed to the tenants and occupants of the rental unit, or by posting a copy of this notice, directed to the tenants and occupants of the rental unit, on the entrance to the rental unit, or on the entrance to the building in which the unit is located.

B. If the violation is not corrected by the date specified in the notice sent pursuant to Subsection A of this Section, then the Director of Housing shall revoke the Residential Rental License for the premises as provided in Section 13.37.9 or shall initiate enforcement proceedings to prosecute the violation as provided in Section 13.37.17 of this Article; provided, that if the Director of Housing finds that the reason the violation has not been corrected by the date specified in the notice is due to circumstances beyond the control of the licensee, and that reasonable progress has been made towards correcting the violation, the Director of Housing may instead extend the date by which the violation must be corrected from the date initially specified in the notice.

### **13.37.9 Suspension/Revocation of License: Appeal:**

A. The Director of Housing may revoke a Residential Rental License on not less than five (5) days written notice to the licensee and an opportunity for a hearing, whenever the Director finds that the licensee has failed or refused to correct any violation of law or regulation applicable to the property, after reasonable notice and the opportunity to take corrective action.

B. No Residential Rental License shall be issued for any premises for which a prior Residential Rental License was revoked unless the Director of Housing Maintenance determines that all of the conditions that led to the revocation of the prior Residential Rental License have been corrected and that there is a reasonable likelihood that such conditions will not recur should a new Residential Rental License be issued for the premises.

C. Any person whose Residential Rental License has been suspended or revoked shall be entitled to an appeal pursuant to the administrative adjudication hearing procedures set forth in the City Code. Notice of said appeal shall be made in writing and shall be filed with the City Manager within fifteen (15) days following the issuance of a suspension or revocation of the Residential Rental License. If, in the case of an inspection violation-related suspension or revocation, the City finds upon re-inspection that the violations have been corrected and the rental unit is in compliance, the suspension or revocation of the Residential Rental License shall be rescinded or lifted, as the case may be, and the license shall be re-instated.



D. Exceptions.

- (1) Notwithstanding anything to the contrary contained in this Section 13.37.9 no Residential Rental License issued for any premises shall be subject to revocation under this Article based on the following conduct by a tenant, an occupant of the premises, a guest of the tenant or occupant of the premises or any other party under the control of the tenant or occupant of the premises or with the permission or consent of the tenant or occupant of the premises:
  - (i) making or permitting to be made calls for police or emergency services intended to prevent or respond to domestic violence or sexual violence;
  - (ii) making or permitting to be made calls for police or emergency services needed to prevent or respond to incidents of actual or threatened domestic or sexual violence;
  - (iii) making or permitting to be made calls for police or emergency services by, on behalf of, or otherwise concerning any individual with a disability, where the purpose of the contact was related to that individual's disability.
- (2) Notwithstanding anything to the contrary stated in this Section 13.37.9 no Residential Rental License shall be subject to revocation under this Article based on an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member or a guest occurring in the dwelling unit or on the premises.
- (3) The exceptions set forth in Subsections D(1) and D(2) are not applicable to the actual perpetrators of domestic violence or sexual violence occurring in the dwelling unit or on the premises who shall be subject to penalty under this Article.

**13.37.10 Crime-Free Housing Seminar Required:**

A. All persons applying for an initial Residential Rental License and all persons who administer, manage, or control the operation of any rental unit in the City of Country Club Hills must attend a Crime Free Housing Seminar administered by the Country Club Hills Police Department prior to being issued a Residential Rental License. The seminar may be attended after the application has been submitted and the license shall be issued after successful completion. The Country Club Hills Police Department in conjunction with the City of Country Club Hills offers this mandatory program in an effort to deter crime on and about rental properties located within the City of Country Club Hills.

B. In the event a Crime-Free Housing Seminar is not held during the time the application for the initial Residential Rental License is being processed, a conditional initial Residential Rental License may be issued or the duration of an existing conditional license extended to give the applicant the opportunity to attend a City of Country Club Hills Crime-Free Housing Seminar. If a conditional license is issued and the applicant attends and satisfactorily completes the Crime-Free Housing Seminar prior to the expiration of the temporary license, and all other requirements for an initial Residential Rental License are met, then an initial Residential Rental License shall be issued.

C. If a property owner hires, changes, replaces or adds any person or persons to administer, manage or control the operation of a rental unit, the City shall be notified upon said change and that person or persons must attend the Crime-Free Housing Seminar within three (3) months of said change. Failure to do so shall result in the suspension or revocation of the Residential Rental License.

D. A licensee and all persons who administer, manage or control the operation of any rental unit shall be required to attend and satisfactorily complete a City of Country Club Hills Crime-Free Housing Seminar every three (3) years.

E. The Director of Housing may require a licensee may be required to reattend the Crime-Free Housing Seminar at any time for the following reasons:

- (1) If the rental unit is in danger of becoming a nuisance residential rental property as defined in Section 13.37.13 of this Article;
- (2) If criminal activity has been occurring on the premises for which a Residential Rental License has been issued and the licensee has failed to initiate eviction proceedings; or
- (3) Two (2) or more violations have been issued against the rental unit.

The failure of a licensee to attend and satisfactorily complete Crime-Free Housing Seminar when directed to do so by the Director of Housing as provided in this subsection shall constitute a violation of this Article and shall result in the suspension or revocation of the Residential Rental License .

F. The Crime Free Housing Coordinator, as designated by the Chief of Police of the Country Club Hills Police Department, shall be responsible for scheduling and conducting the City's Crime-Free Housing Seminars. The Coordinator shall provide the City Clerk and the Director of Housing with a list of those persons who have attended the Seminar, along with the date of attendance and verification that the Licensee has complied with this Article and is eligible to obtain an initial Residential Rental License, or renew a Residential Rental License.

13.37.11 Crime-Free Lease Addendum Required:

- A. Every lease or other agreement for rental of any residential property shall be in writing and shall contain a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum. The Crime Free Housing Coordinator shall provide at no cost, samples of a crime-free lease addendum and shall review any clauses within actual lease with the City Attorney to determine if the clause is similar to the crime-free lease addendum. A crime-free lease addendum should advise tenants that:
- (1) Tenants, occupants and their guests have right to call for and receive police and emergency response services when needed;
  - (2) That the law does not permit a tenant or landlord to be penalized under this Article based on an actual incident of domestic violence or sexual violence directed against the tenant, occupant or their guests occurring on or about the rental premises;
  - (3) That the law does not permit a tenant or landlord to be penalized under this Article when a tenant, occupant or guest calls for police or emergency service intended to

prevent or respond to actual or threatened incidents of domestic violence or sexual violence;

- (4) That the law does not permit a tenant or landlord to be penalized under this Article when a calls are made for police or emergency service by, on behalf of or otherwise concerning an individual with a disability, where the purpose of the call is related to that individual's disability.
- (5) That perpetrators of domestic violence, sexual violence or other criminal activity in or about the rental premises are subject to eviction and/or imposition of penalties to the extent provided under local ordinances and state or federal law.

B. For purposes of this Article, a crime free lease addendum is a provision which makes it a violation of the lease for a tenant, an occupant of the premises, a guest of the tenant or an occupant of the premises or any other party under the control of the tenant or occupant of the premises with the permission or consent of the tenant or an occupant of the premises, to engage in, facilitate or conspire to commit criminal activity within city limits (not limited to violent criminal activity or drug related criminal activity) while staying on the leased premises. A crime-free lease addendum shall provide the landlord with the authority to evict the tenant in accordance with the Illinois Forcible Entry and Detainer Statute, 735 ILCS 5/9-101 *et seq.*, if it is established by a preponderance of the evidence that a violation of the crime-free lease addendum has occurred.

C. Exceptions.

- (1) Notwithstanding anything to the contrary stated herein, no crime free lease addendum shall make it a violation of the lease or subject a landlord or tenant to any penalty under this Article for a tenant, an occupant of the premises, a guest of the tenant or an occupant of the premises or any other party under the control of the tenant or occupant of the premises or with the permission or consent of the tenant or an occupant of the premises, to make or permit the following calls to be made for police or emergency services:
  - (i) Police or emergency service calls intended to prevent or respond to domestic violence or sexual violence;
  - (ii) Police or emergency service call needed to prevent or respond to incidents of actual or threatened domestic or sexual violence;
  - (iii) Police or emergency calls if the contact was made by, on behalf of, or otherwise concerning any individual with a disability, where the purpose of the contact was related to that individual's disability.
- (2) Notwithstanding anything to the contrary stated herein, no crime free lease addendum required under this Article shall make it a violation of the lease, or subject a landlord or tenant to any penalty under this Article, based on an incident of actual or threatened domestic violence or sexual violence against a tenant, household member or a guest occurring in the dwelling unit or on the premises.

- (3) The exceptions set forth in Subsections C(1) and C(2) are not applicable to the actual perpetrators of domestic violence or sexual violence occurring in the dwelling unit or on the premises who shall be subject to penalty under this Article, including but not limited to eviction.

13.37.12      Transfer of Leasehold; Tenancy at Will.

A.      Upon transfer of ownership of any residential property in which any rental and/or lease agreement is in existence, the new owner shall request existing tenants or renters to enter into and incorporate into the existing lease the Crime-Free Lease Addendum for the remaining term of such existing lease and/or rental agreement. The failure to or unwillingness to enter into such an addendum by the existing tenants or renters, shall preclude the owner from availing him/herself of the remedies set forth therein should the existing tenant, renter, occupant, guest, or the like violate any provision of this Article.

B.      The landlord of every leasehold for which no written lease agreement exists (tenancy at will), including but not limited to a month-to-month leasehold, shall require a tenant at

**13.37.13      Nuisance Residential Rental Property:**

It is hereby declared a public nuisance and a danger to the public safety, health, welfare and morals of the City and its residents for any person to permit or allow any of the following:

A.      the lease of a residential rental unit, to a tenant who allows any of the following offenses to occur on the premises being rented or leased by the tenant: murder, kidnaping, aggravated kidnaping, prostitution, solicitation of prostitution, pandering, child pornography, sale of obscene publications, possession of explosives, unlawful use of weapons, unlawful sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act, or commission of any two or more offenses punishable by imprisonment for a period of more than six (6) months under the laws of the State of Illinois or the United States.

B.      The lease of a residential rental unit to a tenant who allows any of the following offenses to occur on the premises being rented by the tenant: commission of four(4) or more City ordinance violations or violations that may fall within the descriptions listed in subsection A of this Section in a six (6) month period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed in subsection A of this Section that when compared to other properties in the City of Country Club Hills of similar type, reasonably indicates that activity on the rented premises is adversely affecting the health , safety, welfare or morals of other persons residing in the area.

C.      Exceptions.

(1) Notwithstanding anything to the contrary contained in this Section 13.37.13, no

tenant or landlord shall be subject to any penalty under this Article for permitting or allowing a nuisance on the rental premises based on the following conduct by a tenant, an occupant of the premises, a guest of the tenant or occupant of the premises or any other party under the control of the tenant or occupant of the premises or with the permission or consent of the tenant or occupant of the premises:

- (iv) making or permitting to be made calls for police or emergency services intended to prevent or respond to domestic violence or sexual violence;
- (v) making or permitting to be made calls for police or emergency services needed to prevent or respond to incidents of actual or threatened domestic or sexual violence;
- (vi) making or permitting to be made calls for police or emergency services by, on behalf of, or otherwise concerning any individual with a disability, where the purpose of the contact was related to that individual's disability.

(2) Notwithstanding anything to the contrary stated in this Section 13.37.13, no tenant or landlord shall be subject to any penalty under this Article based on an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member or a guest occurring in the dwelling unit or on the premises.

(2) The exceptions set forth in Subsections C(1) and C(2) are not applicable to the actual perpetrators of domestic violence or sexual violence occurring in the dwelling unit or on the premises who shall be subject to penalty under this Article, including but not limited to eviction.

A. Violation of this Article, upon conviction thereof, shall be punishable by a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred and fifty dollars (\$750.00). Each day on which a violation of this Article occurs shall be considered a separate and distinct violation. Additionally, any person whose Residential Rental License has been suspended or revoked in violation of this Article shall also be subject to any of the following:

I. Any and all civil remedies available to the City, including injunctive remedies, that a court of competent jurisdiction may impose; and

2. The posting of placard(s) by the City on any portion of property containing a residential rental unit that states that the Residential Rental License has been suspended or revoked and that no new leases may be entered into and no leases may be removed until the proper license is secured. A placard may only be removed by the City upon full compliance with this section.

B. Removal or Defacing of a Placard. No person shall deface or remove a placard posted pursuant to this Section. The defacement or unauthorized removal of a placard by any person shall be subject to a fine in the amount of not less than seventy-five dollars (\$75.00) nor more than seven hundred and fifty dollars (\$750.00) for each day said placard remains in a defaced condition or is removed.

**13.37.17 Prosecution of Violations: Injunctions:**

Violations of this Article are subject to prosecution under the City's administrative adjudication proceedings. The provisions of this Section shall not preclude the City from using other methods or proceedings to adjudicate alleged violations of this Article, including, without limitation, the institution of an action in the Circuit Court of Cook County, or before another administrative tribunal which has jurisdiction to consider the violation. In the event a person commits repeated violations of this Article, the City may institute an action to enjoin such person from committing further violations of this Article. In the event such action is instituted and an injunction is issued, the person whose conduct is enjoined shall be required to compensate the City for attorneys' fees and other costs incurred in obtaining the injunction.

**ARTICLE 38**

**CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES**

**13.38.01. Definitions.**

- (a) For the purposes of this Section, the term “employee” means an individual permitted to work by an employer regardless of the number of persons the employer employs, and the term “employer” means any person employing one (1) or more employees, or seeking to employ one (1) or more employees, if the person has its principal place of business within the City or does business within the City.
- (b) For the purposes of this Section, the term “employer” does not mean:
  - (1) The government of the United States or a corporation wholly-owned by the government of the United States;
  - (2) An Indian tribe or a corporation wholly-owned by an Indian tribe;
  - (3) The government of the State or any agency or department thereof; or

- (4) Any unit of government.

**13.38.02. Payment of Minimum Hourly Wages and Paid Sick Leave.**

Employers located within the City shall comply with all applicable Federal and/or State laws and regulations as such laws and regulations may exist from time to time with regard to both the payment of minimum hourly wages and paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall be in compliance with all applicable Federal and/or State laws and regulations as such laws and regulations may exist from time to time.

**13.38.03. No Additional Obligations Imposed By County Ordinance.**

No additional obligations with regard to paid sick leave or minimum hourly wages imposed by any ordinance adopted by the County of Cook Board of Commissioners shall apply to any employer located within the City, the City opts out of any such ordinance(s) adopted by the County of Cook Board of Commissioners, and this Ordinance of the City conflicts with any such ordinance(s) adopted by the County of Cook Board of Commissioners that imposes additional obligations with regard to paid sick leave or minimum hourly wages.