

TITLE XI: BUSINESS REGULATIONS

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Cross-reference:

- Junk store and junkyard licenses, see Ch. 111
- Alcoholic beverage licenses, see Ch. 112

§ 110.01 LICENSE REQUIRED.

It shall be unlawful for any person or persons to engage in or carry on for private gain, any business, occupation, or pursuit hereafter mentioned, within the limits of the village, without first having obtained a license therefor issued by the Mayor and countersigned by the Village Clerk. The licenses shall be limited so as not to permit any person to compete against or take part in any civic project or function of any church, service club, or civic organization of the village.

(Ord. 53, passed 10-8-23; Am. Ord. 211, passed 2-13-61) Penalty, see § 110.99(A)

§ 110.02 APPLICATION.

Every applicant for a license shall, over his own signature, register with the village his name and residence, his business occupation or pursuit, his regular place of business, and the time when and the place where the licensed business, occupation, or pursuit is to be carried on. In case of a company or firm, the applicant shall register the corporate name and the names of all persons composing the firm. For issuing and registering the licenses the Village Clerk shall tax and collect in advance in cash from each applicant the proper license fee, as specified in § 110.03.

(Ord. 53, passed 10-8-23; Am. Ord. 211, passed 2-13-61)

§ 110.03 LICENSE FEES.

License fees for the following named purposes shall be and they are hereby fixed in the following amounts.

(A) For each circus, menagerie, carnival, or any combination thereof, or any similar show, exhibiting for private gain in a tent or any other temporary structure, \$100 per week or \$25 per day.

(B) For each side show, dog or pony show, theatrical show, or any other show

not herein otherwise specified exhibiting for private gain in a tent or other temporary structure, \$25 per day.

(C) For any moving picture show, theatrical show, concert, musical entertainment, or any other show or amusement not herein otherwise specified, given for private gain, given in an opera house or other similar permanent building, \$1 per day.

(Ord. 53, passed 10-8-23; Am. Ord. 211, passed 2-13-61; Am. Ord. 686, passed 3-19-12)

§ 110.04 BOND.

No license shall be issued under the provisions of this chapter, except upon the execution of a bond in the penal sum of \$200 with security to be approved by the Mayor, for the proper observance of all ordinances of the village and all laws of the state. All licenses shall be subject to immediate revocation by the Mayor for any willful failure to observe the village ordinances and state statutes enacted for the protection of the public health, safety, and welfare. In case of revocation no part of the license fee shall be refunded.

(Ord. 53, passed 10-8-23; Am. Ord. 211, passed 2-13-61)

§ 110.05 EXPIRATION; EXEMPTIONS.

All licenses shall expire with the fiscal year. Nothing herein contained shall be construed to apply to any concert, exhibition, entertainment, or show given by any church, school, or other organization not conducted for private gain.

(Ord. 53, passed 10-8-23; Am. Ord. 211, passed 2-13-61)

§ 110.06 BILLIARD TABLES AND ELECTRONIC MACHINES; PUBLIC DANCES.

(A) No person shall keep or operate any billiard table, pool table, or any electronic machine for gain, without first having obtained a license from the Village Clerk. The license fee shall be \$25, payable annually in advance on January 1 of each calendar year and payable in advance pro-rated on a daily basis for any portion of a calendar year, for each table or machine.

(1) The license shall be amended from time to time in the event the number of tables or machines is increased during the license period, and the increase shall be payable at the above rate in advance, pro-rated on a daily basis to the next January 1.

(2) Any room where such games are operated shall close promptly at 12:00 midnight each night, and remain closed until 6:00 a.m. the following day except on Sunday, when they shall remain closed until 12:00 noon.

(B) No person shall keep or operate a public dance for gain either in a residence or dance hall without first having obtained a license from the Village Clerk. The license fee shall be \$10 per day for each day or night that a dance is held in the residence or hall, payable in advance. Any dance shall stop promptly at 12:00 midnight except Sunday, in which case no dance will be allowed within the limits of the village.

(C) All licenses herein provided for shall be issued by the Village Clerk upon order of the Village Council. No license shall be issued to any person who has been previously convicted of any crime, nor to anyone not of good moral character as determined by the Council.

(Ord. 88, passed 5-15-33; Am. Ord. 88, passed 1-29-82) Penalty, see § 110.99(B)

Statutory reference:

Authority to regulate billiard tables,
see ILCS Ch. 625, Act 5, § 11-42-2

§ 110.99 PENALTY.

(A) Any person who violates the provisions of § 110.01 shall be punished by a fine of not less than \$50 nor more than \$200 for each offense. (Ord. 53, passed 10-8-53; Am. Ord. 211, passed 2-13-61)

(B) Any person violating any of the provisions of § 110.06 shall be subject to a penalty of not less than \$50 nor more than \$200. Any license issued under § 110.06 shall be revoked upon conviction of violation of any of the provisions of § 110.06. (Ord. 88, passed 5-15-33; Am. Ord. 88, passed 1-29-82)

Section

- 111.01 License required
- 111.02 Application; fee
- 111.03 Expiration
- 111.04 Bond
- 111.05 Dealing with minors

§ 111.05 DEALING WITH MINORS.

No licensee shall by himself or another, purchase or receive, directly or indirectly, from any minor, any article whatsoever without the written consent of the parent or legal guardian of the minor.
(Ord. 180, passed 11-7-55) Penalty, see § 10.99

Cross-reference:

General licensing provisions,
see Ch. 110

Statutory reference:

Authority to regulate, see ILCS Ch.
65, Act 5, § 11-42-3

§ 111.01 LICENSE REQUIRED.

It shall be unlawful to locate, build, construct, complete, conduct, operate, or maintain a junk store or junkyard or any place of business for dealing in junk or dismantled or wrecked motor vehicles, or parts thereof, either at wholesale or retail, within the corporate limits of the village, without first having obtained a license therefor, issued by the Mayor and countersigned by the Village Clerk.
(Ord. 180, passed 11-7-55) Penalty, see § 10.99

§ 111.02 APPLICATION; FEE.

The license provided for in § 111.01 shall be applied for in writing, stating the applicant's name, place of residence, the place where the business is intended to be carried on, and also the stockholders, operators, or persons otherwise interested therein. The application shall be filed with the Village Clerk, together with a license fee in the amount of \$500.
(Ord. 180, passed 11-7-55) Penalty, see § 10.99

§ 111.03 EXPIRATION.

The license herein referred to shall be issued for one year which corresponds to the fiscal year of the village. The license fee shall be paid annually in advance in the amount provided in § 111.02.
(Ord. 180, passed 11-7-55)

§ 111.04 BOND.

No license, as provided for in this chapter, shall be issued until the applicant gives bond in the penal sum of \$1,000 with surety to be approved by the Village Council. The licensee must comply with all ordinances of the village, statutes of the state, and other applicable governmental regulations, and must make prompt payment of all accounts and damages incurred by the licensee in the operation of the business.
(Ord. 180, passed 11-7-55)

Section

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- 112.02 License required
- 112.03 License application
- 112.04 Restriction of licenses
- 112.05 Bond
- 112.06 Term of license
- 112.07 Examination of applicant for local license
- 112.08 Classification; fees
- 112.09 Number of licenses
- 112.10 Temporary permits
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- 112.12 Disposition of fees
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- 112.18 Location restrictions
- 112.19 Stores selling school supplies, lunches and the like
- 112.20 Closing hours
- 112.21 View from street
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- 112.23 Sale to intoxicated persons or habitual drunkards
- 112.24 Gambling
- 112.25 Violation by owner or employee
- 112.26 Inspections
- 112.27 Revocation; suspension

- 112.99 Penalty

Cross-reference:

- General licensing provisions, see Ch. 110
- Illegal possession and consumption of alcoholic beverages, see Ch. 137

Statutory reference:

- Jurisdiction over retail selling, see ILCS Ch. 235, Act 5, § 4-1

§ 112.01 DEFINITIONS.

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

"ALCOHOLIC LIQUOR." Any spirits, wine, beer, ale or other liquid containing more than one-half of 1% of alcohol by volume, which is fit for beverage purposes.

"BEER." A beverage obtained by the alcoholic fermentation of grain. Includes, among other things, beer, ale, stout, lager beer, and porter, having an alcoholic content not exceeding 20% of alcohol by weight.

"CLUB." A corporation or other association organized under the laws of this state, not for pecuniary profit,

solely for the promotion of some common object other than the sale and consumption of alcoholic liquors, which conforms to the definition of a "**CLUB**" as provided by the statute.

"PERSON." Any individual, partnership, club, or association not incorporated.

"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. The space shall be provided with adequate and sanitary kitchen and dining room equipment and capacity, and have employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Provided further that no "**RESTAURANT**" licensed as such shall sell liquor except with meals.

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

"WINE." An alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, having an alcoholic content of not exceeding 20% alcohol by weight.
(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.02 LICENSE REQUIRED.

(A) It shall be unlawful to sell or offer for sale at retail in the corporate limits of the village, any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

(B) Wine intended for use and used by any church or religious organization for sacramental purposes is excluded from the provisions of this chapter.

(C) Every licensee shall have his license or licenses framed and hung in plain view in a conspicuous place on the licensed premises.
(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06) Penalty, see § 112.99

§ 112.03 LICENSE APPLICATION.

Applications for retail liquor dealer's licenses shall be made to the Mayor, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club, corporation or other association, verified by oath or affidavit, and shall contain the following statements and information.

(A) The name, age, and address of the applicant in the case of an individual; in the case of a partnership, limited liability company or other association, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.

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

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

(D) The length of time the applicant has been in the business of that character, or in the case of a corporation, limited liability company or other association, the date when its charter or articles of organization was issued.

(E) The location and description of the premises or place of business which is to be operated under the license.

(F) A statement as to whether the applicant has made application for a similar or other license on premises other than those described in this application, and the disposition of the application.

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

(H) Whether a previous retail liquor dealer's license issued to the applicant by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor.

(I) A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of the village, in the conduct of his place of business.

(J) The amount of coverage carried for dram shop and public liability insurance, giving the name of the insurance company, the agency issuing the policies, and the expiration date of each policy.

(K) Three character references.

(L) A statement that the applicant has never been convicted of a violation of any federal, state or local statute, law or ordinance concerning the manufacture, possession, sale or offer to sell of alcoholic liquor, and has never forfeited any bond to appear to answer charges for any such violation.

(M) The name and address of the owner of the premises described in the application. If the premises are not owned by the applicant, he must state the term of the lease.

(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.04 RESTRICTION OF LICENSES.

No such license of any kind shall be issued to:

(A) A person who is not a resident of the village.

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

(C) A person who is not a citizen of the United States.

(D) A person who has been convicted of a felony, unless that person has been sufficiently rehabilitated to warrant the public trust.

(E) A person who has been convicted of being the keeper of, or is keeping, a house of prostitution.

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

(G) A person whose license issued under this chapter has been revoked for cause.

(H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application.

(I) A partnership or limited liability company, unless all such members shall otherwise be qualified to obtain a license, other than citizenship or residence within the village. The foregoing notwithstanding, at least one partner of a partnership and at least one member of a limited liability company must meet the citizenship and residence requirements of this section.

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the

aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason, other than citizenship and residence within the village.

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

(L) A person who has been convicted of a violation of any federal, state or local law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited his bond to appear in court to answer charges for any such violation.

(M) A person who does not 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.

(N) A person who does own the business to be operated by the licensee.

(O) Any law enforcing public official, including any Mayor or member of the Village Council, and no such official shall be interested, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor; except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official, if the issuance of the license is approved by the State Liquor Control Commission.

(P) Any person, firm or corporation not eligible for a state retail liquor dealer's license.

(Q) A person who has been convicted of a gambling offense as prescribed by federal, state or local law.

(R) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period; or if the applicant is a partnership or limited liability company, if any of the partners have been issued a federal gaming device stamp or a federal wagering stamp by the federal government for the current tax period; or if the applicant is a corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation, has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(S) 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. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

Statutory reference:

Persons ineligible to license, see ILCS Ch. 720, Act 5, §§ 28-1(a)(3) through (a)(11), 28-1.1, or 28-3

§ 112.05 BOND.

Persons desiring any license under this chapter shall execute a penal bond in the amount of \$2,000, with sureties satisfactory to the Mayor, conditioned upon the faithful observance of the provisions of this chapter and of the statutes of the state. Upon approval by the Mayor, the bond shall be filed in the Office of the Village Clerk. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.06 TERM OF LICENSE.

Each license issued hereunder shall terminate on the first day of January following the issuance thereof. The fees to be paid for any license shall be prorated to the full calendar months which have expired in the year prior to the issuance of the license. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.07 EXAMINATION OF APPLICANT FOR LOCAL LICENSE.

The Mayor shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine, or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof of his information in the performance of his duties, and for such purpose, to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Mayor under this chapter, he may authorize an agent to act on his behalf, as provided by statute. (Ord. 605, passed 6-27-06)

§ 112.08 CLASSIFICATION; FEES.

(A) Licenses issued under this chapter shall be divided into the following classes.

(1) Class "A", which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, and not for resale in any form. The annual fee for this license shall be \$500.

(2) Class "C", which shall permit the retail sale of beer and wine in sealed packages, but not for consumption on the premises where sold, and not for resale in any form. The annual fee for such license shall be \$500.

(3) Class "D", which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized club, as hereinbefore defined, such sales to be made only to members of the club and their guests. The annual fee for this license shall be \$1.

(B) All licenses issued hereunder shall be designated by the classification letter herein provided.

(C) All fees shall be paid by the applicant annually, in advance. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 412, passed 6-13-88; Am. Ord. 605, passed 6-27-06)

§ 112.09 NUMBER OF LICENSES.

(A) The total number of all Class "A" licenses issued and in force at any one time in any year shall not exceed two.

(B) The total number of all Class "C" licenses issued and in force at any one time in any year shall not exceed two.

(C) The total number of Class "D" licenses in force at any one time in any one year shall not exceed one. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.10 TEMPORARY PERMITS.

The Mayor shall have the power to issue temporary permits for the sale of beer or wine at any banquet, picnic, fair, or private or public assembly where food or drink is sold, offered for sale, or dispensed. The permit shall be restricted to groups organized other than for pecuniary profit. The permit shall extend for a period not longer than 72 hours, and shall be limited to consumption on the premises described in the application. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.11 INSURANCE REQUIRED.

No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the state, certifying that the applicant has in force and effect the insurance required by statute.

(Ord. 605, passed 6-27-06)

§ 112.12 DISPOSITION OF FEES.

All license fees shall be paid to the Mayor at the time the application is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Council by proper action.

(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.13 RECORDS.

The Village Clerk shall keep a complete record of all licenses issued, and shall furnish the Chief of Police with a copy thereof. Upon revocation or suspension of any license, the Village Clerk shall immediately give written notice thereof to the Chief of Police.

(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.14 TRANSFER OF LICENSE.

(A) A license issued under this chapter shall be purely a personal privilege, good for not more than one year from issuance unless sooner revoked as provided in this chapter. It shall not constitute a property right, 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.

(B) Any license issued under this chapter shall terminate on the death of the licensee, and shall not descend 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

decident, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of the licensee.

(C) A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

(D) Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for such purpose.
(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.15 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 upon a written application to make such change to the Mayor, and upon a written permit issued by the Mayor authorizing the change of location. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.
(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.16 PEDDLING.

It shall be unlawful to peddle alcoholic liquor in the city.
(Ord. 605, passed 6-27-06)

§ 112.17 SANITARY CONDITIONS.

(A) All premises used for the retail sale of alcoholic liquor, or for the storage of the liquor, shall be kept in full compliance with the all applicable law, regulations and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

(B) It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with, or is a carrier of, a contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to engage in

any way in the handling, preparation or distribution of such liquor.
(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06) Penalty, see § 112.99

§ 112.18 LOCATION RESTRICTIONS.

(A) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided this prohibition shall not apply to regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to this chapter taking effect. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs, and not to property boundaries.

(B) No license shall be issued under this chapter except within the following territory of the village: that territory bounded on the north by the center line of Davis Street, on the west by a line located 120 feet west and parallel with the west line of Sandusky Street; and on the south and east by the north boundary line of the right-of-way of the Norfolk and Western Railroad; also, that territory beginning at the northwest corner of the northeast quarter of the southeast quarter of Section 34, Township 19 North, Range 12 West of the 2nd P.M., then east to the line of the TW&W Railroad, then in a westerly direction with the line of the railroad to the west line of the northeast quarter of the southeast quarter of the section, then north to the place of beginning, situated in Vermilion County, Illinois.
(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78) Penalty, see § 112.99

Statutory reference:

Retail sales near churches, schools, and the like, see ILCS Ch. 235, Act 5, § 6-11

§ 112.19 STORES SELLING SCHOOL SUPPLIES, LUNCHESES AND THE LIKE.

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age, or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.
(Ord. 605, passed 6-27-06)

§ 112.20 CLOSING HOURS.

(A) It shall be unlawful to sell or offer for sale at retail, or to give away, in or upon any licensed premises, any alcoholic liquor at any time or times, other than the following.

(1) Each day of the week, except Sunday, from 6:00 a.m. until 12:00 midnight.

(2) Friday night hours shall extend until Saturday at 1:00 a.m.

(3) The sale of any alcoholic liquor is prohibited on Sunday.

(4) The foregoing hours notwithstanding, the sale at retail of beer and wine not for consumption on the licensed premises of a Class "C" licensee shall be permitted from 7:00 a.m. to 11:00 p.m., Mondays through Saturdays of each week, and on Sundays from 1:00 p.m. to 7:00 p.m.

(5) In addition to the hours set forth in divisions (1) and (2) above, the sale at retail of any alcoholic liquor, for consumption on the licensed premises of a Class D licensee, shall be permitted on Sundays from 12:00 p.m. to 12:00 a.m.

(B) It shall be unlawful to keep open for business, to admit the public to, to permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided that, in the case of restaurants or dealers operating pursuant to a Class "C" license, such establishments may be kept open for business during such hours, but no alcoholic liquor may be sold to, or consumed by, the public during such hours. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 412, passed 6-13-88; Am. Ord. 605, passed 6-27-06; Am. Ord. 631, passed 3-4-08)
Penalty, see § 112.99

Statutory reference:

Retail sales on Sunday, see ILCS Ch. 235, Act 5, § 6-14

§ 112.21 VIEW FROM STREET.

(A) In premises upon which the sale of alcoholic liquor for consumption is licensed (other than as a restaurant or club), no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, nor inside such premises, which shall prevent a clear view into its interior from the street, road or

sidewalk at all times; and no booth, screen, partition or other obstruction, nor any arrangement of lights or lighting, shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.

(B) In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured, or willfully permitted to be obscured or in any manner obstructed, by the licensee, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Mayor shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as required above. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)
Penalty, see § 112.99

§ 112.22 SALE TO MINORS.

(A) It shall be unlawful for any person under the age of 21 years to purchase or obtain, and to attempt to purchase or obtain, any alcoholic liquor in any place in the village where alcoholic liquor is sold. In addition to the prohibitions of this section, it shall be a violation of this section for any person under the age of 21 years to violate the provisions of §§ 137.02 and 137.03 of this code.

(B) It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the village where alcoholic liquor is sold. In addition to the prohibitions of this section, it shall be a violation of this section for any person under the age of 21 years to violate the provisions of §§ 137.02 and 137.03 of this code.

(C) In every tavern or other place in the village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card reading substantially as follows:

Warning to Persons Under 21 Years Old

You are subject to a fine up to \$1,000 under the ordinances of the Village of Catlin, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

(D) It shall be unlawful for any minor to draw, pour or mix any alcoholic liquor in any licensed retail premises.

(E) It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be the parent or guardian to violate any of the provisions of this section.

(F) It shall be unlawful to sell, give or deliver alcoholic liquor to any person under the age of 21 years. In addition to the prohibitions of this section, it shall be a violation of this section for any person to violate the provisions of §§ 137.02 and 137.03 of this code.

(G) In addition to all other fines and penalties, the Mayor may suspend or revoke the retail liquor dealer's license for any violation of this section. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06) Penalty, see § 112.99

Statutory reference:

Prohibited sales, see ILCS Ch. 235, Act 5, § 6-16

§ 112.23 SALE TO INTOXICATED PERSONS OR HABITUAL DRUNKARDS.

It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, insane, or a feeble-minded person. (Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06) Penalty, see § 112.99

Statutory reference:

Prohibited sales, see ILCS Ch. 235, Act 5, § 6-16

§ 112.24 GAMBLING.

It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor, except as may be permitted under exceptions set forth in ILCS Ch. 720, Act 5, § 28-1 as amended from time to time. (Ord. 605, passed 6-27-06; Am. Ord. 698, passed 9-18-12) Penalty, see § 112.99

§ 112.25 VIOLATION BY OWNER OR EMPLOYEE.

A violation of the provisions of this chapter made with the knowledge of the owner of the premises, or any person from whom the licensee derives the right of

possession, shall subject the owner or the person to the same penalties and punishment as apply to the licensee. A violation by any manager, agent or employee of a licensee shall be deemed and held to be the act of the licensee, and subject the licensee to the penalties provided in § 112.27 and § 112.99 to the same extent as if the act or omission had been committed by the licensee personally.

(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06) Penalty, see § 112.99

§ 112.26 INSPECTIONS.

It shall be unlawful to refuse to grant admittance to the premises for which a Class "D" license has been issued at any time, upon the verbal request of any police officer, a health officer, the Mayor, or any member of the Village Council, for the purpose of making an inspection of such premises, or any part thereof. (Ord. 605, passed 6-27-06)

§ 112.27 REVOCATION; SUSPENSION.

(A) The Mayor may suspend or revoke for cause any liquor dealer's license for any violation of any provision of this chapter, or for any violation of any state or local law, regulation or ordinance pertaining to the sale or distribution of alcoholic liquor, or for permitting gambling in the premises covered by the license. Participating in activities prohibited by ILCS Ch. 230, Act 30, §§ 1 et seq. shall not be considered a gambling violation.

(B) If a license is revoked, all fees prepaid shall be forfeited, the bond of the licensee shall be forfeited, and it shall thereafter be unlawful and constitute a further violation of this chapter for the licensee to continue operations under the license.

(C) No license shall be revoked or suspended except after a public hearing before the Mayor, held following a three-day written notice to the licensee describing the violation. All hearings shall be open to the public. The Mayor shall have the power to suspend any license forthwith and without notice, if in his opinion, the continued operation of the licensed premises will immediately threaten the health or welfare of the community, which suspension shall extend for not more than seven days.

(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

§ 112.99 PENALTY.

Any person violating any provision of this chapter shall be subject to a fine of not less than \$50, nor more than \$1,000 for each offense, and each day during which a violation occurs or continues shall be deemed a separate offense. In addition, any person violating any provision of this chapter shall be liable to the village for the costs, including reasonable attorney fees, incurred by the village in the prosecution of any action under this chapter.

(Ord. 96, passed 3-5-34; Am. Ord. 167, passed 5-4-53; Am. Ord. 232, passed 11-8-65; Am. Ord. 336, passed 1-23-78; Am. Ord. 605, passed 6-27-06)

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§ 113.01 DEFINITIONS.

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

"ADULT BOOK STORE." An establishment having as a substantial or significant portion of its sale or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin-operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS," or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

"ADULT ENTERTAINMENT CABARET." A public or private establishment which: (1) features topless dancers, strippers, nude or partially nude dancers or entertainers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows, or similar entertainers; (2) not infrequently features entertainers who display "SPECIFIED ANATOMICAL AREAS;" or (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "SPECIFIED SEXUAL ACTIVITIES."

"ADULT MINI MOTION PICTURE THEATER." An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS" for observation by patrons therein.

"ADULT MOTION PICTURE THEATER." An enclosed building with a capacity of 50 or more persons used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS" for observation by patrons therein.

"ADULT NOVELTY STORE." An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing, novelties, lotions and other items distinguished or characterized by their emphasis on or use for "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

"ADULT USES." Include but are not limited to adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult entertainment cabarets, including but not limited to gentleman's clubs, strip clubs, and adult clubs allowing nudity at regular or frequent times, adult novelty stores, massage parlors, body shops or model studios.

"BODY SHOP OR MODEL STUDIO." Any public or private establishment which describes itself as a body shop or model studio; or where for any form of consideration or gratuity, figure models displaying specified anatomical areas may be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons providing consideration or a gratuity; or where for any form of consideration or gratuity, nude and semi-nude dancing, readings, counseling sessions, body-painting, and other activities are provided that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "SPECIFIED SEXUAL ACTIVITIES" or "SPECIFIED ANATOMICAL AREAS;" except a modeling class operated by: (1) a proprietary school licensed by the state or a college, junior college, or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or an accredited private college.

"BOTTLE CLUBS." Any business or club which permits others to bring alcoholic beverages purchased elsewhere for consumption onto or into its premises.

"MASSAGE." Any method or pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

"MASSAGE PARLOR." Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in the definition of "MASSAGE;" except where such establishment is owned, operated by or employs a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, licensed barber, licensed physician, licensed chiropractor, or licensed massage therapist.

"SPECIFIED ANATOMICAL AREAS." Less than completely and opaquely covered human genitals, pubic region, pubic hair, buttocks, vulva, anus, anal clef, female breast below a point immediately above the top of the areola; male genitals, including those completely opaquely covered if in a discernibly turgid state.

"SPECIFIED CRIMINAL ACTIVITIES." Any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(2) For which:

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

(b) Less than five years have elapsed since the date of conviction or the date of release from confinement for

conviction, whichever is the later date, if the conviction is a felony offense; or

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

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

"SPECIFIED SEXUAL ACTIVITIES." Human genitals in a state of sexual stimulation or arousal; acts or representations of acts of human masturbation, sexual intercourse, or sodomy, bestiality, oral copulation, or flagellation; fondling or erotic touching of human genitals, pubic region, buttocks, or female breast; excretory functions as part of or in connection with any activities set forth in this definition. (Ord. 565, passed 8-5-03)

§ 113.02 LIMITATIONS ON ADULT USES.

Adult uses shall be permitted subject to the following restrictions:

(A) No massage parlor, nude body shop or model studio shall be permitted within the boundaries of the village. All other adult uses shall be considered permitted adult uses for purposes of this chapter;

(B) No permitted adult use shall be located:

(1) Within 500 feet of another existing adult use; or

(2) Within 500 feet of a pre-existing school, place of worship, day care center, publicly owned facility or personal residence; or

(3) Within 500 feet of a zoning district which is zoned for single-family or multiple-family residential use;

(C) A license issued pursuant to this title for a particular location shall not entitle the licensee to operate at any other location;

(D) A license issued pursuant to this title shall not descend by the laws of testate or intestate succession and may not be voluntarily or involuntarily alienated, conveyed or assigned to any other person or entity;

(E) An adult use shall not be located in a building structure which contains a business that sells or dispenses in any manner alcoholic beverages or permits the consumption of alcoholic beverages therein.

No liquor license shall be issued to a licensee or to premises where an adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted;

(F) An adult use shall not be operated by or in conjunction with a business which is defined as a bottle club under this or any other ordinance of the village. (Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.03 LICENSE REQUIREMENTS.

(A) It shall be unlawful for any person or entity to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in, or upon any premises in the village, the operation of a permitted adult use, without first having obtained a license for the adult use pursuant to the terms of this chapter.

(B) Every applicant for a license to maintain, operate, or conduct a permitted adult use shall file an application in duplicate under oath with the Mayor upon a form provided by the village and pay a non-refundable application fee of \$500 to the Village Clerk, who shall issue a receipt which shall be attached to the application. In addition, the applicant shall remit, at the time the application is filed, to the Village Clerk the sum of \$2,500 as the annual license fee which shall be refunded to the applicant if the application is denied.

(C) The Mayor shall within five days refer the copies of the application to the Police Department. The Police Department shall within 30 days thereafter inspect the premises proposed to be operated as an adult use business and conduct a background investigation of each applicant within this same 30 days. The Police Department shall make written recommendations to the Mayor concerning the premises, and the applicants' qualifications.

(D) Within ten days of receiving the aforesaid recommendation of the Police Department, the Mayor shall notify the applicant that his or her application is granted, denied, or held for further investigation. Additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant within the same 30 days. Upon the conclusion of additional investigation, the Mayor shall advise the applicant in writing whether the application is granted or denied.

(E) Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for this action.

(F) Failure or refusal of any applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the application, or his or her refusal to submit to or cooperate with any inspection or investigation required by this chapter shall constitute an admission by the applicant that he or she is ineligible for the license and shall be grounds for denial thereof by the Mayor.

(G) Review of the Mayor's denial of an application for license may be had by filing a complaint with the Circuit Court for the Fifth Judicial Circuit, Vermilion County, Illinois, in accordance with Article III of the Illinois Code of Civil Procedure, ILCS Ch. 735, Act 5, §§ 3-101 et seq. Per § 113.13, the status quo ante shall be maintained during the pendency of any such action for administrative review. (Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.04 APPLICATION FOR LICENSE.

An applicant for an adult use license shall furnish the following information under oath:

(A) The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto;

(B) A statement by each applicant that he or she is familiar with the provisions of this chapter and is in compliance with them;

(C) All applicants must be qualified according to the provisions of this title. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the village to determine whether the applicant meets the qualifications established in this title;

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this title. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a 10% or greater interest in the business, including corporations, must sign the application for a license as an applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted;

(E) The completed application for an adult use business license shall contain the following information:

(1) If the applicant is an individual, the individual shall state his or her legal name and any aliases used during the past seven years and submit proof that he or she is 21 years of age;

(2) If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted;

(3) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and

(4) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a 10% or more stake) and the name and address of the registered corporate agent;

(F) If the applicant intends to operate the adult use business under a name other than that of the application, he or she must state:

(1) The business' fictitious name; and

(2) Submit any required registration documents;

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this title, and if so, the specified criminal activity involved, the date, place and jurisdiction of each;

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

(I) Whether the applicant holds any other licenses under this title or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses;

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

(Ord. 565, passed 8-5-03)

§ 113.05 ISSUANCE OF LICENSE.

(A) Upon receipt of the recommendations of the Police Departments referred to above, the Mayor shall issue a license to maintain, operate, or conduct a permitted adult use unless he or she finds, by a preponderance of the evidence, any one or more of the following:

(1) The applicant is under the age of 21 years or under any legal disability;

(2) The applicant has held an interest in a license either under this chapter or any ordinance of the village which regulates alcoholic liquor and which license has been revoked for cause;

(3) The applicant, at the time of application for renewal of any license issued under this chapter, would not be eligible for the license upon a first application;

(4) The operation as proposed by the applicant, if permitted, would not have complied with all applicable laws, including, but not limited to those of the Village of Catlin, State of Illinois, or United States of America;

(5) The applicant is overdue in payment to the village of taxes, fees, fines or penalties assessed against or imposed upon him or her in relation to any business;

(6) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;

(7) The applicant has been denied a license by the village to operate an adult use business within the preceding 12 months or whose license to operate an adult use business has been revoked within the preceding 12 months;

(8) The applicant has been convicted of a specified criminal activity as defined in this title;

(9) The application or the license fees required by this title have not been paid; or

(10) The applicant of the proposed adult use is in violation or not in compliance with all of the provisions of this title.

(B) Every adult use license issued pursuant to this chapter will expire on January 1 of the year following its issuance. A license may be automatically renewed by payment of the \$2,500 annual fee to the Village Clerk prior to January 1 of each year, unless any of the terms of the original application have changed, at which event a renewal application must be submitted all in conformity with the requirements of an original application. License fees will not be prorated. Failure to pay the annual fee by January 1 of each year will result in automatic suspension of the holder's adult use license, and will require the submission of a new application.
(Ord. 565, passed 8-5-03)

§ 113.06 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.

It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed adult use establishment which reveals specified anatomical areas or specified sexual activities.
(Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.07 ADULT PERFORMANCE STANDARDS.

Any adult use establishment that features, in whole or in part, adult live acts, demonstrations, dancing or exhibitions shall comply with the following requirements:

(A) No person, employee, agent, servant or independent contractor in any adult use establishment, may perform or engage in any live act, demonstration, dance or exhibition except on a platform or other similar structure raised not less than two feet above the immediately surrounding main floor area, and positioned not less than ten feet from any patron or spectator;

(B) No person maintaining, managing, owning or operating an adult use establishment shall suffer, allow, or permit the construction, maintenance, or use of areas partitioned or screened from public view that are to be occupied, alone or together, by any person or persons on the premises of such establishments for performances, private or otherwise, involving the display of or exhibition of, whether live or recorded, specified anatomical areas or specified sexual activities or permit any employee, agent,

servant or independent contractor to violate any provision of this chapter;

(C) No person on the premises of an adult use establishment shall be permitted to use or be present in areas partitioned or screened from public view that are designed to be occupied, together or alone, for purposes of displaying, whether live or recorded, specified anatomical areas or engaging in specified sexual activities;

(D) No spectator or patron shall directly or indirectly pay, tip or give any gratuity to any dancer or other performer at a licensed adult use business and no dancer or other performer at a licensed adult use business shall solicit or accept any pay or gratuity from any spectator or patron;

(E) Prohibition of physical contact. While on the premises of an adult use establishment, no employee, agent, servant or independent contractor shall be permitted to have any physical contact with any other adult entertainment employee, other employee, patron or spectator while the employee, agent, servant or independent contractor is entertaining, dancing or otherwise involved in the display of or exhibition of specified anatomical areas; and

(F) No act is authorized if not otherwise permitted by law. Nothing in this chapter pertaining to adult use establishments shall be construed to permit or authorize any act or activities that are prohibited by state law. These sections are meant to be in addition to any acts or activities that are so prohibited.

(Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.08 HOURS OF OPERATION.

It shall be unlawful for any licensee of an adult use business to operate later than 12:00 midnight on Mondays, Tuesdays, Wednesdays, and Thursdays, and 1:00 a.m. on Fridays and Saturdays. It shall be unlawful for any adult use business to open earlier than 10:00 a.m. on any day of the week. No licensee shall operate at any time on a Sunday.

(Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.09 AMORTIZATION OF EXISTING ADULT ORIENTED USES.

Except as otherwise provided in § 113.13, this chapter shall not be enforced against existing adult use businesses for a period of six months from the date of passage and publication.
(Ord. 565, passed 8-5-03)

§ 113.10 MEASUREMENT OF DISTANCES.

For the purposes of this title,

line, without regard to intervening structures or objects, from the property line of the exterior line of the premises of a business operating an adult use to the nearest property line of a business operating an adult use, or a school, place of worship, personal residence, or district zoned for residential use. (Ord. 565, passed 8-5-03)

§ 113.11 EXTERIOR DISPLAY.

No adult use business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.

(Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.12 SUSPENSION OR REVOCATION OF LICENSE.

(A) Any license issued for an adult use business may be suspended by the Mayor if he or she finds, by a preponderance of the evidence, any one or more of the following:

(1) The licensee or an employee, agent or independent contractor of the licensee violated any provision of this chapter regulating adult uses;

(2) The licensee or an employee, agent or independent contractor of the licensee refused to allow an inspection of the adult use business premises as authorized by this title; or

(3) The licensee or an employee, agent or independent contractor of the licensee knowingly permitted gambling by any person on the adult use business premises.

(B) The Mayor shall revoke a license if a cause of suspension in division (A) above occurs and the adult use license has been suspended within the preceding 12 months or if the licensee is convicted of any specified criminal activity.

(C) The Mayor may revoke a license if he or she determines, after a hearing, by a preponderance of the evidence, one or more of the following:

(1) A licensee gave false or misleading information in the material submitted during the application process;

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

(3) A licensee or management personnel has knowingly allowed prostitution on the premises;

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

(5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other specified sexual activity to occur in or on the licensed premises;

(6) A licensee is delinquent in payment to the village, county or state for any taxes or fees past due;

(7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or

(8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(D) If the Mayor revokes a license, the revocation shall continue for one year and the licensee shall not be issued all adult use business license for one year from the date the revocation became effective. If, subsequent to revocation, the Mayor finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(E) The licensee shall be responsible for the acts of his or her agents, servants, employees, independent contractors, and patrons. In the case of a first offense by a licensee where the conduct was solely that of an agent, servant, employee, independent contractor, or patron, the penalty shall not exceed a suspension of 30 days if the Mayor finds that the licensee had no actual or constructive knowledge of the violation.

(F) The Mayor, before revoking or suspending any license, shall give the licensee at least ten days written notice of the charges against him or her, including a written description of those charges, and the opportunity for a public hearing before the Mayor at which time the licensee may present evidence bearing upon the question. Notice of the hearing and the written description of the charges shall be served upon the licensee in person or via certified United States mail. Failure of the licensee to sign for or accept delivery of any certified mailing shall constitute service of the notice.

(G) Judicial review of the Mayor's suspension or revocation of a license may be had by filing a complaint with the Circuit Court for the Fifth Judicial Circuit,

Vermilion County, Illinois, in accordance with Article III of the Illinois Code of Civil Procedure, ILCS Ch. 735, Act 5, §§ 3-101 et seq. Per § 113.13, the status quo ante shall be maintained during the pendency of any such action for administrative review.
(Ord. 565, passed 8-5-03)

§ 113.13 EXISTING ADULT USES.

All existing adult uses at the time of the passage of this chapter must submit an application for an adult use license, as provided in §§ 113.03 through 113.05, within 30 days of the passage and approval of this chapter. Pending the timely filing of an application for a license and a decision thereon, any existing adult use establishment may continue operation and maintain the status quo ante only. In the event the application of an existing adult use is denied by the Mayor, the unsuccessful applicant may continue operations until the later of the following: (1) the thirtieth day subsequent to the Mayor's denial of the application; or (2) the thirtieth day subsequent to the exhaustion of any remedies available to the applicant under Article III of the Illinois Code of Civil Procedure, ILCS Ch. 735, Act 5, § 3-101 et seq.
(Ord. 565, passed 8-5-03)

§ 113.14 DISPLAY OF LICENSE AND PERMIT.

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.
(Ord. 565, passed 8-5-03)

§ 113.15 EMPLOYMENT OF PERSON UNDER AGE 21 PROHIBITED.

It shall be unlawful for any adult use licensee or his or her manager or employees to employ in any capacity within the adult use business any person who is not at least 21 years of age.
(Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.16 ILLEGAL ACTIVITIES ON PREMISES.

No licensee or any officer, associate, member, representative, agent, or employee of the licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the Village of Catlin, or law of the State of Illinois or the law of the United States of America.
(Ord. 565, passed 8-5-03) Penalty, see § 113.99

(A) The Police Department shall from time to time and at least twice a year, make an inspection of each adult use establishment granted a license under the provisions of this title for the purposes of determining compliance with the provisions of this title. These inspections shall be made at reasonable times and in reasonable manners.

(B) It shall be a violation of this title for a licensee to fail to allow the inspection officer access to the premises or to hinder the officer in any manner. (Ord. 565, passed 8-5-03) Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter shall upon conviction be punished by a fine of not less than \$100 or more than \$1,000 for each violation.

(B) Any person who violates this chapter shall be liable for all costs, expenses and attorneys fees incurred by the village in enforcing this chapter. (Ord. 565, passed 8-5-03)

Section

- 114.01 Definitions
- 114.02 Certificate of registration
- 114.03 Application for certificate of registration
- 114.04 Issuance or denial of certificate
- 114.05 Revocation of certificate
- 114.06 Soliciting prohibited
- 114.07 Time limit on soliciting
- 114.08 Fees
- 114.99 Penalty

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following words as used herein shall be considered to have the meaning herein ascribed thereto:

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

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

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

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

(Ord. 686, passed 3-19-12)

§ 114.02 CERTIFICATE OF REGISTRATION.

(A) Every person desiring to engage in soliciting as herein defined from persons in residences within the village, is hereby required to make written

application for a certificate of registration as hereinafter provided. Such certificate shall be carried by the solicitor.

(B) The provisions of this chapter shall not apply to soliciting conducted by student organizations or groups sponsored by or affiliated with Catlin Community Unit School District #5, nor for youth organizations made up of primarily children residing within the village, including youth athletic organizations and chapters associated with national youth organizations such as the Girl Scouts and Boy Scouts, so long as the organization or group first advises the Village Clerk of its intention to make solicitations within the village and the approximate time period during which such solicitations shall occur.

(Ord. 686, passed 3-19-12) Penalty, see § 114.99

§ 114.03 APPLICATION FOR CERTIFICATE OF REGISTRATION.

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

- (1) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- (2) Addresses of place of residence during the past three years if other than present address;
- (3) Age of applicant;
- (4) Physical description of applicant;
- (5) Name and address of the person, firm, or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (6) Name and address of employer during the past three years if other than the present employer;
- (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (8) Period of time for which the certificate is applied;

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

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

(11) Has applicant ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the United States;

(12) Names of magazines, journals or books being solicited for sale;

(13) Names of three most recent communities where applicant has solicited house to house;

(14) Proposed method of operation;

(15) Signature of applicant;

(16) Social Security number of applicant.

(B) All statements made by the applicant upon the application or in connection therewith shall be under oath. (Ord. 686, passed 3-19-12)

§ 114.04 ISSUANCE OR DENIAL OF CERTIFICATE.

(A) The Chief of Police, or his designee, shall act upon each application within 24 hours of its filing, excluding weekends and municipal or national holidays.

(B) The Chief of Police, or his designee, after consideration of the application and all other relative information, shall deny the application if the applicant does not possess the qualifications for such certificate, or if the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. Endorsement shall be made by the Chief of Police, or his designee, upon the application or upon the denial of the application. When the applicant is found to be fully qualified, a certificate of registration shall be issued.

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

duplicate number of the application upon which it was issued. No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided. (Ord. 686, passed 3-19-12)

§ 114.05 REVOCATION OF CERTIFICATE.

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

(B) Immediately upon the giving of such notice the certificate of registration shall become null and void. The certificate of registration shall state the expiration date thereof. (Ord. 686, passed 3-19-12)

§ 114.06 SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the provisions of this chapter. (Ord. 686, passed 3-19-12) Penalty, see § 114.99

§ 114.07 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a 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 occupant thereof and

engage in soliciting as herein defined prior to 9:00 a.m. or after the earlier of 7:00 p.m. or dark of any weekday or Saturday, or at any time on a Sunday or on a state or national holiday.

(Ord. 686, passed 3-19-12) Penalty, see § 114.99

§ 114.08 FEES.

The certificate of registration shall state the effective date and expiration date, and the applicant. At the time of the issuance of said certificate, the applicant shall pay the sum of \$25 per month or \$5 per day for each day within and including such dates.

(Ord. 686, passed 3-19-12)

§ 114.99 PENALTY.

Any person who violates any provision of this chapter for which another penalty is not specifically provided shall be fined not less than \$50 nor more than \$1,000. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to the cost associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 686, passed 3-19-12)

Section

General Provisions

- 115.01 Definitions
- 115.02 Gambling
- 115.03 Keeping a gambling place
- 115.04 Seizure of gambling devices and gambling funds
- 115.05 Licensing of certain organizations to operate raffles

Video Gaming Terminals

- 115.20 Definitions
- 115.21 Operation fee
- 115.22 Direct dispensing of receipt tickets only
- 115.23 Licensed establishment
- 115.24 Display of license; confiscation
- 115.25 Location of terminals
- 115.26 Inspection
- 115.27 Preservation of good order

- 115.99 Penalty

GENERAL PROVISIONS

§ 115.01 DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

"GAMBLING DEVICE." Any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A gambling device does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property, or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(3) A crane game. For the purposes of this definition, a "CRANE GAME" is an amusement device involving skill, if it rewards the player

exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than \$25.

(4) A redemption machine. For the purposes of this definition, a "REDEMPTION MACHINE" is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all of the following conditions are met:

(a) The outcome of the game is predominantly determined by the skill of the player.

(b) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.

(c) Only merchandise prizes are awarded.

(d) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed \$25.

(e) The redemption value of tickets, tokens, and other representation of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device.

"INTERNET." An interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server. Internet includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

"LOTTERY." Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

"POLICY GAME." Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate

shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.
(Ord. 698, passed 9-18-12)

§ 115.02 GAMBLING.

(A) A person commits gambling when he or she:

- (1) Plays a game of chance or skill for money or other thing of value, unless excepted in division (B) of this section;
- (2) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;
- (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;
- (4) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the courses of a bet or wager;
- (5) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;
- (6) Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;
- (7) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;
- (8) Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;
- (9) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state;
- (10) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar

means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in newsreporting of sporting events or contests; or

(11) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet. This division (11) does not apply to activities referenced in division (B) (6) (a) and (b) below.

(B) Participants in any of the following activities shall not be convicted of gambling therefor:

- (1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance.
- (2) Offers of prizes, award, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest.
- (3) Pari-mutuel betting as authorized by the law of this state.
- (4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law, or the manufacture, distribution, or possession of video gaming terminals, as defined in the Illinois Video Gaming Act, by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act.
- (5) The game commonly known as "bingo," when conducted in accordance with the Illinois Bingo License and Tax Acts.
- (6) (a) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules.
(b) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under

the program established in § 7.12 of the Illinois Lottery Law.

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an "ANTIQUUE SLOT MACHINE" is one manufactured 25 years ago or earlier.

(8) Any raffle conducted by an organization which has obtained a license from the village for the operation of such raffle, as provided in § 112.05, and which license has not been suspended or revoked.

(9) Charitable games when conducted in accordance with the Illinois Charitable Games Act.

(10) Pull tabs and jar games when conducted under ILCS Ch. 230, Act 20, §§ 1 et seq.

(11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act.

(12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act.

(C) The violation of any provision of this section shall be punished as provided in Municipal Code § 130.99.

(Ord. 698, passed 9-18-12) Penalty, see § 130.99

§ 115.03 KEEPING A GAMBLING PLACE.

For purposes of this section, a "GAMBLING PLACE" is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling, other than the gambling conducted in the manner authorized by the Illinois Riverboat Gambling Act or the Video Gaming Act. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place shall, upon conviction, be punished as provided in Municipal Code § 130.99. When any premises is determined to be a gambling place:

(A) Such premises is a public nuisance and may be proceeded against as such; and

(B) Such premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered

and any unsatisfied fine that may be levied under any section of this chapter. (Ord. 698, passed 9-18-12) Penalty, see § 130.99

§ 115.04 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by municipal authorities. As used in this section, a "GAMBLING DEVICE" includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.

(B) Every gambling device shall be seized and forfeited as contraband to the village. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the village.

(Ord. 698, passed 9-18-12)

§ 115.05 LICENSING OF CERTAIN ORGANIZATIONS TO OPERATE RAFFLES.

(A) No person, firm, corporation, voluntary association, or other organization shall operate or conduct a raffle within the corporate boundaries of the village, and no chance connected with any raffle shall be sold within the corporate boundaries of the village, unless such person, firm, corporation, voluntary association, or other organization shall have first obtained from the Village Clerk a license to operate or conduct such raffle as provided in this section.

(B) For purposes of this section, the terms defined below shall have the meanings given them:

(1) "BUSINESS." A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civic interests of the community.

(2) "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.

(3) "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.

(4) "FRATERNAL." An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(5) "LABOR." An organization composed of workers organized with the objectives of betterment of the conditions of those engaged in such pursuit and the development of higher degree of efficiency in their respective occupations.

(6) "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.

(7) "NON-PROFIT." An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(8) "RAFFLE." A form of lottery, as defined in ILCS Ch. 720, Act 5, § 28-2, conducted by an organization licensed under this section, in which:

(a) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and

(b) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(9) "RELIGIOUS." Any church, congregation, society, or organization founded for the purpose of religious worship.

(10) "VETERANS." An organization or association comprised of members of which substantially all are individuals who are veterans of military or naval service 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.

(C) Licenses under this section shall be issued only to a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that operates without profit to its members and which has been in existence continuously for a period of five years immediately before making application for a license and which has had during that entire five-year period a bona fide membership engaged in carrying out its objects, and a non-profit fundraising organization the Mayor 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.

(D) No license shall be issued under this section if:

(1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle exceeds \$200,000;

(2) The maximum retail value of each prize awarded by a licensee in a single raffle exceeds \$100,000;

(3) The maximum price which may be charged for each raffle chance issued or sold by the licensee exceeds \$200;

(4) The maximum number of days during which chances may be issued or sold by the licensee for a single raffle exceeds 90; or

(5) The maximum period of time during which chances may be issued or sold by the licensee for a specified number of raffles exceeds one year.

(E) Each applicant for a license to be issued under this section shall complete and execute under oath a written application to be filed with the Village Clerk upon such form as the Village Clerk may prescribe providing the following information:

(1) The area or areas within the corporate boundaries of the village in which raffle chances will be sold or issued;

(2) The time period during which raffle chances will be sold or issued;

(3) The time of determination of winning chances and the location or locations at which winning chances will be determined;

(4) A sworn statement attesting to the non-profit character of the applicant and that the applicant meets the time period requirements of division (D) (4) above or is otherwise within the scope of division (D) (5) above;

(5) The facts and circumstances showing that the limitations of division (D) above are complied with in the conduct of each raffle described in the application; and

(6) The application shall be signed by the presiding officer and the secretary of the organization.

(F) The following are ineligible to conduct raffles and shall be denied a license notwithstanding compliance with the application procedures of division (E) above:

(1) Any person who has been convicted of a felony;

(2) Any person who is or has been a professional gambler or gambling promoter;

(3) Any person who is not of good moral character;

(4) Any firm or corporation in which a person described in division (F) (1), (F) (2), or (F) (3) above has a proprietary, equitable, or credit interest or in which such a person is active or employed;

(5) Any organization in which a person described in division (F) (1), (F) (2), or (F) (3) above is an officer, director, or employee, whether compensated or not; or

(6) Any organization in which a person described in division (F) (1), (F) (2), or (F) (3) above is to participate in the management or operation of a raffle.

(G) In order to obtain a license under this section, the applicant must pay to the village a license fee of \$10 for each application. Licenses issued pursuant to this section shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year. Any license issued

hereunder may be suspended or revoked by the Mayor for any violation of this section. The Village Council shall act on properly completed and filed license applications within 30 days from the date of application. No license under this section shall be issued without approval of the Village Council.

(H) A license issued under this section authorizes the licensee to conduct raffles subject to the following conditions and restrictions:

(1) The provisions of division (D) (1) through (D) (5) above are complied with in the conduct of each raffle authorized in the license;

(2) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization as described in the application;

(3) No person except a bona fide member of the sponsoring organization may participate in the management or operation of any raffle authorized in the license;

(4) No person may receive any remuneration or profit for participating in the management or operation of any raffle authorized in the license;

(5) 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 section;

(6) 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 license; and

(7) A person under the age of 18 years may participate in the conducting of raffles or sales of chances only with permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his or her parent or guardian.

(I) All operations of and the conduct of raffles licensed under this section shall be under the supervision of a single raffle manager designated by the licensee in its application. In the event of the death, resignation, or removal of the designated raffle manager, the licensee shall designate in writing a successor or substitute raffle manager. No person shall be designated a raffle manager by any licensee who would be ineligible to conduct raffles under the provisions of division (F) above. No bond shall be required of

such raffle manager, unless required by the licensee.

(J) The violation of any provision of this section shall be punished as provided in Municipal Code § 130.99. (Ord. 698, passed 9-18-12) Penalty, see § 130.99

VIDEO GAMING TERMINALS

§ 115.20 DEFINITIONS.

For purposes of this subchapter, the words and phrases described in this subchapter shall have the following meanings ascribed to them, except when a particular context clearly requires a different meaning:

"BOARD." The Illinois Gaming Board.

"CREDIT." One, 5, 10, or 25 cents either won or purchased by a player.

"VIDEO GAMING TERMINAL." 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, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that 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.

"LICENSED ESTABLISHMENT." Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises and includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this subchapter to any licensee licensed under the Illinois Horse Racing Act. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act. "LICENSED ESTABLISHMENT" does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track

wagering location licensee licensed under the Illinois Horse Racing Act or a riverboat licensed under the Riverboat Gambling Act, except as provided in this definition.

"LICENSED FRATERNAL ESTABLISHMENT." The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"LICENSED VETERANS ESTABLISHMENT." The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"LICENSED TRUCK STOP ESTABLISHMENT." A facility (i) that is at least a three-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "COMMERCIAL MOTOR VEHICLES" has the same meaning as defined in § 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this definition may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month. (Ord. 698, passed 9-18-12)

§ 115.21 OPERATION FEE.

An operation fee is imposed upon each video gaming terminal operating within the jurisdiction of the village. The operation fee shall be \$25 per terminal per year and shall not be prorated for authorizations granted after January 1. The authorization for each terminal shall run from January 1 through December 31 in each year. The annual operation fee shall be paid in advance of the ensuing license year. No video gaming terminal shall be operated within the jurisdiction of the village unless and until the annual operation fee has been paid to the Village Clerk. (Ord. 698, passed 9-18-12)

§ 115.22 DIRECT DISPENSING OF RECEIPT TICKETS ONLY.

A video gaming terminal may not directly dispense coins, cash, tokens, or any other articles of exchange or value except for receipt tickets. Tickets shall be dispensed by pressing the ticket dispensing button on the video gaming terminal at the end of one's turn or play. The ticket shall indicate the total amount of credits and the cash award, the time of day in a 24-hour format showing hours and minutes, the date, the terminal serial number, the sequential number of the

ticket, and an encrypted validation number from which the validity of the prize may be determined. The player shall turn in this ticket to the appropriate person at the licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment to receive the cash award. The cost of the credit shall be \$.01, \$.05, \$.10 or \$.25, and the maximum wager played per hand shall not exceed \$2. No cash award for the maximum wager on any individual hand shall exceed \$500. (Ord. 698, passed 9-18-12)

§ 115.23 LICENSED ESTABLISHMENT.

No video gaming terminal may be placed in any licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment unless the owner or agent of the owner of the licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment has entered into a written use agreement with the terminal operator for placement of the terminals. A licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment may operate up to five video gaming terminals on its premises at any time. (Ord. 698, passed 9-18-12)

§ 115.24 DISPLAY OF LICENSE;
CONFISCATION.

(A) Any licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment used for the conduct of gambling games in violation of this chapter shall be considered a gambling place in violation of § 115.03. Every gambling device found in a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment operating gambling games in violation of this chapter shall be subject to seizure, confiscation, and destruction.

(B) No video gaming terminal licensed under this subchapter may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment, licensed fraternal establishment, or licensed veterans establishment. (Ord. 698, passed 9-18-12)

§ 115.25 LOCATION OF TERMINALS.

Video gaming terminals must be located in an area restricted to persons over 21

years of age, the entrance to which is within view of at least one employee, who is over 21 years of age. (Ord. 698, passed 9-18-12)

§ 115.26 INSPECTION.

The village, through its officers, agents and employees, shall have the right to enter any licensed establishment at all times, and to inspect and observe the conduct of the persons therein. (Ord. 698, passed 9-18-12)

§ 115.27 PRESERVATION OF GOOD ORDER.

Every licensed establishment shall be responsible for preserving good order in and about the place at all times and shall employ, at his or her expense, any assistants necessary to maintain good order. (Ord. 698, passed 9-18-12)

§ 115.99 PENALTY.

The violation of any provision of this chapter shall be punished as provided in §§ 112.27, 112.99 and 130.99. (Ord. 698, passed 9-18-12)

