

TITLE 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

Licenses and Permits Generally

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§5.04.010 Applications. Applications for all licenses and permits required by ordinance shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

§5.04.020 Person Subject to License. Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm or corporation shall be subject to the requirement if by himself/herself or through an agent, employee or partner, he/she holds himself/herself forth as being engaged in the business or occupation, or attempts to perform any part of such business or occupation in the Village.

§5.04.030 Forms. Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Village Clerk.

§5.04.040 Signatures. Each license or permit issued shall bear the signature of the President and Village Clerk in the absence of any provision to the contrary.

§5.04.050 Investigations. Upon the receipt of an application for a license or permit where ordinances of the Village necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making an investigation or inspection shall

make a report thereof, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the Village President or by some other officer designated by the President.

All inspections referred to in this Section must be made in compliance with the provisions set forth in Chapter 1.08.

§5.04.060 Fees. In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be constructed. Except as otherwise provided, all license fees shall become a part of the corporate fund.

§5.04.070 Termination of Licenses.

- A. All annual licenses shall terminate on the last day of the fiscal year of the Village, where no provision to the contrary is made.
- B. The Village Clerk shall mail to all licensees of the Village a statement of the time of the expiration of the license held by the licensee, if an annual, three (3) weeks prior to the date of expiration; provided, that a failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from a failure to secure a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

§5.04.080 Building and Premises. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose and the intended purpose itself do or does not fully comply with the regulations of the Village.

§5.04.090 Change of Location. The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days' notice thereof is given to the Village Clerk, in the absence of any provision to the contrary, provided that all ordinances and regulations affecting the new location are complied with.

§5.04.100 Nuisances. No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

§5.04.110 Inspections.

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required

by ordinance, or are reasonably necessary thereto to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of any licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.

- B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee to give to any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.
- C. In addition to any other penalty which may be provided, the President and Board may revoke the license of any licensed proprietor of any licensed business who interferes with any authorized officer or employee while in the performance of his/her duty in making any such inspection or obtaining any such samples; provided that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample.

Chapter 5.08

Alcoholic Liquor Licenses

Sections:

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§5.08.010 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” means any spirits, wine, beer, ale, or other liquid containing more than one-half (1/2) of one percent (1%) of alcohol by volume, which is fit for beverage purposes.

“Club” means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning or hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a

sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests; provided that such club files with the Village President at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its members, and similarly files, within ten (10) days of the election of any additional member, his/her name and address; and provided that its affairs and management are conducted by a Board of Directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its Board of Directors or other governing body out of the general revenue of the club.

“Hotel” means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

“Liquor Commissioner” means the Village President, and wherever used in this Chapter, “Village President” and “Liquor Commissioner” shall be interchangeable.

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

“Retail sale” means the sale for use or consumption and not for resale.

§5.08.020 License – Required. It is unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license.

§5.08.030 License – Application – Contents. Applications for such licenses shall be made to the Village President in writing, signed by the applicant, if an individual, or by a duly authorized agent, thereof, if a club or corporation verified by oath or affidavit, and shall contain the following statements and information:

- A. The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, general partnership or limited partnership, the name and address of the person or persons entitled to share in the profits

thereto if owning five percent (5%) of the aggregate partner interest in such co-partnership or partnership, and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and the name and address of any stockholder or stockholders owning in aggregate more than five percent (5%) of the stock of such corporation;

- B. The citizenship of the applicant, his/her place of birth, and if a naturalized citizen, the time and place of his/her naturalization;
- C. The character of business of the applicant, and in case of a corporation, the objects for which it was formed;
- D. The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued;
- E. The amount of goods, wares and merchandise on hand at the time application is made;
- F. The location and description of the premises or place of business which is to be operated under such license;
- G. A statement whether applicant has ever made application for a municipal, county, state or federal license which was refused, and if so, the reason for such refusal to the best of applicant's knowledge;
- H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of this state, or the ordinances of this Village;
- I. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;
- J. A statement that the applicant will not violate any of the laws of the state of Illinois, or of the United States, or any ordinance of the Village in the conduct of his/her place of business.
- K. If the applicant is a club as defined in Section 5.08.010, two (2) copies of a list of names and residences of the members.

§5.08.040 License – Person Declared Ineligible. No such license shall be issued to a person declared ineligible to license by the provisions of the Illinois Liquor Control Act of 1934.

§5.08.050 License – Term – Fee Prorated. Each such license shall terminate on the thirtieth (30th) day of April next following issuance. The fee to be paid shall be

reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

§5.08.060 License – Fee. Licensees holding Class A, Class B, and Class BB licenses shall pay an annual license fee in the amount of Seven Hundred Dollars (\$700.00), payable in two (2) semi-annual installments of Three Hundred Fifty Dollars (\$350.00) each, due May 1 and November 1 of each year. Licensees holding Class C licenses shall pay a license fee in the amount of Forty Dollars (\$40.00) plus Fifteen Dollars (\$15.00) for each day for which the license is to be used. Licensees holding Class D and Class E licenses shall pay an annual license fee in the amount of Seven Hundred Dollars (\$700.00), payable in two (2) semi-annual installments of Three Hundred Fifty Dollars (\$350.00) each, due May 1 and November 1 of each year. Licensees holding Class F licenses shall pay an annual license fee in the amount of Three Hundred Fifty Dollars (\$350.00), payable in two (2) semi-annual installments of One Hundred Seventy-five Dollars (\$175.00), due May 1 and November 1 of each year. Licensees holding Class G licenses shall pay an annual license fee in the amount of Seven Hundred Dollars (\$700.00), payable in two (2) semi-annual installments of Three Hundred Fifty Dollars (\$350.00) each, due May 1 and November 1 of each year.

§5.08.070 Classes of Licenses. Licenses to sell alcoholic liquor at retail are divided into seven (7) classes, as follows:

- A. **Class A.** A Class A license shall authorize the retail sale of alcoholic liquors on the premises of such licensee for consumption on the premises, as well as other retail sales of such liquor.
- B. **Class B.** A Class B license shall authorize the retail sale of alcoholic liquors on the premises of such licensee in packages, and not for consumption on the premises where sold.
- BB. **Class BB.** A Class BB license shall authorize the retail sale of beer and wine on the premises of such licensee in packages, and not for consumption on the premises where sold.
- C. **Class C.** A Class C license shall authorize the retail sale of beer in an outdoor location as part of a public activity which has been approved by the Village Board. The period of the license shall not exceed ten (10) days. Class C licenses shall only be issued to civic or patriotic organizations which have been in active and continuous existence for at least one (1) year prior to the making of such application and which in good faith has maintained a membership roll during the one-year period, or any such organizations which have been incorporated under the laws of Illinois. The fee for such license shall be Forty Dollars (\$40.00) plus Fifteen Dollars (\$15.00) for each day for which the license is to be used. All applications for a Class C license shall be filed at least four (4) weeks prior to the proposed license period. The Village President, however, may waive the four-week filing requirement

should he/she find that sufficient time remains for the Village and the state to process the application.

In addition to the regulations imposed upon other licenses in this Chapter, a Class C license shall be subject to the following:

1. To protect public order, all licensees shall provide security guards at all times while beer is served.
2. To protect persons serving the beer, all licensees shall provide a reasonably substantial structure across which beer shall be served.
3. Consumption of beer shall be restricted to a confined area. The licensee shall designate in the application the area in which beer will be consumed and the means to be used to confine the area. A drawing shall be submitted with the application showing the layout of the area. Security guards shall ensure that beer is not taken from the area.
4. The licensee shall specify the occupancy limit for the area and the security guards shall see that the occupancy limit is complied with.
5. The licensee shall provide dram shop liability insurance in maximum limits so as to save the licensee, the Village and any property owner involved harmless from all financial loss, damage or harm.
6. The Village Board may modify the above regulations when a public event is approved in order to address special problems or circumstances.

D. **Class D.** A Class D license shall authorize the retail sale of alcoholic liquors on the premises of any restaurant, for consumption only on the premises and for sale only with meals.

E. **Class E.** A Class E license shall authorize the retail sale of alcoholic liquors on the premises in any restaurant that does not qualify for a Class D license for consumption on the premises, as well as, other retail sales of such liquor.

F. **Class F.** A Class F license shall be issued only to a club, as defined in Section 5.08.010, and shall authorize the retail sale of alcoholic liquors on the premises of the licensee, for consumption on such premises.

G. **Class G.** A Class G license shall authorize the retail sale of beer and wine on the premises of such licensee only for consumption in a defined, separated, and clearly marked portion of the premises as specified in the license; provided, that the issuance of a Class G license shall be restricted to

establishments which offer food, such as sandwiches, snacks, and light meals, for consumption in and on the defined, separated, and clearly marked portion of the premises in conjunction with video gaming as authorized by and licensed under the Illinois Video Gaming Act and licensed by the Village. No persons under the age of twenty-one (21) years shall be permitted to be or remain in the defined, separated, and clearly marked portion of the premises for which the Class G license applies. If the establishment holds a liquor license that allows the establishment to sell at retail alcoholic liquors in packages and not for consumption on the premises where sold (a Class B or BB license), the establishment shall be required to obtain a separate Class G license and pay the separate applicable license fee for the Class G license.

§5.08.080 Number of Licenses. There shall be in force in the Village no more than two (2) Class A licenses, no more than two (2) Class B licenses, no more than two (2) Class BB licenses, no more than one (1) Class C license, no more than two (2) Class D licenses, no more than two (2) Class E licenses, no more than two (2) Class F licenses, and no more than three (3) Class G licenses, at any time.

§5.08.090 License – Disposition of Fees. All such fees shall be paid to the Village Clerk, at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Board by proper action.

§5.08.100 License – List. The Village Clerk shall keep or cause to be kept a complete record of all such licenses issued.

§5.08.110 License – Transfer – Refund. A license shall be purely a personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked as provided in this Chapter, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated.

Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that the 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 licensees after the death of such deceased, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee is prevented from operating under the license in accordance with the provisions of this Section.

§5.08.120 License – Renewal. Any licensee may renew his/her license at the expiration thereof, provided that he/she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose, provided further, the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within his/her jurisdiction.

§5.08.130 License – Change of Premises Location. A retail liquor dealer's license 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 permission to make such change issued by the Village President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of this Village.

§5.08.140 License – Posting Required. Every person, firm or corporation licensed in accordance with this Chapter shall immediately post and keep posted while in force in a conspicuous place on the premises, the license received.

§5.08.150 Employees with Infectious or Other Disease Prohibited. It is unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease. It is also unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

§5.08.160 Location Restrictions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (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, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within one hundred (100) feet of any undertaking establishment or mortuary.

§5.08.170 Closing Hours.

- A. Persons holding Class A licenses hereunder shall not sell alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m., but may sell alcoholic liquor at all other times seven (7) days per week. All other persons licensed hereunder as retailers of alcoholic liquor shall not sell, permit to be sold, or give away any alcoholic liquor between the hours of 1:00 a.m. and 7:00 a.m., but may do so at all other times, seven (7) days per week.
- B. It is unlawful to keep open for business or admit the public to any premises where the sale of alcoholic liquor for consumption on the premises is

licensed (other than as a restaurant, hotel or club) during the hours within which the sale of alcoholic liquor is prohibited.

- C. No person other than a licensee of a licensed premises or any of his/her employees, while actually in the performance of their duties, shall be permitted to enter or remain upon the premises, nor shall any person consume any alcoholic liquor upon such premises, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container (including but not limited to, glasses or beer bottles), beyond thirty (30) minutes after the prescribed closing time for such licensed premises.

§5.08.180 View from the Street. In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel 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 the entire interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangements of light 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. In case the view into any such licensed premises required by the foregoing provisions is willfully obscured by the licensee or by him/her willfully permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this Section, the Village President shall have the right to require the filing with him/her of plans, drawings and photographs showing the clearance of the view as above required.

§5.08.190 Live Entertainment.

- A. It is unlawful to provide live entertainment and/or live music in an establishment licensed to sell alcoholic liquors for consumption on the premises without having first secured a permit therefor.
- B. Applications for such permits shall be made to the Clerk and shall comply with the general provision of the code related to such applications. However, no such permit shall be granted except on order of the President and Board of Trustees and upon payment of such permit fee as may be set by a resolution of the Board of Trustees.

§5.08.200 Persons under Disability.

- A. No licensee shall sell, give away or deliver alcoholic liquor to any person under twenty-one (21) years of age or to any intoxicated person. By acceptance of a license under this Chapter, all licensees agree to be

conclusively bound by the acts of their employees and agents in selling and giving away alcoholic liquors.

- B. No person to whom the sale of liquor is unlawful shall be permitted to loiter in or about any licensed premises or to serve alcoholic liquor therein.

§5.08.210 Use of Alcoholic Liquor. No person shall sell at retail for consumption on the premises any nonalcoholic beverage or ice knowing the same to be intended to be mixed with any alcoholic liquor, except upon premises licensed for the retail sale of alcoholic liquor for consumption on the premises. No liquor licensee or person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any person to carry any alcoholic liquor in an unsealed or previously opened container from the premises where purchased.

§5.08.220 License – Revocation; Suspension; Fines; Notice; Hearing.

A. The Local Liquor Control Commissioner may revoke or suspend any License for any violation of this Chapter or the Illinois Liquor Control Act of 1934. In addition to the suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations not to exceed one thousand dollars (\$1,000.00) for a first violation within a twelve (12) month period, one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve (12) month period, and two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than fifteen thousand dollars (\$15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the Village treasury.

B. No License shall be revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend the charges against him. All hearings shall be open to the public, and the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if the licensee is also engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to the other business or businesses. If the Local Liquor Control Commissioner determines after the hearing that the license should be revoked or suspended or that the licensee should be fined, he shall within five (5) days after the hearing state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five (5) days upon the licensee.

Chapter 5.12

Amusements

Sections:

5.12.010	Application of Provisions
5.12.020	Street Shows
5.12.030	Table Games
5.12.040	Order – Overcrowding
5.12.050	Inspections
5.12.060	Obscene Shows
5.12.070	Smoking
5.12.080	Exit Lights

§5.12.010 Application of Provisions. The provisions of this Chapter shall apply to all public shows, theatricals, circuses and other amusements in the Village, whether otherwise dealt with or not.

§5.12.020 Street Shows.

- A. It is unlawful to conduct any carnival, exhibition, show or other amusement to be given on any public street or sidewalk or in any public place or in any other place where the main accommodation for the public or the audience will necessarily be in a public place, without having first secured a license therefor.
- B. Applications for such licenses shall be made to the Clerk and shall comply with the general provisions of the ordinance relating to such applications. However, no such license shall be granted except on order of the President and Board of Trustees and upon payment of such license fee as may be set by a resolution of the Board of Trustees.

§5.12.030 Table Games.

- A. It is unlawful to maintain or expose for public use any table games, or amusement devices operated with a slug or coin without having first obtained a license therefor. The annual fee for such licenses shall be as established annually by the Board of Trustees.
- B. As used in this Section the term “table game” means and includes any device, whether controlled by skill or chance, for the operation of a game, pastime or contest by the manipulation of a marble, sphere or of objects or

figures, or by controlling the movements of the same or setting them in motion by mechanical means.

§5.12.040 Order – Overcrowding.

- A. The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it is unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.
- B. It is unlawful to permit or gather such a crowd to witness any amusement, show or theatricals as to create dangerous conditions because of overcrowding or blocking at passage ways.

§5.12.050 Inspections. It shall be the duty of the Village President, or his designee, to see that every exhibition, amusement, show, theatrical or other public performance is inspected to insure conformity with regulations and ordinances of the Village.

§5.12.060 Obscene Shows. It is unlawful for any person, firm or corporation to present, exhibit, conduct or take part in any obscene show, theatrical, play, motion picture, exhibition or other form of public amusement or show.

§5.12.070 Smoking. It is unlawful to smoke or carry a lighted cigar, cigarette or pipe or other tobacco product or any electronic smoking device within any building used as an assembly hall or in which theatricals, shows, amusements, lectures or other entertainments are offered, operated, presented or exhibited, except as permitted under the Smoke Free Illinois Act, as amended from time to time.

§5.12.080 Exit Lights. It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred (100) persons or more, in which theatricals, shows, amusements, lectures and other entertainments are offered, operated, or presented, to provide and place a sign, on which the word "EXIT" shall appear in letters at least six (6) inches high, over every door or other opening from such hall to every means of egress therefrom, and each such sign shall in some suitable manner be lighted so as to be clearly visible during the entire period that the hall is open to the public and until the audience has left the hall.

Chapter 5.16

Auto Wreckers

Sections:

5.16.010	Automobile Wrecking Establishment Defined
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5.16.030	License – Application – Fee – Bond
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§5.16.010 Automobile Wrecking Establishment Defined. “Automobile wrecking establishment” means any establishment, building or other place where the activity is carried on of wrecking old, used, or secondhand automobiles or other motor vehicles, and adding or employing the accessories or parts thereof in equipping, repairing or rebuilding motor vehicles, or storing, selling, or otherwise disposing of such accessories or parts.

§5.16.020 License – Required. No automobile wrecking establishment shall be located, built, constructed, maintained or operated within the Village unless the owner, operator or lessee of such establishment first obtains a license therefor as hereafter provided.

§5.16.030 License – Application – Fee – Bond. A license application must be made in writing to the Village Clerk under oath, and must show compliance with the provisions of this Chapter. The fee for an annual license shall be One Hundred Dollars (\$100.00). A bond in the sum of One Thousand Dollars (\$1,000.00), with two (2) sureties, conditioned on compliance with the provisions of this Chapter, shall accompany the license application and fee. A corporation wishing to engage in the business of auto wrecking shall be granted a license upon application under oath being made by its agent who is to act as manager of the establishment.

§5.16.040 Record.

- A. Each licensee under this Chapter shall keep in such form as the Village Board may prescribe, and written in ink or indelible pencil, a daily record in the English language of articles purchased including an accurate description of the name and residence of the person from whom each article was purchased and the name of the employer of such purchase and the price paid. The records shall, at all reasonable times, be open to the inspection of any law enforcement official or the Village President or other person duly

authorized in writing for such purpose by the Village President. No entry in such records shall be changed, erased, obliterated or defaced.

- B. It shall be the duty of each licensee under this Chapter to deliver or cause to be delivered to the Village President, at least once each week, a copy of the records required to be kept as provided in this Section and such other information as the Village President may require of the secondhand motor vehicles, parts and accessories acquired, wrecked or left in the possession of the licensee.

§5.16.050 Nuisance. Any automobile wrecking establishment begun or operated in the Village contrary to the terms of this Chapter is declared to be a nuisance and to be unlawful.

Chapter 5.20

Billiard and Pool Halls

Sections:

5.20.010	License – Required
5.20.020	License – Fee
5.20.030	Play Prohibited
5.20.040	View Required

§5.20.010 License – Required. No person, firm or corporation shall operate, maintain, or conduct a billiard, pool, bagatelle or pigeonhole table open to the public without having first obtained a license therefor as is provided in this Chapter. All applications for such a license shall state thereon the intended location of the place of business and the number of tables to be used therein.

§5.20.020 License – Fee. The annual fee for the license shall be as established annually by the Board of Trustees.

§5.20.030 Play Prohibited. No play for money or other valuable consideration shall be allowed on any table required to be licensed in this Chapter, and no cards or card playing, whether or not for valuable consideration, and no gambling or games of chance shall be allowed in any such licensed place of business, except that video gaming in such licensed places of business is permitted if properly registered and otherwise in compliance with Chapter 5.70 of this Village Code.

§5.20.040 View Required. The view of such licensed place of business from the street shall not be obstructed by curtains, screens, shades, darkened windows, or in any other manner whatsoever. No backrooms or apartments, basement or upstairs room will be run in connection with any such place of business, and the entire premises of any person, firm or corporation operating such licensed place of business shall be subject to inspection by the Village President at any time.

Chapter 5.24

Bowling Alleys

Sections:

- 5.24.010 License – Required
- 5.24.020 License – Fee

§5.24.010 License – Required. No person, firm or corporation shall operate or maintain a nine (9) or ten (10) pin alley open to the public without having first obtained a license therefor. Applications for such licenses shall be made in writing to the Clerk and shall state thereon the intended location of the place of business and the number of alleys to be used.

§5.24.020 License – Fee. The annual fee for such license shall be as established annually by the Board of Trustees.

Chapter 5.28

Charitable Solicitations

Sections:

- 5.28.010 Permit – Required
- 5.28.020 Permit – Application
- 5.28.030 Requirements for Issuance of Permit

§5.28.010 Permit – Required. It is unlawful for any person, firm or corporation to go from house to house soliciting funds or subscriptions, or to publicly solicit either in person or by agent, upon the public streets, sidewalks, or any other public place in the Village, subscriptions for charitable or religious or educational or other organization or purpose, whether present gifts of money or promises are sought, without having first secured a permit therefor.

§5.28.020 Permit – Application. Applications for the permit required in Section 5.28.010 shall be made to the Clerk and shall be referred to the President and Board of Trustees. No such permit shall be issued except under the order of the President and Board of Trustees.

§5.28.030 Requirements for Issuance of Permit. The Board shall issue a permit to an applicant only if the Board finds that:

- A. All of the statements made in the application are true;
- B. The applicant, or its managing officers and agents if the applicant is not an individual person, are of good character and reputation for honesty and integrity;
- C. The applicant has not engaged in any fraudulent transaction or enterprise;
- D. The solicitation will not be a fraud on the public;
- E. The solicitation is prompted solely by a desire to finance the cause described in the application and will not be conducted for private profit;
- F. The control and supervision of the solicitation will be under responsible and reliable persons;
- G. The cost of raising the funds will be reasonable. Any such cost in excess of twenty-five percent (25%) of the amount collected shall be considered to be

unreasonable unless special facts are presented showing to the satisfaction of the Board that peculiar reasons make a cost higher than twenty-five percent (25%) reasonable in the particular case; and

- H. The kind, character, and method of the proposed solicitation, the time when it will take place, and its duration are such that the solicitation will be in the interest of and not inimical to the safety, convenience, or welfare of the residents of the Village.

Chapter 5.32

Garage Sales

Sections:

5.32.010 Unlawful

§5.32.010 Unlawful. Garage sales may be held, permitted or sponsored by an owner or occupant of residential property on such premises, provided such sales fully comply with the definition of a garage sale, set forth in this Section.

- A. It is unlawful for an owner or occupant of residential property to hold such a sale or sales on such premises which exceed three (3) consecutive days in length.
- B. It is unlawful for an owner or occupant of residential property to hold, permit or sponsor such sales on such premises for a total of over six (6) days in any twelve (12) month period.

For the purposes of this Section, a “garage sale” is defined as a sale of second-hand items or materials owned by an owner or occupant of residential property, except for such items or materials owned by friends or neighbors which the seller permits, all of which items or materials are related to household uses; and which sale is conducted on the seller’s residential property or portion thereof, such as a garage, carport, driveway, patio, or yard.

Chapter 5.36

Garbage Collectors

Sections:

- 5.36.010 Permit – Required
- 5.36.020 Permit – Application
- 5.36.030 Vehicles
- 5.36.040 Disposal Within Village Limits

§5.36.010 Permit – Required. It is unlawful for any person, firm or corporation to engage in the business of the collection or disposal of animal, human or vegetable refuse, or garbage without having first secured a permit therefor.

§5.36.020 Permit – Application. Applications for such permits shall be made to the Village Clerk, and shall be referred by him/her to the President and Board of Trustees. No such permit shall be issued except on order of the President and Board of Trustees.

§5.36.030 Vehicles. Any vehicle used by such collector in his/her business shall be watertight, and equipped with airtight covers for such portions as are used for the transportation of refuse.

§5.36.040 Disposal Within Village Limits. It is unlawful for any collector to dispose of or store any refuse in any place within the Village limits or within one (1) mile thereof, except with the permission of the President and Board of Trustees.

Chapter 5.40

House Movers

Sections:

5.40.010	License – Required
5.40.020	License – Fee
5.40.030	Hours of Moving
5.40.040	Bond

§5.40.010 License– Required. It is unlawful to move a house, house trailer, or other structure without having secured a license therefor. Applications for such license shall be made in writing to the Village Clerk.

§5.40.020 License – Fee. The fee for this license shall be determined annually by the Board of Trustees.

§5.40.030 Hours of Moving. All licensed moves shall be completed during daylight hours.

§5.40.040 Bond. Every licensee under the provisions of this Chapter shall file with the Clerk a bond in the sum of Ten Thousand Dollars (\$10,000.00) with sureties to be approved by the President and the Board of Trustees conditioned to indemnify the Village for any loss, damage or expense occasioned by it.

Chapter 5.44

Junk Dealers

Sections:

5.44.010	License – Required
5.44.020	License – Application
5.44.030	License – Fee
5.44.040	Stolen Goods
5.44.050	Vehicles

§5.44.010 License – Required. It is unlawful to operate or carry on the business of junk dealer or to keep any junk shop, store or place for the accumulation of junk, rags, old rope, paper or bagging, old iron, brass, copper or empty bottles, without having obtained a license therefor as provided in this Chapter.

§5.44.020 License – Application. Application for the license required by Section 5.44.010 shall be made in writing to the Village Clerk.

§5.44.030 License – Fee. The annual fee for the license shall be as established annually by the Board of Trustees.

§5.44.040 Stolen Goods. Every keeper of a junk shop who receives or is in possession of any goods, articles or things of value which may have been lost or stolen shall upon demand produce such article or thing to any law enforcement officer for examination.

§5.44.050 Vehicles. Every vehicle used by a licensee in the conduct of his/her business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

Chapter 5.48

Machine Shops

Sections:

- 5.48.010 Defined
- 5.48.020 Operation at Night
- 5.48.030 Nuisance

§5. 48.010 Defined. “Machine shop”, as used in this Chapter shall be construed to include every workshop in which machines are made or metal parts thereof are repaired, or where parts of machines or tools, implements, gears, dies, screws, or other metal articles are cut, filed, shaped or repaired by means of a lathe or other machinery.

§5.48.020 Operation at Night. No machine shop shall be operated in the night between the hours of 8:00 p.m. and 6:00 a.m. in any place in which a majority of the buildings within a radius of four hundred (400) feet are used exclusively for residence purposes.

§5.48.030 Nuisance. Any machine shop begun or operated in the Village contrary to the terms of this Chapter is declared to be a nuisance.

Chapter 5.52

Motor Transport Depots

Sections:

5.52.010	License – Required
5.52.020	License – Application
5.52.030	License – Fee
5.52.040	Fire Hazard Prevention
5.52.050	Premises

§5.52.010 License – Required. No person, firm or corporation shall operate, conduct or maintain a motor transport depot in the Village without first having obtained a license therefor. The term “motor transport depot” means and includes either a terminal where motor transport vehicles are garaged, whether in buildings or in the open, or a place for the loading or unloading of motor transport vehicles.

§5.52.020 License – Application.

- A. Applications for such licenses shall state the number of motor vehicles expected to be accommodated and the location of the proposed depot in the case of the storage or garaging of the vehicles themselves; and the proposed location and the area of the loading or unloading depots and platforms.
- B. Applications shall be in writing and shall be referred to the President and the Board of Trustees.

§5.52.030 License – Fee. The annual fee for such license shall be as established annually by the Board of Trustee.

§5.52.040 Fire Hazard Prevention. Every building or premises used as a motor transport depot as provided in this Chapter shall be equipped with adequate fire extinguishing facilities and shall be construed of incombustible materials.

§5.52.050 Premises. Premises used as a motor transport depot shall be kept in a clean and sanitary condition.

Chapter 5.56

Outdoor Advertisers

Sections:

5.56.010	Defined
5.56.020	Use of Poster Panels
5.56.030	Consent of Owner Required
5.56.040	Refuse
5.56.050	Weeds and Materials at Base of Billboards
5.56.060	Unlawful Advertising
5.56.070	Disfiguring Signs
5.56.080	Name of Advertiser
5.56.090	Exemptions

§5.56.010 Defined. “Advertisers” as used in this Chapter means any person, firm or corporation engaged in the business of placing, posting or painting any sign, advertisement, notice or display in or on any place for the purpose of outdoor advertising so that the resultant display is visible from any street, alley, sidewalk or other public place.

§5.56.020 Use of Poster Panels. No person shall post or maintain any advertisement or sign on any poster panel, billboard or signboard, which does not fully comply with the ordinances of the Village.

§5.56.030 Consent of Owner Required. It is unlawful to post any advertisements on any premises in the Village without the consent of the owner of such premises. Such consents shall be in writing, and must be filed with the Village Clerk.

§5.56.040 Refuse. It is unlawful for any advertiser to permit any refuse resulting from this work to accumulate anywhere in the Village except by placing it in receptacles for refuse. It is unlawful to permit any loose or flapping combustible materials to hang from or be attached to any billboard or signboard or other place used for display or advertising purposes.

All refuse resulting from the operation of this business must be carefully gathered up and properly disposed of.

§5.56.050 Weeds and Materials at Base of Billboards. It shall be the duty of every outdoor advertiser to keep all grass and weeds and other growths, except trees and ornamental shrubbery, cut down so that the same shall not grow to a height greater than ten (10) inches within six (6) feet of any billboard or signboard used by him/her; provided that this obligation shall extend only to property controlled by the advertiser.

§5.56.060 Unlawful Advertising. It is unlawful for any person, firm or corporation to post or display any advertisement of any obscene character, or any advertisement tending to promote or cause a riot, or breach of peace, or any advertisement of an unlawful gathering, or advertisements of unlawful sales.

§5.56.070 Disfiguring Signs. It is unlawful to mutilate or disfigure in any way any lawful signs or advertisements in the Village.

§5.56.080 Name of Advertiser. It is unlawful for any outdoor advertiser to carry on his/her business unless the name of such advertiser is attached, displayed or printed, on all billboards or signboards used by him/her, or on any notice, placard or advertisement posted by him/her, in such lettering as to be visible from a distance of at least five (5) feet from the notice or advertisement.

§5.56.090 Exemptions. The provisions of this Chapter shall not be construed to apply to the posting of signs or notices by order of any court or by any public officer in the performance of his/her duties.

Chapter 5.60

Pawnbrokers

Sections:

5.60.010	License – Required – Revocation
5.60.020	License – Application – Investigation
5.60.030	License – Fee
5.60.040	Records
5.60.050	Weapons
5.60.060	Minors
5.60.070	Stolen Goods – Report
5.60.080	Secondhand Dealer – License Required

§5.60.010 License – Required – Revocation. No person, firm or corporation shall conduct or operate the business of pawnbroker without having first secured a license therefor as provided in this Chapter, or in violation of any of the provisions contained in this Chapter. Any pawnbroker's license may be revoked by the Board of Trustees for any violation of any provision of this Chapter.

§5.60.020 License – Application – Investigation. Applications for pawnbrokers' licenses shall be made to the Clerk and shall state thereon the name of the applicant, the place of business, and the number of employees intended to be engaged. The Village President, or his designee, shall investigate each applicant for such license, and shall report back whether or not such applicant is a person of good character. No license shall be issued to a person who has been convicted of a felony or of any criminal offense relating to dishonesty or breach of trust in connection with the operation of a pawnshop.

§5.60.030 License – Fee. The annual fee for such license shall be as established annually by the Board of Trustees.

§5.60.040 Records. Every pawnbroker doing business in the Village shall keep a record of every article pledged with him/her or sold to him/her, and this record shall be open to the inspection of any law enforcement officer, or the Village President, at any time during business hours.

§5.60.050 Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun. No pawnbroker shall display in his/her window or shop any such weapons for sale.

§5.60.060 Minors. No pawnbroker's license shall be issued to any person who is not twenty-one (21) years of age or over, and no pawnbroker shall employ a person of less

than twenty-one (21) years of age to assist him/her in his/her business. No pawnbroker shall have any business dealings as a pawnbroker with any person under eighteen (18) years of age.

§5.60.070 Stolen Goods – Report. It shall be the duty of every pawnbroker to report to law enforcement officials any article pledged with him/her or which is sought to be pledged with him/her, if he/she shall have reason to believe that the article was stolen or lost, and found by the person attempting to pledge it in the case of a lost article.

§5.60.080 Secondhand Dealer – License Required. No pawnbroker shall conduct the business of a secondhand dealer without having obtained the license required for such dealer in addition to his/her pawnbroker's license.

Chapter 5.64

Peddlers and Itinerant Merchants

Sections:

- 5.64.010 License – Required
- 5.64.020 License – Application
- 5.64.030 License – Fee

§5.64.010 License – Required. It is unlawful to do business as a peddler or itinerant merchant without having first secured a license as is herein provided. For the purpose of this Chapter anybody engaging or intending to engage in business as a merchant in the Village for a period of time not exceeding one hundred (100) days shall be considered as an itinerant merchant.

§5.64.020 License – Application. Every application for a license shall set forth the commodities to be sold, and the place intended to be occupied or used for the business and a permanent address of the applicant. Each applicant must agree not to commence business prior to 8:00 a.m. or continue business after 6:00 p.m.

§5.64.030 License – Fee. The fee for such licenses shall be Two Dollars (\$2.00) for each day.

Chapter 5.68

Shooting Galleries

Sections:

5.68.010	License – Required
5.68.020	License – Fees
5.68.030	Conduct
5.68.040	Sanitary Regulations
5.68.050	Safety

§5.68.010 License – Required. It is unlawful for any person, firm or corporation to operate or conduct any shooting gallery in the Village without having first obtained a license therefor.

§5.68.020 License – Fees. The fees for such licenses shall be as follows:

- A. Annual fee – Thirty Dollars (\$30.00).
- B. One day – Five Dollars (\$5.00).

§5.68.030 Conduct. All persons present in any shooting gallery shall conduct themselves in an orderly manner, and shall not make or cause to be made any loud or unnecessary noise. It is unlawful to gamble or bet in any such place.

§5.68.040 Sanitary Regulations. Premises used for shooting galleries shall be kept in a clean and sanitary condition.

§5.68.050 Safety. Targets shall be placed before a backstop of steel, sufficiently thick to prevent any bullet from piercing it, and so arranged that there will be no danger from ricocheting bullets or deflected pieces of bullets.

Chapter 5.70

Video Gaming

Sections:

5.70.010	Definitions
5.70.020	Video Gaming Permitted
5.70.030	Registration
5.70.040	Registration Fee
5.70.050	Penalty

§5.70.010 Definitions. The following terms shall have the indicated meaning unless the use or context clearly indicates that a different meaning is intended:

“Act”, as used in this Chapter of the Village Code, means the Video Gaming Act found at 230 ILCS 40/1 et seq., as from time to time amended.

“Terminal Operator” means an individual, partnership, corporation or limited liability company that is licensed under the Act and that owns, services, and maintains video gaming terminals located within the corporate limits of the Village.

“Video Gaming Terminal” shall have the meaning ascribed to such term by the Act.

§5.70.020 Video Gaming Permitted. Video gaming as licensed and regulated under the terms and conditions of the Act is permitted within the corporate limits of the Village.

§5.70.030 Registration. Every terminal operator that owns, services or maintains any video gaming terminal within the corporate limits of the Village shall register the video gaming terminal with the Village Clerk by providing to the Village Clerk a description of the terminal, the location of the terminal within the corporate limits of the Village, and the serial number of the terminal.

§5.70.040 Registration Fee. Each terminal operator shall pay an annual registration fee of Twenty-five Dollars (\$25.00) to the Village for each video gaming terminal located within the corporate limits of the Village that is owned, serviced, or maintained by the terminal operator. The registration fee shall be due and payable upon the date of registration and upon each May 1 thereafter for so long as the video gaming terminal is located within the corporate limits of the Village. The registration fee imposed by this Section must be paid with respect to each video gaming terminal before such video gaming terminal is operated within the Village.

§5.70.050 Penalty. The general penalty provisions of this Village Code shall apply to violations of this Chapter.

Chapter 5.72

Skating Rinks

Sections:

- 5.72.010 License – Required
- 5.72.020 License – Application
- 5.72.030 License – Fees
- 5.72.040 Premises

§5.72.010 License – Required. It is unlawful to operate or maintain a public skating rink in the Village without first having obtained a license therefor as is provided in this Chapter.

§5.72.020 License – Application. Applications for such licenses shall be made in conformance with the provision of the ordinances relating to licenses and shall specify the location of the proposed skating rink and the person or organization sponsoring the same.

§5.72.030 License – Fees. The annual fee for such license shall be as established annually by the Board of Trustees.

§5.72.040 Premises. It is unlawful to conduct a public skating rink in any hall or building which is not equipped with sufficient and adequate exits. No hall or building which is not provided with at least two (2) exits of four (4) feet or more in width shall be used for a skating rink.

Chapter 5.76

Cable Communication Franchise Code

Sections:

5.76.010	Short Title
5.76.020	Statement of Intent and Purpose
5.76.030	Definitions
5.76.040	Franchise Required
5.76.050	Grant of Nonexclusive Authority
5.76.060	Rules of Grantee
5.76.070	Franchise Territory
5.76.080	Construction Standards
5.76.090	Undergrounding of Cable
5.76.100	Technical Standards
5.76.110	Lockout System
5.76.120	Subscriber Customer Service
5.76.130	Public Benefit Obligation
5.76.140	Franchise Fees
5.76.150	Insurance and Indemnification
5.76.160	Unauthorized Connections and Modifications
5.76.170	State Franchise Holder
5.76.180	Penalties

§5.76.010 Short Title. This Chapter shall be known and cited as the Cable Communications Franchise Code.

§5.76.020 Statement of Intent and Purpose. The Village finds that the development of cable television and communications systems greatly benefit and impact the residents, commercial activities, and businesses of the Village. The Village intends, by the adoption of this Chapter, to bring about the consistent development of cable television and communications systems within the Village, along with the continued operation of such systems in such a manner that such systems are up-to-date and meet the technological demands of its users.

§5.76.030 Definitions. For the purpose of this Chapter of the Village Code, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in singular form include the plural form. The word “shall” is always mandatory. The word “may” is directory and discretionary and not mandatory.

“Basic Cable Service” means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the franchise agreement to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543.

“Cable Communications Service” means the provision of television reception, communications and/or entertainment services distributed over a Cable Communications System. This definition shall not include telecommunications services regulated pursuant to federal and state law as may be amended from time to time, such as telephone communications systems.

“Cable Communications System” or “System” means a system of antennas, cables, wires, lines, towers, waveguides, or other conductors, converters, equipment, or facilities used for distributing video programming to Subscribers located in Village, and for producing, receiving, transmitting, amplifying, storing, processing, or distributing audio, video, digital, or other forms of electronic signals within the Village. System as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §522.

“Cable Service” means:

- (1) The one-way transmission to subscribers of
 - (a) Video, audio, digital and other programming services, or
 - (b) Other programming service; and
- (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

“Drop” means the cable that connects the ground block on the Subscriber’s residence to the nearest feeder cable of the System.

“Franchise” means an initial authorization, or renewal thereof issued by the Village, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the construction or operation of a System.

“Franchise Agreement” means a Franchise award or a contractual agreement, containing the specific provisions of a franchise granted, including referenced specifications, franchise applications, franchise requirements, ordinances and other related materials.

“Grantee” means any Person receiving a franchise pursuant to a franchise agreement with the Village and in compliance with this Chapter of the Village Code, and its agents and employees, lawful successors, transferees or assignees.

“Gross Revenues” shall have the applicable meanings as follows:

(1) For a Grantee, “Gross Revenues” shall mean all revenue received from Cable Service directly by the Grantee from the operation of its System within the Village. The term Gross Revenues shall not include any fees itemized and passed through as a result of Franchise imposed requirements or any taxes or franchise fees imposed on services furnished by Grantee imposed directly on any Subscriber or user by any municipality, state, or other governmental unit and collected by Grantee for such governmental unit.

(2) For a State Franchise Holder, “Gross Revenues” shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by a State Franchise Holder for the operation of its cable system to provide cable or video service within the Village, including the following: (i) recurring charges for cable service or video service; (ii) event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges; (iii) rental of set-top boxes and other cable service or video service equipment; (iv) service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges; (v) administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges; and (vi) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments. For a State Franchise Holder, “Gross Revenues” shall not include: (i) revenues not actually received, even if billed, such as bad debt; (ii) the service provider fee or any tax, fee or assessment of general applicability; (iii) any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders; (vi) security deposits collected from subscribers, or (vii) any amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

“Lockout System” means an optional video programming system or an electrical or mechanical accessory to a Subscriber’s terminal which inhibits the viewing of a specific programming or specific channels provided by way of the Cable Communication System, which includes the ability to provide parental control over access to specific programming or specific channels.

“Person” is any person, firm, partnership, association, corporation, company, organization, or other legal entity.

“State Franchise Holder” means a holder of a franchise issued by the State of Illinois to a cable and video provider pursuant to the State Franchise Law.

“State Franchise Law” means Cable and Video Competition Law of 2007 (220 ILCS 5/21-101, et seq.), as may be amended from time to time.

“Street” means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by Village.

“Subscriber” means any Person who lawfully receives Cable Service. In the case of multiple office buildings or multiple dwelling units, the “Subscriber” means the lessee, tenant or occupant.

§5.76.040 Franchise Required. It shall be unlawful for any Person to construct, operate or maintain a Cable Communications System in the Village, unless such Person shall have first obtained and shall currently hold a valid Franchise from the Village pursuant to a Franchise Agreement or is a State Franchise Holder. It shall also be unlawful for any Person to provide cable service in Village unless such Person shall have first obtained and shall currently hold a valid Franchise or is a State Franchise Holder. All Franchises granted by Village shall contain the same substantive terms and conditions.

§5.76.050 Grant of Nonexclusive Authority.

- A. The Grantee shall be permitted to construct, erect, operate and maintain poles, wires, cables, underground conduits, manholes, and other television, video, and cable conductors and fixtures necessary for the maintenance and operation in the Village of the Grantee’s Cable Communications System in, upon, along, across, above, over, and under any Street, public way, and public place now laid out or dedicated and all extensions thereof and additions thereto in the Village.
- B. The Grantee’s Franchise shall be nonexclusive, and the Village shall reserve the right to grant a similar use of said Streets, public ways, and public places to any Person at any time during the period of Grantee’s Franchise, provided, however, that any additional Franchises granted shall contain the same substantive terms and conditions as Grantee’s Franchise.

§5.76.060 Rules of Grantee. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said Grantee to exercise its rights and perform its obligation under a Franchise.

§5.76.070 Franchise Territory. A Franchise shall be granted for the corporate boundaries of Village, as it exists from time to time. In the event of annexation by Village,

or as development occurs, any new territory shall become part of the area covered by the Franchise, provided, however, that Grantee shall not be required to extend service beyond its present System boundaries unless there is a minimum of ten (10) homes per cable quarter mile requesting service. Access to Cable Service shall not be denied to any group of potential residential cable Subscribers because of the income of the residents of the area in which such group resides. Grantee shall be provided a reasonable period of time to construct and activate Cable Service to annexed or newly developed areas.

§5.76.080 Construction Standards.

- A. Construction Codes and Permits.
 - 1. Grantee shall obtain all necessary permits and easements from the Village before commencing any construction upgrade or extension of the System, including the opening or disturbance of any Street or public property within Village.
 - 2. The Village shall have the right to inspect all construction or installation work performed pursuant to the provisions of a Franchise Agreement and to make such tests at its own expense as it shall find necessary to ensure compliance with the terms of the Franchise Agreement and applicable provisions of local, state and federal law.
- B. Repair of Streets and Property. Any and all Streets or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance, upgrade, or reconstruction of the System, shall be promptly and fully restored by Grantee, at its expense, to a condition as good as that prevailing prior to Grantee's work.
- C. Safety Requirements. When constructing, installing, maintaining, repairing, extending, or upgrading its Cable Communications System, the Grantee shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

§5.76.090 Undergrounding of Cable.

- A. In all areas of Village where all other utility lines are placed underground, Grantee shall construct and install its cables, wires and other facilities underground at Grantee's cost.
- B. In any area of Village where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities from the same pole with the consent of the owner of the pole.

C. New Development.

1. In cases of new construction or property development where utilities are to be placed underground, upon request by the Grantee, the developer or property owner shall give the Grantee reasonable notice of the particular date on which open trenching will be available for the Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. The Grantee shall also provide specifications as needed for trenching.
2. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if the Grantee fails to install its conduits, pedestals and/or vaults, and laterals within seven working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the seven-working-day period, the cost of new trenching shall be borne by the Grantee.

§5.76.100 Technical Standards. The technical standards used in the operation of the System shall comply, at minimum, with the technical standards promulgated by the Federal Communications Commission relating to cable communication systems pursuant to the Federal Communications Commission rules and regulations, including the provisions found in 47 C.F.R. §76.601 to 76.617.

§5.76.110 Lockout System. Upon the request of a Subscriber, Grantee shall provide Lockout System as part of the Cable Service or by sale or lease.

§5.76.120 Subscriber Customer Services

- A. **Subscriber Inquiries.** Grantee shall have a publicly listed toll-free telephone number and be operated so as to receive Subscriber complaints and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week basis.
- B. **Refund Policy.** In the event a Subscriber established or terminates service and receives less than a full month's service, Grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing.
- C. **Protection of Subscriber Privacy Rights.** Grantee shall comply with the terms of 47 U.S.C. §551 relating to the protection of Subscriber privacy.

§5.76.130 Public Benefit Obligation. Grantee shall provide installation of one (1) cable Drop, one (1) cable outlet, and monthly Basic Cable Service without charge to all current and future public buildings within the Village, including, but not limited to, Village

Hall, the Public Library in the Village of Princeville, and all schools of the Princeville Community Unit School District. Each local unit of government shall bear the costs of any inside wiring or video equipment costs not ordinarily provided as part of the Grantee's Basic Cable Service offering. Grantee shall have six (6) months from the opening date of any additional institution(s) or public buildings to complete construction of the Drop and outlet.

§5.76.140 Franchise Fees.

- A. Fee Amount. Grantee shall pay to Village a Franchise Fee in an annual amount equal to five percent (5%) of its annual Gross Revenues.
- B. Fee Payment. Grantee shall make payments of the Franchise Fee to the Village on a quarterly basis, making such quarterly payments no later than forty-five (45) days after the close of the respective calendar quarter.
- C. Audit. Grantee shall comply with any audit requirements imposed under the applicable Franchise Agreement. If no audit provisions are set forth in the Franchise Agreement, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act (50 ILCS 45/1 et seq.) under Chapter 3.08 of the Village Code. No acceptance of amounts remitted by a Grantee shall be construed as an accord that the amounts are correct. Any additional amount due after an audit shall be paid by the Grantee within thirty (30) days after the Village's invoice for the sum.

§5.76.150 Insurance and Indemnification.

- A. Grantee shall provide the Village with Grantee's acceptance of a Franchise, and at all times thereafter during the applicable term of the Franchise Agreement, maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy coverage naming the Village as an additional insured as provide herein. Grantee's insurance coverage shall be in the sum of not less than One Million Dollars (\$1,000,000.00) for personal injury or death of any one person, One Million Dollars (\$1,000,000.00) for personal injury or death of two or more persons in any one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one act or occurrence.
- B. The policy or policies of insurance shall be maintained by Grantee in full force and effect during the entire term of the Franchise. Each policy of insurance shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium or otherwise, and whether at the request of Grantee or for other reasons, except after thirty (30) days' advance written notice has been provided to the Village.

- C. The Grantee, on behalf of itself, its successors, assigns, employees and agents, shall defend, indemnify and hold harmless the Village, its officers, boards, commissions, agents and employees and each of them, against and from any and all claims, demands, suits, actions, liabilities, costs, expenses and judgments of every kind and nature regardless of the merits of the same, arising out of or through the exercise or enjoyment of the Franchise granted to the Grantee pursuant to this Cable Communications Franchise Code and under a Franchise Agreement, including cost of litigation, attorneys' fees and court costs in defense of any action, to the extent that such claims or demands are alleged to be the result of any error, omission, intentional act, reckless act or negligent act of the Grantee or any employee, servant or agent of the grantee including, but not limited to, all claims arising in tort, contracts, infringement of copyright, violation of statutes, ordinances, regulations or the failure to comply with any obligation or duty imposed by this Cable Communications Franchise Code or a Franchise Agreement.

§5.76.160 Unauthorized Connections and Modifications.

- A. Unauthorized Connections or Modifications Prohibited: It shall be unlawful for any Person, without the express consent of the Grantee, to make or possess, or assist anybody in making or possessing, any connection, extension, or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the System.
- B. Removal or Destruction Prohibited: It shall be unlawful for any Person to willfully interfere, tamper, remove, obstruct, or damage, or assist thereof, any part or segment of the System for any purpose whatsoever.

§5.76.170 State Franchise Holder.

- A. Cable/Video Service Provider Fee Imposed. As provided under the State Franchise Law, the Village imposes a fee upon a State Franchise Holder providing cable and video services within the Village in the amount of five percent (5%) of the State Franchise Holder's gross revenues from providing such services within the Village.
- B. Notice to Village. The State Franchise Holder shall notify the Village at least ten days prior to the date on which the State Franchise Holder begins to offer cable service or video service in the Village.
- C. Payment of Provider Fee. The State Franchise Holder shall be liable for and pay the service provider fee to the Village. The State Franchise Holder's liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Cable Communications Franchise Code by the State Franchise Holder, which shall be sent to the State Franchise Holder by mail, postage prepaid, to the

address listed on the State Franchise Holder's application notice sent to the Village pursuant to State Franchise Law.

- D. **Payment Date.** The State Franchise Holder shall make payments of the service provider fee to the Village on a quarterly basis, making such quarterly payments no later than forty-five (45) days after the close of the respective calendar quarter. Each payment shall include a statement explaining the basis for the State Franchise Holder's calculation of the fee.
- E. **Credit for Other Payment.** A Franchise holder that elects to terminate an existing Franchise Agreement pursuant to the State Franchise Law with credit for paid Franchise Fees under a Franchise Agreement with the Village may deduct the amount of such credit from the service provider fee that service providers owes the Village upon becoming a State Franchise Holder.
- F. **Construction Standards.** A State Franchise Holder shall comply with all provisions in Sections 5.76.080 and 5.76.090 of this Cable Communications Franchise Code regarding construction standards and underground cabling.
- G. **Telephone Service.** A State Franchise Holder shall continue to comply with the Village's simplified municipal telecommunications tax and any other tax as it applies to any telephone service provided by the State Franchise Holder. Also, a State Franchise Holder shall continue to be obligated for payment of any local unit of government's 911 or E911 fees, taxes or charges.
- H. **Public Benefit Obligation:** A State Franchise Holder shall provide a free service line Drop and free Basic Service to all current and future public buildings within their service territory within the Village, including, but not limited to, Village Hall, the Public Library in the Village of Princeville, and schools of the Princeville Community Unit School District. Each local unit of government shall bear the costs of any inside wiring or video equipment costs not ordinarily provided as part of the State Franchise Holder basic offering.
- I. **Audit Requirement.** A State Franchise Holder shall comply with the same requirements imposed by the Village on other cable service or video service providers that are providing such services within the Village to audit the State Franchise Holder's books and records and to recalculate any amounts determined to be payable under to the Village. Before conducting an audit, the Village will notify the State Franchise Holder of the requirements imposed on other cable service or video service providers to submit to an audit of the service provider's books and records. If the Village has no local Franchises, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act (50 ILCS 45/1 et seq.) under Chapter 3.08 of the Village Code. No acceptance of amounts remitted by a

State Franchise Holder shall be construed as an accord that the amounts are correct. Any additional amount due after an audit shall be paid by the State Franchise Holder within thirty (30) days after the Village's invoice for the sum.

§5.76.180 Penalties. Any Person or Grantee found in violation of any provision of the Cable Communications Franchise Code shall be subject to a fine of not less than Two Hundred Dollars (\$200.00) and nor more than Seven Hundred Fifty Dollars (\$750.00) for each and every offense. A separate offense shall occur each and every day during which a violation of any provision of the Cable Communications Franchise Code is committed. However, if a Grantee is in violation of any terms of a Franchise Agreement that simultaneously violate a provision of this Cable Communications Franchise Code, the terms of the Franchise Agreement shall govern any notice or correction periods before the Grantee shall be subject to a penalty under this Section of the Cable Communications Franchise Code. The State Franchise Law shall govern the non-compliance of a State License Holder of any payments due the Village under this Cable Communications Franchise Code, and to the extent that the State Franchise Law does not provide enforcement measures for non-payment, the provisions of this Section and the Cable Communications Franchise Code shall apply.