

BUSINESS LICENSES APPLICATION

CHAPTER 7

BUSINESS LICENSES

ARTICLE I - ADMINISTRATION

7-1-1 **MAYOR'S AUTHORITY.** Licenses shall be granted by the Mayor and attested by the City Clerk, except where provision is made for the granting of licenses by some other officer of the City. The Mayor shall have the power to revoke, for cause, any license granted by him.

7-1-2 **APPLICATION.** Every applicant for a license shall apply in writing to the Mayor. He shall set forth in such application his name, and if the application is made by or on behalf of a co-partnership, the names of all the members together with the style of such co-partnership, and the names of the sureties if a bond is required. If the applicant has a permanent or fixed place of business, it shall be stated in the application.

7-1-3 **ISSUANCE.** Licenses shall be issued under the hand of the Mayor, and shall be countersigned by the City Clerk, who shall affix thereto the seal of the City. No license shall be issued until the applicant has executed bond, payable to the City of Belleville, in the penalty prescribed, and has paid the license fee.

7-1-4 **FORM.** Licenses shall be substantially in the following form:

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR) **To all whom these presents shall come**
CITY OF BELLEVILLE) **Greeting:**

Whereas _____ having complied with all the requirements of the laws of the State of Illinois, and the ordinances of the City of Belleville, in this behalf made and required license is by authority of the City of Belleville given and granted to the said _____ to _____ at _____ in the City of Belleville, County of St. Clair and State of Illinois, from the date hereof until the _____ day of _____, _____ the said _____ to be subject to all laws of the State of Illinois, and all ordinances of the City of Belleville not in conflict therewith, which now are or hereafter may be in force touching the premises.

Given under the hand of the Mayor of the City of Belleville and the seal thereof, this _____ day of _____, _____.

BUSINESS LICENSES APPLICATION

Mayor of the City of Belleville

Countersigned,

City Clerk

7-1-5 **LICENSE REGISTER.** The City Clerk shall keep a license register in which he shall enter the name of each person to whom a license is issued, the purpose of such license and the date of issue and expiration. He shall furnish a transcript thereof to the Chief of Police.

7-1-6 **INVESTIGATION BY CHIEF OF POLICE.** The Chief of Police shall examine the transcript furnished by the City Clerk and ascertain if any person whose license has expired is engaged in any business in the City without the required license.

7-1-7 **TERM.** No license shall be issued for a longer period of than **one (1) year**. Annual license fees, unless otherwise provided, shall be due and payable on **May 1** of each year, or on commencing the licensed activity. In the first case the license fee shall be paid for one entire year; in the latter case it shall be computed proportionately from the first day of the month in which liability to pay accrues until the first day of May next following.

7-1-8 **LIMITATION OF LICENSED ACTIVITY.** No person may do business or act under any license except the licensee; nor shall a license authorize any person to act or do business at any place other than the place specified in the license.

7-1-9 **CHANGE IN REGULATIONS.** Licenses are subject to all ordinances and regulations which may be in force at the time of issuing the license or which may be passed or made while the license is in force. If any licensee violates any of the provisions thereof, he shall be liable to be proceeded against for any penalty imposed and his license shall be subject to revocation in the discretion of the Mayor, or of the court or magistrate before whom he is convicted of such violation.

7-1-10 **ENFORCEMENT.** It shall be the duty of the Chief of Police to enforce the provisions of this Code in relation to licenses and to prosecute any person guilty of a violation.

7-1-11 **EACH DAY AN OFFENSE.** Each day after the first conviction that any person continues in any business or occupation without the proper license therefor is a separate offense.

BUSINESS LICENSES APPLICATION

(A) **Issuance of License.** No person shall be issued a license by the City of Belleville if that person is in arrears in a payment of a tax or other indebtedness due to the City of Belleville. **(Ord. No. 5878; 05-04-98)**

7-1-12 **LOST LICENSE.** Whenever any person who has obtained a license for any vehicle files an affidavit in the office of the City Clerk that the license issued under such license is lost, stolen or destroyed, the City Clerk shall issue a new license and shall not the license number upon the license issued and upon the stub in his office, upon the payment by the person applying for same of a fee of **Fifty Cents (\$0.50)**. Thereafter the original license shall be void.

7-1-13 **STEALING, MUTILATION OR DESTRUCTION OF LICENSE.** No person, other than the holder thereof, shall steal, mutilate or destroy any license, license sticker, plate or tag issued and in force under any ordinance of this City.

7-1-14 **LATE PAYMENT PENALTY.** Any person who has failed to pay for their license by **May 15th**, shall pay an additional **twenty-five percent (25%)** of the license fee in order to receive said license and if said license is not paid by **July 30th**, they shall pay an additional **fifty percent (50%)** of the license fee in order to obtain said license or in the alternative, said license may be revoked if said fee is not paid by **July 30th**. **(Ord. No. 6456; 08-19-02)**

[This Article Ord. No. 5385; 03-08-95 unless otherwise noted]

BUSINESS LICENSES APPLICATION

ARTICLE II - GENERAL LICENSES

7-2-1 AUCTIONEERS.

(A) License Required. No person shall carry on the business of auctioneer in this City without a license. In case such license is for the selling at an auction room or store, the license fee is **Fifty Dollars (\$50.00)** per year. Any person permanently engaged in the business of auctioneer and having such auction rooms may employ an auctioneer to sell for him at his rooms without taking out an additional license. This Section does not apply to public or auction sales made by any public officer by virtue of any judicial order or process, or by virtue of any power or authority contained in any chattel or other mortgage, or any trust deed.

(B) Sidewalk and Street Activities. No person, whether licensed as an auctioneer or not, shall sell, or attempt to sell, or shall cry for sale, at public auction, any goods, chattels or personal property to any person upon any sidewalk or street.

(C) Posting Bond. All auctioneers, which shall in addition to any license fee required, post a bond with the City Clerk in the amount of **Five Hundred Dollars (\$500.00)** the sufficiency of which bond shall be determined by the City Clerk. Condition of such bond shall be that if the auctioneer shall restore the premises on which the auction was held and remove all debris and waste materials to the satisfaction of the Health Officer of the City of Belleville, upon the removal of such within **twenty-four (24) hours** after close of the said auction. Then the obligation of the bond shall be null and void, otherwise in full force and effect. The bond shall be either in cash or by a surety bond issued by a reputable insurance company. **(Ord. No. 5385; 03-08-95)**

7-2-2 PAWNBROKERS.

(A) License Required. A pawnbroker is any person who loans money on deposit or pledge or personal property or other valuable thing or deals in the purchase of personal property on condition of selling the same back again at a stipulated price. No person shall engage in the business of pawnbroker within this City without a license. The license fee is **Five Hundred Dollars (\$500.00)** per year. **(Ord. No. 5385; 03-08-95)**

(B) Records. Every pawnbroker doing business in the City shall keep a record of every article pledged with him or sold to him and this record shall be open to the inspection of any police officer at any time during the hours of business. Such pawnbroker shall require the person to present a driver's license or other proper identification and record the name and the address of the person delivering the article to him. It shall be the duty of every pawnbroker to report to the police any article pledged with him or which is sought to be pledged with him if he shall have the 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. **(Ord. No. 7216; 01-05-09)**

(C) Prohibited Locations and Restricted Number of Licenses. No establishment requiring a license under this Section shall be located in the Special Service Area, as defined by the "Special Service Areas" Ordinance No. 3325. Furthermore, the City hereby restricts the number of pawnbrokers in the City of Belleville to **two (2)**. Present pawn brokers with existing businesses in the City of Belleville in excess of **two (2)** as prescribed in this Section are hereby grandfathered. **(Ord. No. 5462; 09-05-95)**

(D) However, the license shall only be valid for the premises for which the license was issued and may not be transferred to another location within the special service area. **(Ord. No. 5385; 03-08-95)**

(E) No person or premises which has a pawnbrokers license shall be entitled to receive a secondhand dealers license or a resale/consignment license. **(Ord. No. 7216; 01-05-09)**

(F) Any business defined in **Section 7-2-2** shall utilize surveillance digital color video cameras during the business hours. Surveillance cameras shall be positioned so as to record and video tape the image of all persons entering the business and all persons approaching within **five (5) feet** of the cash register or business counter where articles are pledged or sold. **(Ord. No. 7216; 01-05-09)**

BUSINESS LICENSES APPLICATION

7-2-3 RESTAURANTS. No person shall operate a restaurant or lunch stand within the City without a license. The license fee is **Twenty-Five Dollars (\$25.00)** per year. **(Ord. No. 5385; 03-08-95)**

7-2-4 SECONDHAND DEALERS.

(A) No person shall engage in business as a secondhand dealer within the City without a license. The license fee is **Twenty-Five Dollars (\$25.00)** per year. No more than **two (2) licenses** shall be issued for a secondhand store in the special service area defined by the special service area Ordinance No. 3325. Those businesses presently located in a special service area shall be entitled to have their license renewed but may not transfer their license.

(B) Every secondhand dealer doing business in the City shall keep a record of every article pledged with him or sold to him and this record shall be open to inspection of any police officer at any time during the hours of business. Such secondhand dealer shall require the person to present a driver's license or other proper identification and record the name and the address of the person delivering the article to him. It shall be the duty of every secondhand dealer to report to the police any article pledged with him or which is sought to be pledged with him if he shall have the 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. **(Ord. No. 7216; 01-05-09)**

7-2-5 VENDORS OF FOOD. No person shall sell meats, bread, bakery goods, fruit, fish, poultry, candy, ice cream, cheese, lard, or other provisions or any or either of them at a store, stand or place in the City without a license. The license fee of **Twenty-Five Dollars (\$25.00)** per year. This Section shall not apply to farmers or gardeners selling the produce of their farms and gardens. **(Ord. No. 5385; 03-08-95)**

7-2-6 WHOLESALEERS. No person shall engage in business as a wholesaler within the City without a license. The license fee is **Fifty Dollars (\$50.00)** per year. **(Ord. No. 5385; 03-08-95)**

7-2-7 ANTIQUÉ DEALERS. No person shall engage in the business as an antique dealer within the City without a license. The license fee is **Twenty-Five Dollars (\$25.00)** per year. **(Ord. No. 5385; 03-08-95)**

7-2-8 RETAIL JEWELRY STORES. Every retail jewelry store doing business at retail in the City shall keep a record of every item of jewelry, gold, watch or any other item purchased from any individual as used merchandise, and a record shall be open to the inspection of any police officer at any time during the hours of business. It shall be the duty of such retail jewelry operator to report to the police any article purchased by them or which is sought to be purchased by him if he or she has reason to believe that such article was stolen, lost and found by the person attempting to sell it. **(Ord. No. 5490; 11-06-95)**

BUSINESS LICENSES APPLICATION

7-2-9 **TATTOO PARLORS.** No person shall operate a tattoo parlor in the City without a license. There shall only be **two (2) licenses** issued in the City to Tattoo Parlors. The fee for said license shall be **One Hundred Dollars (\$100.00)**. Any Tattoo Parlor in operation on the date that this Ordinance takes effect shall be entitled to a license even if it requires the City to issue more than **two (2) licenses**. No establishment requiring a license under this Section shall be located in the Special Service Area, as defined by the "Special Service Areas" Ordinance No. 3325. **(Ord. No. 6355; 12-03-01)**

7-2-10 **RESALE/CONSIGNMENT BUSINESS.**

(A) No person shall engage in the retail consignment business within the City without a license. A resale/consignment business is an establishment that derives more than **fifty percent (50%)** of its gross sales from used clothing. No more than **two (2) licenses** shall be issued for resale/consignment businesses in the special service areas defined by the special service areas Ordinance No. 3325. Those businesses presently located in the special service area shall be entitled to have their licenses renewed but may not transfer their licenses.

(B) Every resale/consignment business doing business in the City shall keep a record of every article pledged with him or sold to him and this record shall be open to inspection of any police officer at any time during the hours of business. Such resale/consignment business shall require the person to present a driver's license or other proper identification and record the name and the address of the person delivering the article to him. It shall be the duty of every resale/consignment business to report to the police any article pledged with him or which is sought to be pledged with him if he shall have the 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. **(Ord. No. 7216; 01-05-09)**

7-2-11 **FIREWORKS STANDS.** It shall be unlawful for a person to operate a fireworks stand or any other seasonal sales of fireworks without obtaining a license from the City. A City license shall not be issued unless the applicant provides the City proof that the applicant has a state license to sell fireworks. Retailers who operate year round may sell fireworks inside their premises without obtaining a City license. The license fee for a license to sell fireworks shall be **Two Hundred Fifty Dollars (\$250.00)**. Each location where fireworks are sold is required to obtain a license. **(Ord. No. 7122; 04-22-08)**

7-2-12 **LAUNDROMAT HOURS.** It shall be unlawful for a Laundromat to be open for business between the hours of **10:00 P.M.** and **5:00 A.M.** Any person violating this Section shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** and no more than **One Thousand Dollars (\$1,000.00)**. **(Ord. No. 7258; 04-20-09)**

ARTICLE III - AMBULANCES

7-3-1 **DEFINITIONS.**

Sec. 50) (A) **"Act"**. The Emergency Medical Services (EMS) Systems Act. **(2 ILCS**

of the Act) (B) **"Department"**. The Illinois Department of Public Health. **(Section 3.5**

 (C) **"Emergency"**. A medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. **(Section 3.5 of the Act)**

 (D) **"Ambulance"**. Any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or other wise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. **(Section 3.85 of the Act)**

 All vehicle service providers shall function within an EMS System. **(Section 3.85(b)(1)**

of the Act)
 All vehicle service providers meeting requirements for licensure shall be licensed by IDPH.

 A vehicle service provider is prohibited from advertising, identifying its vehicles, or disseminating information in a false or misleading manner concerning the provider's type and level of vehicles, location, primary service area, response time, level of personnel, licensure status or system participation. **(Section 3.85(b)(10) of the Act)**

 (E) **"Emergency Medical Technician - Basic (EMT-B)"**. A person who has successfully completed a course of instruction in Basic Life Support as prescribed by the Department (IDPH), is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. **(Section 3.50 of the Act)**

 (F) **"Emergency Medical Technician - Intermediate (EMT-I)"**. A person who has successfully completed a course of instruction in Intermediate Life Support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. **(Section 3.50 of the Act)**

 (G) **"Emergency Medical Technician - Paramedic (EMT-P)"**. A person who has successfully completed a course of instruction in Advanced Life Support care as prescribed by the Department, is licensed by the Department in accordance with Standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. **(Section 3.50 of the Act)**

 A person currently licensed as an EMT-B, EMT-I, or EMT-P may only practice as an EMT or utilize his or her EMT license in pre-hospital or inter-hospital emergency care settings or non-emergency medical transport situations, under the written or verbal direction of the EMS Medical Director. **(Section 3.55(b) of the Act)**

 (H) **"Pre-Hospital Registered Nurse Or Pre-Hospital RN (PHRN)"**. A Registered Professional Nurse, licensed under the Illinois Nursing Act of 1987, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to practice within an EMS System as Emergency Medical

BUSINESS LICENSES APPLICATION

Services personnel for pre-hospital or inter-hospital emergency care and non-emergency medical transports. **(Section 3.80 of the Act)**

(I) **"Resource Hospital (Memorial Hospital, Belleville, IL)"**. The hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the **entire program**, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

(J) **"EMS Medical Director (EMSMD) (At Memorial Hospital, Belleville, IL)"**. The physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

(K) **"EMS System Coordinator (At Memorial Hospital, Belleville, IL)"**. The designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

(L) **"Basic Life Support (BLS) Services"**. A basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and modifications to that curriculum specified in the Part. **(Section 3.10 of the Act)** Each BLS vehicle shall be staffed by a minimum of **two (2) EMT-Basics. (77 IL Administrative Code 515.830(f)(1))**

(M) **"Intermediate Life Support (ILS) Services"**. An intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes Basic Life Support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and modifications to that curriculum specified in this Part. **(Section 3.10 of the Act)** Each ILS vehicle shall be staffed by a minimum of **one (1) EMT-I, Pre-Hospital RN or physician and one (1) other EMT, Pre-Hospital RN or physician. (77 IL Administrative Code 515.830(f)(3))**

(N) **"Advanced Life Support (ALS) Services (Paramedic)"**. An advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes Basic Life Support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and modifications to that curriculum specified in this Part. **(Section 3.10 of the Act)** Each ALS vehicle shall be staffed by a minimum of **one (1) EMT-Paramedic, Pre-Hospital RN or physician and one (1) other EMT, Pre-Hospital RN or physician. (77 IL Administrative Code 515.830(f)(3))**

7-3-2 LICENSE REQUIRED. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in, or hold himself out to be engaged in the operation of an ambulance unless he holds a valid license under this Code. In the case of a major catastrophe in which the number of licensed ambulances in the locality of the catastrophe are insufficient to render required services, vehicles operated by

BUSINESS LICENSES APPLICATION

other persons, with licensed EMTs/PHRNs/MDs on board, may be used to render transport service. No vehicle shall bear ambulance identification with insignias and flashing lights or warning signal devices unless it is operated by a licensed ambulance service as provided herein.

7-3-3 **APPLICATION FOR AMBULANCE LICENSE.** Application for a license to operate an ambulance service and renewals therefore shall be made upon forms provided by the City Clerk. The application shall contain the following:

(A) The name and address of the applicant; the name and address of the owner of the ambulances if different from that of the applicant.

(B) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business.

(C) The location and description of the required permanent Ambulance Base in the City of Belleville, at which the **two (2)** required ALS ambulances and personnel are stationed for immediate response **twenty-four (24) hours** a day, every day of the year.

(D) A description of each ambulance which the applicant operates or intends to operate within the license year, including the make, model, year of manufacture, serial number, the length of time the ambulance has been in use, color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate applicant's ambulances.

(E) A brief description of training and experience of the applicant in the transportation and care of patients including experience in the Belleville area.

(F) Such other information as the City Council may deem necessary for a fair determination as to the applicant's compliance with all the provisions of this Code.

7-3-4 **LICENSE FEE.** All applications for licenses provided herein, or renewals thereof, shall be accompanied by an application or renewal fee of **Twenty-Five Dollars (\$25.00)**. The license year shall commence on the day and month of the issuance of the license and shall end **one (1) year** from such date. The application or renewal fee shall be returned to the applicant in the event the application is denied.

7-3-5 **ISSUANCE OF LICENSE.** The City Council shall consider in addition to the items provided in the application form:

(A) The experience and responsibility of the applicant to the Belleville area;

(B) The effect the proposed service may have on the general welfare of the community;

(C) Whether applicant is in compliance with the standards for operating an ambulance service, including equipment standards as required by 77 IL Administrative Code 515.830;

(D) Such other matters as may appear to the licensing authority to be genuine to the purpose of this Code.

BUSINESS LICENSES APPLICATION

7-3-6 STANDARDS FOR AMBULANCES.

(A) Every vehicle used as an ambulance shall be designed and constructed to meet the vehicle design criteria detailed in 77 IL Administrative Code Section 515.830(a)(1)(2)(3)(4).

(B) Each ambulance used as a Basic Life Support, Intermediate Life Support or Advanced Life Support (Paramedic) shall meet and comply with all requirements, including equipment, staffing, personnel, and hours of operation as determined by the EMS System Resource Hospital, Illinois Department of Public Health, and 77 IL Administrative Code and the EMS Systems Act (**210 ILCS Sec 50**).

7-3-7 EMERGENCY MEDICAL TECHNICIAN/PRE-HOSPITAL RN **STANDARDS.**

(A) Every EMT/Pre-Hospital RN/MD must possess a valid driver's license as is issued and required by the State of Illinois for operation of this type vehicle.

(B) Every EMT/Pre-Hospital RN/MD must hold a valid Illinois EMT/Pre-Hospital RN/MD license and approved by the Resource Hospital EMS Medical Director to function within the EMS System.

(C) All EMT/Pre-Hospital RN/MD personnel shall meet the standards required in the EMS Act, EMS Rules and Regulations and System Policies.

(D) Every ambulance company shall supply the City with a list of their approved Illinois licensed EMT/Pre-Hospital RN employees identifying their level of licensure, licensure number and signature of the Resource Hospital EMS Medical Director.

7-3-8 AMBULANCE SERVICE.

(A) Each ambulance company approved for 911 calls, shall have in the City of Belleville, **two (2)** Advanced Life Support (Paramedic) ambulances available for operation **twenty-four (24) hours** a day, every day of the year.

(B) Each ambulance company, shall have in the City of Belleville, a permanent Ambulance Base at which the required ambulances and personnel are stationed for immediate response **twenty-four (24) hours** a day, every day of the year.

(C) Each licensee/ambulance company must maintain a **twenty-four (24) hour** Dispatch Center staffed by Certified EMD Telecommunicators. Location of the Dispatch Center, description of 911 dispatching procedures and a list of certified EMD telecommunicators must be submitted to the Mayor.

(D) Each ambulance service shall maintain records of maintenance, emergency calls, and personnel.

(E) Any additional Ambulance Companies operating from within the City limits of Belleville must also comply with all licensing requirements and may be utilized by the City approved ALS providers for Mutual Aid.

7-3-9 INSURANCE OF LICENSEE. Every ambulance licensee shall file with the City Clerk, prior to the start of operation under said license, a Certificate of Insurance of a reputable and acceptable insurance carrier, showing current insurance coverage for each licensed employee and ambulance used by the licensee. The minimum amount of such insurance for personal injury or death shall be **One Million Dollars (\$1,000,000); One**

BUSINESS LICENSES APPLICATION

Hundred Thousand Dollars (\$100,000) for loss or damage of property, including personal property and incidental malpractice coverage in the amount of **One Million Dollars (\$1,000,000)**. The insurance required shall run from **January 1st to December 31st** of each year and it shall be the duty of the ambulance licensee to notify the City Clerk if his insurance is canceled.

7-3-10 **REVOCATION AND SUSPENSION.** In addition to any penalty that may be provided in this Code, violation of any of the provisions hereof, or a failure to comply with any of the standards or qualifications provided herein, after reasonable notice to licensee and an opportunity to so comply, may be grounds for suspension or revocation by the licensing authority, and the privileges thereunder, when once revoked, shall not again be granted to the same person, firm, or corporation, or any such firm or entity made up in part of the person or persons formerly of interest in the revoked license or privileges. Any licensee, whose license is revoked or whose license is suspended for a period of more than **two (2) weeks** may, in writing, request of the licensing authority a hearing on such revocation or suspension, which hearing shall be held within **ten (10) days** after being notified of the revocation or suspension. The hearing will be held by the licensing authority or his qualified designee, at which hearing anything touching upon any aspect of the license, the vehicle's equipment, operation, personnel, qualifications, character, or any other consideration involving the licensee or the ambulance service of such licensee may be considered. Upon the conclusion of the hearing, the licensing authority or his qualified designee shall reduce to writing, within **five (5) days** his findings with regard to such hearing, a copy of which is to be furnished to the licensee.

7-3-11 **COOPERATION.** The ambulance service(s) licensed by the City and the personnel thereof shall cooperate with one another and with the public safety and emergency services operating within the City, both generally and specifically, at the scene of an emergency. In the event the Police Chief or Fire Chief, or their designated Assistant is on the scene, they shall be in charge of the scene. Providing the scene is safe, Emergency Medical Services personnel will assume control of the patient(s) immediately upon arrival to the scene.

If an ambulance is requested for an emergency call in the City, an ALS (Paramedic) ambulance will be dispatched to the scene. Anyone licensed by the City, if dispatched to an emergency call, must respond to that call or immediately inform the telecommunicator if they are unable to respond. If unable to respond, the telecommunicator will immediately attempt transfer of the call to another ALS (Paramedic) service.

7-3-12 **RULES AND REGULATIONS.** The licensing authority is authorized to make such reasonable rules and regulations not contrary to or in conflict with the provisions of this Code as he may deem necessary and hereof, all in the public interest.

[Unless Otherwise Noted, This Article Ord. No. 5895; 07-20-98]

BUSINESS LICENSES APPLICATION

ARTICLE IV - AMUSEMENTS

7-4-1 **LICENSE.** No person shall engage in the City in any business, occupation or pursuit mentioned in this Article without having first obtained a license therefor as provided in **Article I** and paying the license fee prescribed. **(Ord. No. 5385; 03-08-95)**

7-4-2 **CIRCUSES.** Proprietors and managers of circuses and menageries and like shows shall pay a license fee of **One Hundred Dollars (\$100.00)** per day.

All companies of equestrians, acrobats, gymnasts and persons exhibiting any collection of wild animals, are included in the purview of this Section. **(Ord. No. 5385; 03-08-95)**

7-4-3 **CARNIVALS.** Every person operating a carnival shall pay a daily license fee of **One Hundred Dollars (\$100.00)** per day. **(Ord. No. 5385; 03-08-95)**

7-4-4 **BILLIARDS AND POOL.**

(A) Every person keeping any billiard table, pool table, bagatelle or pigeon-hole table, or any other tables or implements for a similar purpose open to the public, shall pay a license fee as follows:

(1) A fee of **Fifty Dollars (\$50.00)** per year for each billiard or other table he may keep.

(B) Pool halls open to the public shall be closed for all purposes and cease doing business at the hour of **Twelve (12:00) midnight** and shall remain so closed until **Five O'clock (5:00) A.M.**

(C) Minors under the age of **sixteen (16) years** shall not frequent, loiter, go into, or remain in any pool hall unless upon some lawful errand and sent by the direction and with the consent and knowledge of the parent, or unless accompanied by the parent or there with the written consent of the parent. A proprietor of a pool hall shall not permit a minor under the age of **sixteen (16) years** to frequent, loiter or remain within the pool hall, unless accompanied by the parent or unless on the premises with the written consent of the parent. It shall be the duty of the proprietor to examine and ascertain the validity of the written consent when exhibited by the minor.

(D) No establishment requiring a license under this Section shall be located in the special service area, as defined by the **Special Services Area Ordinance #3325.**

(E) No license shall be issued under this Section within **one thousand (1,000) feet** of a school. **(Ord. No. 5385; 03-08-95)**

7-4-5 **BONDS.** All operators of carnivals, circuses, sideshows, concessions, and other like amusements of any kind and nature, within the City, shall, in addition to any license fee required, post a bond with the City Clerk in the amount of **Five Hundred Dollars (\$500.00)**, the sufficiency of which bond shall be determined by the City Clerk. The condition of such bond shall be that if the operator of the carnival, circus, sideshow, concession stand, or other like amusement, shall restore the premises occupied by such amusement, and remove all debris and waste material to the satisfaction of the Health Officer of the City, upon the removal of such amusement from the premises occupied by it, then the obligation of the bond shall be null and void, otherwise in full force and effect. The bond shall be either in cash or by a surety bond issued by a reputable insurance company. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

ARTICLE V - SPECIAL BUSINESS SALES

7-5-1 **DEFINITIONS.** Terms used in this Article have the following meanings:

"GOING OUT OF BUSINESS SALE". Any sale, whether described by such name or by any other name (such as, but not limited to "closing out sale", "liquidation sale", "lost our lease sale", "forced to vacate sale"), held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted.

"GOODS". All goods, wares, merchandise and other personal property, except choses in action and money.

"REMOVAL SALE". Any sale held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted, and thereafter will be moved to and occupy another location. **(Ord. No. 5385; 03-08-95)**

7-5-2 **EXCEPTIONS.** This Article does not apply to any sales ordered by any court or referee in bankruptcy; or to any person acting under the direction and supervision of state or federal courts in the course of their official duties; or to sales by a person regularly engaged in insurance or salvage sales of goods; or to the sale of goods which have been damaged by fire, smoke, water or otherwise and acquired for the account of others as a result of fire or other casualty. **(Ord. No. 5385; 03-08-95)**

7-5-3 **LICENSE.** No person shall directly or indirectly advertise, represent or hold out to the public that any sale of goods is an insurance, salvage, removal, going out of business, insolvent's, assignee's, or creditor's sale of goods, or that it is a sale of goods which have been damaged by fire, smoke, water or otherwise, without a license from the City Clerk to conduct such sale under one of such descriptive names. **(Ord. No. 5385; 03-08-95)**

7-5-4 **APPLICATION FOR LICENSE.** Any applicant for a license under this Article shall file an application in writing and under oath with the City Clerk setting out the following information:

(A) The name and address of the applicant for the license, who must be the owner of the goods to be sold, and in addition, if the applicant is a partnership, corporation, firm or association, the name and position of the individual filing the application.

(B) The name and style in which such sale is to be conducted, and the address where such sale is to be conducted.

(C) The dates and period of time during which the sales is to be conducted.

(D) The name and address of the person who will be in charge of and responsible for the conduct of such sale.

(E) A full explanation with regard to the condition or necessity which is the occasion for such sale, including a statement of the descriptive name of the sale and the reasons why such name is truthfully descriptive of the sale. If the application is for a license to conduct a going out of business sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale. If

BUSINESS LICENSES APPLICATION

BUSINESS LICENSES APPLICATION

the application is for a license to conduct a removal sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be moved. If the application is for a license to conduct a sale of goods damaged by fire, smoke, water or otherwise, it shall also contain a statement as to the time, location and cause of such fire.

(F) A full, detailed inventory of the goods that are to be sold. The inventory shall itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if any, to clearly identify it; list separately any goods which were purchased during a **sixty (60) day** period immediately prior to the date of making application for the license; and show the cost price of each item in the inventory together with the name and address of the seller of the item to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost.

(G) A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment. **(Ord. No. 5385; 03-08-95)**

7-5-5 **ISSUANCE OF LICENSE.** The City Clerk, upon receipt of an application for a license under this Article and a license fee of **Twenty-Five Dollars (\$25.00)** shall issue a license to the applicant authorizing him to advertise, and to sell the particular goods so inventoried at the time and place stated in the application and in accordance with the provisions of this Article. The license shall be issued in duplicate and shall bear a number and the date of its expiration. The license may not be transferred or assigned. If a licensee is engaged in business in other locations, advertising or offering of goods on behalf of such locations shall not represent or imply any participation in or cooperation with the sale on the premises specified in the license, nor shall any advertising or any other offering of goods on behalf of the premises where the licensed sale is being conducted represent or imply any participation in or cooperation with such sale at other locations. **(Ord. No. 5385; 03-08-95)**

7-5-6 **RESTRICTIONS ON LICENSES.**

(A) No license under this Article shall be issued to any person:

- (1) to conduct a sale in the trade name or style of a person in whose goods the applicant has acquired a right or title thereto within **six (6) months** prior to the time of making application for such license; or
- (2) to continue a sale in the name of a licensee in whose goods such person acquired a right or title while such a sale is in progress; or
- (3) to conduct a sale, other than an insurance sale, salvage sale or a sale of damaged goods, on the same premises within **one (1) year** from the conclusion of a prior sale of the nature covered by this Article.

(B) This Section does not apply to any person who acquired a right, title or interest in goods as an heir, devisee or legatee or pursuant to an order of process of a court of competent jurisdiction. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

7-5-7 **RECORD OF APPLICATION.** The City Clerk, upon issuing a license under this Article shall endorse upon the application the date of its filing and shall preserve it, and the inventory attached to it, as a public record of his office. He shall make a notation of it in a book to be kept for that purpose, properly indexed, showing the name of the applicant, the date of the application, the descriptive name of the proposed sale, the place where such sale is to be conducted, its duration, the date of the license issued thereon, and the total value of the goods thus to be sold. A copy of the inventory shall be available for public inspection in the office of the City Clerk. **(Ord. No. 5385; 03-08-95)**

7-5-8 **SALES AT BANKRUPT.** No person shall advertise or represent for sale, or sell any goods at a bankruptcy, executor's, administrator's, receiver's, or trustee's sale except pursuant to and in compliance with federal or state statutory authority or judicial process, or as an assignee's or insolvent's sale unless there is a bona fide assignment for the benefit of creditors. **(Ord. No. 5385; 03-08-95)**

7-5-9 **TERM OF LICENSE; RENEWAL.** A license issued under this Article shall be valid for a period of not more than **sixty (60) days** from the start of the sale, but may be renewed once only for a period not to exceed **thirty (30) days** upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no additional goods have been or will be added to the inventory previously filed. The application for renewal shall be made not more than **fourteen (14) days** prior to the time of the expiration of the license and shall contain a new inventory of the goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory. No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license. An additional license fee of **Twenty-Five Dollars (\$25.00)** shall be paid for the renewal of a license. **(Ord. No. 5385; 03-08-95)**

7-5-10 **POSTING INVENTORY AND LICENSE.** A copy of the application for a license under this Article including the inventory filed therewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold so that the public may be informed of the facts relating to the goods before purchasing same. Such copy need not show the purchase price of the goods. The duplicate copy of the license issued shall be attached to the front door of the premises where the sale is conducted in such a manner that it is clearly visible from the street. Any advertisement or announcement published in connection with the sale shall conspicuously show on its face the number of the license and the date of its expiration. **(Ord. No. 5385; 03-08-95)**

7-5-11 **SUBSTITUTION, ADDITION AND COMMINGLING OF GOODS.**
(A) A person conducting a sale licensed under this Article shall not substitute for or add to the goods described in the inventory filed. In the case of a sale of goods damaged by fire, smoke, water or otherwise, or in the case of an insurance sale or a salvage sale, the goods to be sold at such sale shall be clearly and distinctly segregated, marked or identified, and advertised, if at all, so that both on display and in advertising such goods may

BUSINESS LICENSES APPLICATION

be readily distinguished from other stocks, and their identity readily ascertained. Such goods shall not be commingled with other stocks of the licensee in such a manner to cause the goods to lose their separate identity either on display or in advertising. A violation of this Section voids the license issued under this Article.

(B) No person in contemplation of conducting any going out of business, removal, assignee's or creditor's sale, or during the continuance of such a sale, shall order or purchase any goods for the purpose of selling them at such sale. Any unusual purchase, or additions to the stock of goods within **sixty (60) days** after the filing of such application for a license to conduct such a sale shall be presumptive evidence that such purchases or additions were made in contemplation of such sale and for the purpose of selling them at such sale. **(Ord. No. 5385; 03-08-95)**

7-5-12 PENALTIES. Any person violating any provision of this Article shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**, or shall be imprisoned in the County jail for not less than **ten (10) days** and not more than **six (6) months**, or both. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

ARTICLE VI

COIN-OPERATED AMUSEMENT DEVICES

7-6-1 **DEFINITION.** The term "coin-operated amusement device" as used herein means any amusement machine or device operated by means of the insertion of currency, coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated mechanical musical devices. **(Ord. No. 5385; 03-08-95)**

7-6-2 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to install, operate or maintain any such coin-operated amusement device without having first obtained a license therefor. Applications shall be made to the City Clerk. Said license shall be applied for and issued to the owner of such coin-operated device, who shall be solely responsible for the payment of all applicable license fees. **(Ord. No. 5385; 03-08-95)**

7-6-3 **LICENSE FEE.** The fee for such licenses shall be **Fifty Dollars (\$50.00)** per year for each amusement device installed, operated or maintained within the corporate City limits. All licenses hereunder are due on **May 1st**, and must be obtained on or before **June 30th** of each year to avoid the penalty. Failure to timely obtain such a license shall result in the imposition of a **Fifty Dollar (\$50.00)** penalty for each amusement device that is not timely licensed. Such penalty shall be in addition to the prescribed license fee. **(Ord. No. 5385; 03-08-95)**

7-6-4 **ISSUANCE.** No license shall be issued except to a person of good character approved by the City Council. Upon approval of the applicant and the payment of the license fee, the City Clerk shall issue the license. **(Ord. No. 5385; 03-08-95)**

7-6-5 **MINORS.** Minors under the age of **thirteen (13) years** shall not frequent, loiter, go into or remain in any establishment licensed hereunder unless upon some lawful errand and sent by the direction and with the consent of and knowledge of a parent, or unless accompanied by a parent or there with a written consent of a parent. A proprietor of an establishment licensed hereunder shall not permit a minor under the age of **thirteen (13) years** to frequent, loiter, or remain within such establishment, unless accompanied by a parent or unless on the premises with the written consent of the parent. It shall be the duty of the proprietor to examine and ascertain the validity of the written consent when exhibited by the minor. **(Ord. No. 5385; 03-08-95)**

7-6-6 DEVICES TO BE KEPT IN PLAIN VIEW - GAMBLING DEVICES PROHIBITED. All such devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

A "gambling device" is any clock, tape machine, slot machine, video slot machine, video poker machine, video Black Jack 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 things 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:

(A) 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. Video Poker machines and video Black Jack machines are not excluded as a gambling device under this paragraph.

(B) 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.

(C) **A crane game.** For the purposes of this paragraph (C), 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 **seven (7) times** the cost charged to play the amusement device once or **Five Dollars (\$5.00)**, whichever is less.

(D) **A redemption machine.** For the purposes of this paragraph (D), 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:

- (1) The outcome of the game is predominantly determined by the skill of the player.
- (2) 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.
- (3) Only merchandise prizes are awarded.
- (4) The average wholesale value of prizes awarded in lieu of tickets or tokens for single play of device does not exceed the lesser of **Five Dollars (\$5.00)** or **seven (7) times** the cost charged for a single play of the device.
- (5) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount of charged for a single play of the device. **(Ord. No. 5758; 07-21-97)**

(E) 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, **230 ILCS 40/1 et seq. (Ord. No. 7648; 11-19-12)**

BUSINESS LICENSES APPLICATION

7-6-7 **INSPECTION.** The Chief of Police shall inspect or cause the inspection of any place or building in which any such device or devices are operated or set up for operation and shall inspect, investigate, and test such devices at least once a year. **(Ord. No. 5385; 03-08-95)**

7-6-8 **REVOCAION OF LICENSE.** In addition to any penalty imposed, the Mayor or Council may revoke such license for any violation of this Article or of any ordinance pertaining to the conduct of such business. **(Ord. No. 5385; 03-08-95)**

7-6-9 **LOCATION.** No license shall be issued under this Section within **one thousand (1,000) feet** of a school. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

ARTICLE VII - SECONDHAND DROP OFF CONTAINERS

7-7-1 **DEFINITION.** A "second-hand articles drop-off container" is any receptacle, box or holder used to collect second-hand articles. Whenever the words "container" or "containers" are used herein, they shall mean a "second-hand articles drop-off container".

7-7-2 **PROHIBITIONS.** Exterior second-hand article drop-off containers are prohibited in all zoning districts of the City. Effective immediately, all existing containers must be removed or be subject to removal by the City by May 1, 2008. Any property seeking an allowance for the continuation of the containers must make an application to the Zoning Board of Appeals, subject to City Council approval.

7-7-3 **REGULATIONS.** The following regulations shall apply to any container that receives approval from the Zoning Board of Appeals and City Council:

- (A) No articles shall be permitted to accumulate outside the container;
- (B) The container must not block any public road or sidewalk;
- (C) The container must not block any access way, drive aisle and/or required parking spaces;
- (D) The container must not impede motorists "line of sight" view, and must be located near main building away from street;
- (E) No flammable or hazardous material or perishable items should be placed or kept in said containers;
- (F) The container shall be no larger than **one hundred eighty (180) cubic feet**;
- (G) The container shall be anchored to the ground in such a manner that it cannot be easily tipped or blown over;
- (H) The container and the area surrounding it shall be kept clean and free from trash and debris, and must be emptied on a regular schedule to prevent overflow;
- (I) The container shall be kept freshly painted, at least every **two (2) years**, and no rust shall be allowed to show;
- (J) The container shall be equipped with a lid and/or door that will automatically close after the articles are deposited in the container;
- (K) The owner of the container shall be identified on the container along with applicable contact information, a pick up schedule and items to be collected;
- (L) The name of the Not For Profit organization benefiting from the materials received must be noted prominently on the container;
- (M) The total number of containers shall be limited to **eight (8)**. (**Ord. No. 7103; 04-08-08**)

(Ord. No. 7088; 02-20-08)

BUSINESS LICENSES APPLICATION

ARTICLE VIII - GARAGE SALES

7-8-1 **PERMIT REQUIRED; EXCEPTION.** No person shall sell, offer for sale or conduct the sale of any junk, secondhand, antique or other used or discarded items of personal property from any residence in the City or from any area classified as residential in the Zoning Code of the City without first obtaining a permit therefor. Included within the terms of this Section shall be sales commonly known as "house sales", "attic sales" and "basement sales". The provision of this Section shall not apply to bankruptcy, estate or other sales under judicial process and sales conducted from church, school or civic buildings by non-profit religious, civic or charitable organizations. **(Ord. No. 5385; 03-08-95)**

7-8-2 **ISSUANCE OF PERMIT.** The City Clerk is authorized to issue a permit required by this Article for a **Five Dollar (\$5.00)** fee to any resident person upon compliance by such person with the provisions of this Code. Said permit shall list, the applicant by name and address and the City Clerk shall keep a record of all permits issued. **(Ord. No. 6843; 03-20-06)**

7-8-3 **LIMITATION ON PERMITS.** No person shall be permitted to conduct a house or garage sale from his or her premises or participate in a garage or house sale conducted by another resident more than **three (3)** during any calendar year. No more than **three (3) permits** shall be issued to any person as a permit holder or permit participant during any calendar year for the purpose of conducting or participating in such house or garage sale. **(Ord. No. 5385; 03-08-95)**

7-8-4 **PERMIT RESTRICTIONS.**
(A) **Permit Valid Only for Sale Designated on Permit; Permit to be Posted; Nontransferable.** A permit issued pursuant to this Article shall be valid only for the particular sale and premises designated on the permit. The permit shall be posted in the front yard area so as to be easily seen by the police and shall be nontransferable. **(Ord. No. 5385; 03-08-95)**

(B) **Person Conducting Sale to be Owner or Occupant of Premises.** It shall be unlawful for any person to conduct a sale pursuant to this Article who is not the owner or occupant of the premises where such sale is held. **(Ord. No. 5385; 03-08-95)**

(C) **Operation of Retail Selling Business Prohibited.** It shall be unlawful for anyone to conduct a retail selling business pursuant to a permit issued under this Article or to engage in any sales other than those of junk, secondhand, antique or other used or discarded items of property. **(Ord. No. 5385; 03-08-95)**

(D) **Restrictions on Location of Sales Activities.** No sales regulated by this Article shall be located on any public sidewalk or parkway area. **(Ord. No. 5385; 03-08-95)**

(E) **Length of Sale; House.** Sales regulated by this Article shall be limited to a period of **three (3)** consecutive days and shall be conducted only during the periods from **seven-thirty (7:30) A.M. to five o'clock (5:00) P.M.** **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

(F) **Advertising Sales Restricted.** All signs advertising any sale held pursuant to this Article shall be located on the public right-of-way. No signs or advertising matter shall be posted upon City signs, state signs or utility poles. Signs are allowed to remain standing from dawn until dusk on the day of the sale. Any person violating this Section (F) shall be subject to the fine of **Ten Dollars (\$10.00)** per day for said violation. **(Ord. No. 5771; 08-04-97)**

(G) **Use of Loudspeakers and Amplifiers Prohibited.** No sale held pursuant to this Article shall be conducted with the use of outdoor loudspeakers or other amplification equipment. **(Ord. No. 5385; 03-08-95)**

7-8-5 **REVOCATION OF PERMIT OR RIGHT TO PERMIT.** Any person who violates any of the provisions of this Article shall be subject to the immediate revocation of the permit under which the person is a permit holder or permit participant, and shall be further subject to the loss of the privilege of obtaining a permit or of having the right to participate in such permit in the future. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

ARTICLE IX - JUNK DEALERS

7-9-1 **DEFINITIONS.** Terms used in this Article have the following meanings:

"JUNK". Old iron, chain, brass, copper, tin, lead, or other base metals, old rope, old bags, wastepaper, paper clippings, wool scraps, rubber, rags, glass, empty bottles of different kinds and sizes when the number of each kind or size is less than **one (1)** gross, and all articles and things discarded or no longer used as a manufactured article.

"JUNK DEALER". A person who engaged in the business of buying, selling, bartering or exchanging junk, or who collects, receives, stores, or holds in possession for sale, barter or exchange, any junk whether dealing at wholesale or at retail or as a junk peddler.

"JUNK PEDDLER". A person who deals in junk but does not occupy any premises especially for such business.

"RETAIL JUNK DEALER". A junk dealer whose usual and customary purchases consist of quantities of less than the amounts customarily purchased by wholesale junk dealers or in purchases from junk peddlers.

"WHOLESALE JUNK DEALER". A junk dealer who deals in large quantities of junk. Dealing in large quantities means that the customary and usual separate transactions, both of purchases and sales, consist of the purchase or sale of carload lots, or lots of ten tone or more of metals, or lots of ten bales or more of rags, and correspondingly large lots of any other junk dealt in. Purchasers of old or waste metals in large quantities shall be regarded as wholesale junk dealers unless they actually operate within the City a plant for the smelting or refining of such metals. **(Ord. No. 5385; 03-08-95)**

7-9-2 **LICENSE.**

(A) No person shall engage in business as a junk dealer or junk peddler without a license. A separate license shall be procured for a wholesale business and a retail business, and for each separate junk store or junkyard. The license fee for each such license is **Fifty Dollars (\$50.00)** per year.

(B) Application for such license shall be made in writing to the City Clerk and shall state the place of business and the location where junk is to be stored. **(Ord. No. 5385; 03-08-95)**

7-9-3 **BOND.** Every person desiring to carry on the business of junk dealer, either wholesaler or retailer, or junk peddler, shall execute a bond to the City in the penal sum of **Five Hundred Dollars (\$500.00)** conditioned upon the faithful obedience and adherence to the laws of the United States and the State of Illinois, and the ordinances of the City and to save harmless any person who may or might be injured by reason of the granting of a license to operate as a junk dealer. The bond shall be signed by **two (2)** qualified sureties, not related in any way to the applicant and the sureties shall qualify as to their fitness. The City Council shall be the judge of the qualifications of the fitness of the applicant and the qualifications of the sureties and the adequacy of the bond. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

7-9-4 INSPECTIONS. Every store or yard where junk is dealt in, shall be subject to inspection by the Police and Fire Departments. Inspection shall be made at reasonable hours. The Chief of the Fire Department and the Health Officer shall make weekly inspections of the stores and yards where junk is dealt in. **(Ord. No. 5385; 03-08-95)**

7-9-5 LOCATION. No person shall locate, establish, conduct or maintain any junk store or junkyard in this City on any lot in any square block in which **two-thirds (2/3)** of the property in the square block is used exclusively for residence purposes; or within **two hundred (200) feet** of any buildings used exclusively for residence purposes without the written consent of the owners of at least a majority of the property with a radius of **two hundred (200) feet** of the location of the junk store or yard. Measurement shall be from the lot line. **(Ord. No. 5385; 03-08-95)**

7-9-6 DEALING WITH MINORS. No junk dealer or peddler shall within the City purchase any goods, articles or thing except old rags and wastepaper, from any minor without a written consent of the parent or guardian of such minor. **(Ord. No. 5385; 03-08-95)**

7-9-7 STOLEN GOODS. Every junk dealer or peddler who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen, or alleged to have been lost or stolen, shall upon demand to view or examine the same, forthwith produce such goods, articles or things to the Mayor or any member of the Police Department. **(Ord. No. 5385; 03-08-95)**

7-9-8 STORAGE. A junk dealer or peddler shall not store, keep or pile, or cause to be stored, kept or piled any junk, old rags, old paper or bagging, old iron, brass, copper, tin, lead or empty bottles in this City within **one hundred (100) feet** from any building used for habitation, business, factory or the like. **(Ord. No. 5385; 03-08-95)**

7-9-9 REGISTER. It shall be the duty of every junk dealer or peddler to keep a book in which shall be written at the time of the purchase of any article or thing in the way of business, an accurate description of the article or thing purchased, the price paid therefor, the precise time of making such purchase and the name and residence of the person from whom such purchase was made. The book shall at all reasonable times be open to the inspection of the Mayor or any member of the Police Department. **(Ord. No. 5385; 03-08-95)**

7-9-10 SCREENING AUTO YARDS. No person shall store, keep or pile any vehicles or parts of vehicles intended for salvage or junking on any premises in the City outside of any building or enclosure so as to be visible from any street, alley or adjacent premises. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

ARTICLE X - PEDDLERS AND SOLICITORS

7-10-1 PROHIBITION. It shall be unlawful for any person, firm, or corporation to engage in the business of hawker, peddler, or transient vendor of merchandise without first obtaining a license. **(Ord. No. 7264; 05-18-09)**

7-10-2 LOCATION AND HOURS OF SOLICITATION.
(A) Solicitation on highways or streets within the City is prohibited.
(B) Only persons **eighteen (18) years** of age and older shall engage in the act of solicitation.
(C) The hours of solicitation shall be from **9:00 A.M. through 5:00 P.M.** and solicitation shall not be allowed on holidays or Sundays.
(Ord. No. 6809; 02-06-06)

7-10-3 INVESTIGATION. Upon receipt of each application for a license, it shall be referred by the City Clerk to the Chief of Police, who shall immediately investigate the business and moral character of the applicant, its agents and employees, if any. The Chief of Police shall promptly return the application to the City Clerk, listing his findings as to the business and moral character of the applicant and its agents and employees. The application for a license and the report of the Chief of Police will be served by the City Clerk to the License Committee of the City Council for approval or disapproval by the City Council. **(Ord. No. 7160; 07-21-08)**

7-10-4 BOND. Applicant for license under this Article shall file with the City a surety bond in the amount of **One Thousand Dollars (\$1,000.00)**, covering the applicant, his agents and employees, if any, and conditioned that the applicant, his agents and employees, if any, shall comply fully with all ordinances of the City and statutes of the State of Illinois, regulating peddlers, solicitors and transient merchants, and guaranteeing to the residents of this City that all money paid to such licensee will be accounted for, and applied according to the representations of the licensee, and further guaranteeing to the residents of this City doing business with the licensee that the property purchased will be delivered according to the representations of the licensee. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. **(Ord. No. 5385; 03-08-95)**

7-10-5 CREDENTIALS. Upon approval of the application for license, as hereinbefore stated, the City Clerk shall issue credentials to the applicant and each of his agents and employees which credentials shall be issued over the name of the City Clerk, and to which shall be appended a photograph of the applicant, or its employees and agents. Such credentials must be displayed by the licensee, his agents and employees, upon request of any householder, within this City. **(Ord. No. 5385; 03-08-95)**

BUSINESS LICENSES APPLICATION

7-10-6 **HOURS.** It shall be unlawful for any peddler or solicitor to solicit business on Sundays and holidays, and the business of peddling and soliciting shall be conducted only between the hours of **9:00 A.M. and 5:00 P.M.** on all other days, unless by appointment. **(Ord. No. 5385; 03-08-95)**

7-10-7 **UNWANTED PEDDLING AND SOLICITING.** Nothing contained in this Article, nor the issuance of any license hereunder, shall entitle the licensee to go in or upon any private residence for the purpose of peddling or soliciting if such licensee, his agents or employees are directed to depart from said private residence by the owner, or person in charge thereof. **(Ord. No. 5385; 03-08-95)**

7-10-8 **COST OF PROCESSING APPLICATION.** Each applicant for a license under this Article shall pay to the City Clerk the sum of **Seventy-Five Dollars (\$75.00)** to defray the cost of processing such application. **(Ord. No. 7160; 07-21-08)**

7-10-9 **EXCEPTIONS.** This Code shall not apply to the selling of personal property at wholesale to dealers in such articles: to newsboys, to merchants or their employees in delivery of goods in the regular course of business, to vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes; or to farmers or truck gardeners who vend, sell or dispose of or offer to sell, vend or dispose of the products of the farms or gardens occupied and cultivated by them. This Code does not prohibit any sale required by statute or by order of any court, or prohibit any auction sales conducted pursuant to law. **(Ord. No. 5385; 03-08-95)**

7-10-10 **PENALTY.** Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine of not less than **Five Dollars (\$5.00)** nor more than **Five Hundred Dollars (\$500.00)**. **(Ord. No. 5385; 03-08-95)**

7-10-11 **ITINERANT MERCHANT.**
(A) **Definition.** Any person or entity engaging temporarily in the retail sale of collectibles or consumer goods, wares or merchandise within the City who for the purpose of conducting such business, rents, uses or leases any room, building, hotel, structure or lot of any kind. The term shall not include any of the following:

- (1) Persons, who without receiving any compensation for their services, solicit contributions or sell goods, wares or merchandise for civic, patriotic, fraternal, educational, religious or benevolent organizations.
- (2) Persons who sell goods, wares and merchandise on City-owned public grounds as part of an event which has been approved by the City.
- (3) Persons who sell at events which are sponsored by civic, patriotic, fraternal, educational, governmental, religious or benevolent organizations goods, wares or merchandise which they have made themselves such as handicrafts and home-sewn items.
- (4) Events held at Bell-Clair Exposition Hall.
- (5) Businesses that sell goods, wares, and merchandise outdoors, on private property, accessory to the primary use and structure of the lot (i.e. outdoor garden center at a department store).
- (6) Fireworks stands provided they meet all requirements of **Section 7-2-11** and shall operate for a period of time not to exceed **thirty (30) days**.

BUSINESS LICENSES APPLICATION

(B) It shall be unlawful for any Itinerant Merchant to do or operate business in the City. **(Ord. No. 7264; 05-18-09)**

BUSINESS LICENSES APPLICATION

ARTICLE XI - PUBLIC GARAGES

7-11-1 **DEFINITION.** The words "**public garage**" as used in this Article shall be held to mean and are hereby defined as meaning any premises used for housing or care of more than **four (4)** motor vehicles, or where any such vehicle is equipped for operation or repaired or kept for remuneration, hire or sale, not including exposition or showroom for motor cars.

7-11-2 **LICENSE.** No person shall manage, conduct, operate or carry on the business of a public garage without first having obtained a license therefor.

7-11-3 **LICENSE APPLICATION.** The application for such license for the business or managing, conducting, operating or carrying on a public garage shall specify the location of the building or place in which it is proposed to keep such public garage, the construction of such building, the number of stories in such building and the number of square feet of each of the stories in such building. Every such application shall be approved by the Fire Department and the Mayor before a license shall be issued.

7-11-4 **LICENSE FEE.** The annual license fee for each public garage shall be **Twenty-Five Dollars (\$25.00)**.

7-11-5 **AUTHORITY OF LICENSE.** Every person licensed to conduct a public garage shall have the privilege of managing, conducting, operating or carrying on a private garage within the same building, structure, premises or enclosure, and shall also have the privilege of conducting therein the business of an auto repair shop, the business of auto sales, salesroom for autos and auto accessories and the business of a filling station without necessity of obtaining additional license. No person conducting the business of an auto repair shop shall have more than **four (4) cars** parked outside their building for each service bay that is located within the building and used for auto repair. Any person parking cars in excess of the numbers authorized by this Section shall be fined **One Hundred Dollars (\$100.00)** per day per car for said violation. **(Ord. No. 6275; 05-07-01)**

7-11-6 **MAINTENANCE AND INSPECTION.** All public garages shall be conducted and maintained in accordance with provisions of ordinances with regard to fire protection, and shall be inspected by the Fire Warden or his duly authorized representative at least once every **six (6) months**.

7-11-7 **SMOKING.** It shall be unlawful for any person to permit smoking in any public garage.

BUSINESS LICENSES APPLICATION

7-11-8 **PENALTY.** Any person violating any of the provisions of this Article shall be fined not less than **Five Dollars (\$5.00)** nor more than **Two Hundred Dollars (\$200.00)** for each offense, and every day that any violation shall occur shall constitute a separate and distinct offense.

[This Article Ord. No. 5385; 03-08-95]

BUSINESS LICENSES APPLICATION

ARTICLE XII - SCAVENGERS

7-12-1 **LICENSE.** No person shall engage in the business of scavenger for the removal of garbage, rubbish, offal, swill, carcasses, etc., without a license so to do, approved by the Mayor.

7-12-2 **FEE.** The license fee for such license is **Four Hundred Dollars (\$400.00)** per year.

7-12-3 **BOND.** The person so licensed shall at the time of the issuing of the license, file a bond in the penal sum of **Five Hundred Dollars (\$500.00)**, conditioned that he will conduct the business subject to the rules and regulations of the Board of Health and the Revised Code of the City, and indemnify the City against all loss, damage or expense it may suffer or be put to by reason of any violation of the City Code or the rules and regulations of the Board of Health or otherwise.

7-12-4 **DUMPING GROUNDS.** A scavenger, in removing any garbage, offal, or swill, or carcass, shall take the same at least **one-half (1/2) mile** beyond the City limits and so deposit or dispose of the same that it will not be or become a nuisance to persons residing in the vicinity. The Superintendent of Streets may designate some suitable dumping grounds within the corporate limits where scavengers and other persons may deposit rubbish, dirt or ashes. **(NOTE: State and County Landfill Laws Should be Consulted)**

7-12-5 **RECEPTACLES.** All scavengers shall in the gathering up and conveying away garbage and other refuse matter, use tight receptacles which are strong and tight so that no part of the contents or load shall fall, leak or spill therefrom and so tightly covered, as to prevent the same from being offensive.

7-12-6 **NIGHT SCAVENGERS.** No person in the City shall remove or cause to be removed, the contents of any privy vault, cesspool or sink, without a permit from the Board of Health. The permit shall give the name of the scavenger, describe the premises where the work is to be done, designate the hour when such work will be commenced, and state where the contents thereof will be deposited.

7-12-7 **BOARD OF HEALTH REPORTS.** Every scavenger shall make return to the Board of Health within **two (2) days** after work has been performed, certifying to the number of yards, or loads, removed from the vault or vaults, designated in such permit, and the place where the same was deposited. Such contents shall not be deposited or buried within the City except upon the written permission of the Board of Health in such a manner and place as it shall direct. The night scavenger shall use proper and sufficient disinfectants and deodorants and in all respects conform with, carry out and obey the rules and regulations of the Board of Health.

BUSINESS LICENSES APPLICATION

7-12-8 **HOURS OF TRASH COLLECTION.** It shall be unlawful for any private trash hauler to collect trash between the hours of **10:00 P.M.** and **6:00 A.M.** Any person violating any provision in this Article shall be fined not less than **Ten Dollars (\$10.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense.

7-12-9 **VIOLATION.** It shall be a violation of this Code for any individual, couple or family to use the license of another individual, couple or family.

(Ord. No. 5385; 03-08-95)

BUSINESS LICENSES APPLICATION

ARTICLE XIII - TAXICAB CODE

7-13-1 **DEFINITIONS.** Terms used in this Article have the following meanings:

"CALLBOX STAND". A place alongside a street, or elsewhere where the City has authorized a holder of a certificate of public convenience and necessity to install a telephone or callbox for the taking of calls and the dispatching of taxicabs.

"CERTIFICATE". A certificate of public convenience and necessity issued by the City Clerk, authorizing the holder thereof to conduct a taxicab business in the City.

"DRIVER'S LICENSE". The permission granted by the City Council to a person to drive a taxicab upon the streets of the City.

"HOLDER". A person to whom a certificate of public convenience and necessity has been issued.

"OPEN STAND". A public place alongside the curb of a street or elsewhere which has been designated by the City as reserved exclusively for the use of taxicabs.

"TAXICAB". A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than **seven (7) persons** and not operated on a fixed route.

"WAITING TIME". The time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

7-13-2 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.** No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without a certificate of public convenience and necessity from the City Clerk.

7-13-3 **APPLICATION FOR CERTIFICATE.** An application for a certificate shall be filed with the City Clerk upon forms provided by the City. The application shall be verified under oath and shall furnish the following information:

- (A) The name and address of the applicant.
- (B) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- (C) The experience of the applicant in the transportation of passengers.
- (D) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of certificate.
- (E) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (F) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (G) Such further information as the City Council may require.

BUSINESS LICENSES APPLICATION

7-13-4 **PUBLIC HEARING.** Upon the filing of an application for a certificate, the City Clerk shall fix the time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have previously been issued, and shall also be published in a newspaper published in the City at least **ten (10) days** before the hearing. Any interested person may file with the City Clerk a memorandum in support of or opposition to the issuance of a certificate.

7-13-5 **ISSUANCE OF CERTIFICATE.** If the City Council finds that further taxicab service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Article and the rules promulgated by the Council, the City Clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise the application shall be denied. In making its findings, the Council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

7-13-6 **BOND OR LIABILITY INSURANCE.**
(A) No certificate shall be issued or continued in operation unless there is in effect an indemnity bond for each vehicle authorized in the amount of **Fifty Thousand Dollars (\$50,000.00)** for bodily injury to any **one (1)** or more persons sustained in the same accident and **Ten Thousand Dollars (\$10,000.00)** for property damage resulting from any one accident. The bond shall inure to the benefit of any person who is injured or who sustains damage to property proximately caused by the negligence of a holder, his employees or agents. The bond shall be filed in the office of the City Clerk and shall have a surety thereon, a surety company authorized to do business in Illinois.

(B) The City Council may allow the holder to file in lieu of the bond, a liability insurance policy issued by an insurance company authorized to do business in Illinois. The policy shall conform to the provisions of this Section relating to bonds.

7-13-7 **LICENSE FEES.** No certificate shall be issued or continued in operation unless the holder has paid a license fee of **One Hundred Dollars (\$100.00)** per year for the right to engage in the taxicab business. The license fees are for the fiscal year and are in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicles under his operation and control.

7-13-8 **TRANSFER OF CERTIFICATES.** No certificate may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Council.

7-13-9 **SUSPENSION AND REVOCATION OF CERTIFICATES.** A certificate may be revoked or suspended by the City Council if the holder thereof has (1) violated any provision of this Article, (2) discontinued operations for more than **thirty (30) days**, or (3)

BUSINESS LICENSES APPLICATION

violated any provision of this Code or the laws of the United States or of the State of Illinois, the violation of which reflect unfavorably on the fitness of the holder to offer public transportation. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

7-13-10 TAXI DRIVER'S REGULATIONS.

(A) **Required.** No person shall drive a taxicab for hire upon the streets of the City and no person who owns or controls a taxicab shall permit it to be so driven at any time for hire, unless the driver has a taxicab driver's license.

(B) **Application.** An application for a taxicab driver's license shall be filed with the City Clerk on a form provided by the City. The application shall be verified under oath and shall be accompanied by:

- (1) Evidence of ownership of a valid driver's license, as required by state statute, for the operation of vehicles carrying passengers for hire.
- (2) **Two (2) photographs**, one to be placed on the license, and one to be filed with the City Clerk. In addition, each applicant shall submit himself to the Belleville Police Department for a police department photograph and shall, at such time, pay a fee of **One Dollar (\$1.00)** for the making of such photograph. This photograph shall remain on file with the Police Department. **(Ord. #3087; 06-19-72)**
- (3) A certificate from a reputable physician, certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.
- (4) A list, showing the residence of the applicant for the previous **ten (10) years**.
- (5) A statement under oath that the applicant has never been convicted or charged with a crime, either felony or misdemeanor, as defined by the Illinois Compiled Statutes.
- (6) **Three (3)** character references, together with their addresses.
- (7) License fee for **one (1) year**.

The certificate of a reputable physician, as hereinbefore required, shall have been issued by such physician not more than **sixty (60) days** prior to the application for license, as herein provided.

(C) **Qualifications.** Before any driver's application is finally passed upon by the City Council, the applicant shall pass a satisfactory examination as to his knowledge of the City, and show that he has a current motor vehicle operator's permit issued by the State of Illinois. **(Ord. #2823)**

(D) **Police Investigation.** The Police Department shall record, fingerprint and conduct an investigation of the applicant for a taxicab driver's license. Such police investigation should be conducted both at time of initial application and prior to all renewals of taxicab driver's license. A report of such investigation and copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the City Council. **(Ord. #2630)**

(E) **Consideration by Council.** The City Council, upon consideration of the driver's application shall approve or reject it. If the application is rejected, the applicant may

BUSINESS LICENSES APPLICATION

request a personal appearance before the City Council to offer evidence why his application should be reconsidered.

(F) **Issuance and Term.** Upon approval of a driver's application, the City Clerk shall issue a license which shall bear the name, address, color, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the calendar year. Provided, however, that such license shall automatically expire if the holder thereof ceases to be employed by a taxicab company which has been issued a certificate of public convenience and necessity by the City.

(G) **Fee.** The fee for a taxicab driver's license is **Two Dollars (\$2.00)** for each calendar year.

(H) **Display of License.** A taxicab driver, while driving a cab, shall post his driver's license in the taxicab in full view of the passengers.

(I) On the **first (1st) day** of each month, it shall be the duty of a holder of a certificate of public convenience and necessity to supply the Chief of Police and the City Clerk with a list of all drivers and their addresses employed by said holder at that time.

7-13-11 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE. The City Clerk may suspend or revoke the driver's license of any taxicab driver who fails to comply with the provisions of this Article. A suspension shall be for a period of not more than **ten (10) days**. A license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.

7-13-12 VEHICLES, EQUIPMENT AND MAINTENANCE, LICENSE. No taxicab shall be operated unless it bears a state license, duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, windshield wipers in good condition. Before a vehicle is used as a taxicab, it shall be inspected by the Police Department. If the Police Department finds the vehicle meets the above standards, it shall issue a license so stating, and also stating the authorized seating capacity of the vehicle. It shall be the duty of the Police Department to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this Section. If a taxicab so inspected shall fail to meet the standards of this Section, the Police Department shall order said taxicab out of service and said taxicab shall not be returned to service until after the Police Department has reinspected it to determine if the deficiency so noted has been corrected.

7-13-13 DESIGNATION OF TAXICABS. All taxicabs operated by a holder of a certificate of public convenience and necessity shall be painted the same color and on the outside of each rear door, in painted letters, not less than **two (2) inches**, nor more than **five (5) inches** in height, the name of the holder and in addition, may bear any identifying design approved by the City Council. No taxicab shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon, in the opinion of the City Council, conflicts with or imitates any color scheme, identifying design, monogram or insignia used on a taxicab already licensed under this Article, in such a manner as to be misleading or tend to deceive or defraud the public. The color scheme, identifying design, monogram or insignia of a taxicab

BUSINESS LICENSES APPLICATION

shall not be changed so as to be, in the opinion of the City Council, in conflict with or an imitation of a color scheme, identifying design, monogram or insignia used by any other holder or operator.

7-13-14 RATES OF FARE.

(A) **Rates.** The holder or a driver of a taxicab shall not charge more than **Two Dollars Seventy-Five Cents (\$2.75)** for the **first (1st) one-tenth (1/10) mile** and **Fifteen Cents (\$0.15)** per **one-tenth (1/10)** of each subsequent mile for transporting a passenger. On trips of less than **one (1) mile**, the customer will pay only the metered rates and will not be charged the **Two Dollars Seventy-Five Cents (\$2.75)** charge. Each extra passenger will be charged an additional **One Dollar (\$1.00)**. Senior citizens will receive a **Fifty Cent (\$0.50)** discount on each fare. It shall be the duty of the holder or the driver of a taxicab to, at all times, deliver a passenger from the point of pickup to the point of destination by following the most direct traffic route. There will be a **five (5) minute** grace period while waiting for a passenger at their point of destination. The holder or driver of a taxicab shall charge **Twenty-Five Cents (\$0.25)** per additional minute not to exceed **Fifteen Dollars (\$15.00)** per hour while waiting for a passenger.

(B) The holder shall record any change and reason therefor with the City Clerk **thirty (30) days** prior to the effective date of any such changes. The City Council shall review the rate change to see that the holder is operating in the best interests of the public.

(C) A rate card setting forth the authorized rates of fare shall be displayed in each taxicab in view of the passengers. **(Ord. No. 5975; 04-19-99)**

7-13-15 RECEIPT. The driver of a taxicab shall, upon demand by a passenger, render to such passenger a receipt for the amount charged, by a specially prepared receipt on which shall be recorded the name of the owner, license number or motor number, charges and date of transaction.

7-13-16 REFUSAL TO PAY FARE. No person shall refuse to pay the legal fare of any taxicab after having hired the same. No person shall hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.

7-13-17 SOLICITATION OF PASSENGERS.

(A) No driver of a taxicab shall solicit passengers, except when sitting in the driver's compartment of the taxicab or while standing immediately adjacent to the curbside thereof. The driver shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that a driver may be absent from his taxicab for not more than **fifteen (15)** consecutive minutes, when necessary, and may assist passengers into or out of the vehicle.

(B) No driver shall solicit patronage in a loud or annoying tone of voice, or by a sign, or annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

BUSINESS LICENSES APPLICATION

(C) No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the City Council. Such areas and times shall only be designated when the Council finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(D) No driver shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

7-13-18 **ADDITIONAL PASSENGERS.** No driver shall permit any person other than the first person to engage the taxicab to ride in the taxicab unless the person first employing the taxicab consents to the acceptance of the additional passenger or passengers.

7-13-19 **NUMBER OF PASSENGERS.** No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as stated in the license for the vehicle issued by the Police Department. A child in arms shall not be counted as a passenger.

7-13-20 **REFUSAL TO CARRY PASSENGERS.** A driver shall convey any orderly person or persons, upon request, unless previously engaged, or unable or forbidden by the provisions of this Article to do so.

7-13-21 **SOLICITING FOR OTHERS.** A driver of a taxicab shall not solicit business for any hotel, or attempt to divert patronage from one hotel to another. A driver shall not sell intoxicating liquor or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers.

7-13-22 **OPEN STANDS.**

(A) The Police Department, with the consent of the City Council, may establish open stands in such places upon the streets as it deems necessary for the use of taxicabs operated in the City. The Department shall prescribe the number of cabs that may occupy such open stands. The Department shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such stand would tend to create a traffic hazard.

(B) Open stands shall be used by the different drivers on a first come first serve basis. A driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within **five (5) feet** of their cabs; they shall not solicit passengers, or engage in loud or boisterous talk while at an open stand. A passenger may engage any cab of his choice that is parked at an open stand.

7-13-23 **CALLBOX STANDS.**

(A) The Police Department may establish callbox stands upon the streets in such places as, in its discretion, it deems proper. A holder desiring to establish a callbox stand

BUSINESS LICENSES APPLICATION

shall make written application to the Police Department. The applicant must attach to the application, the written approval of the abutting property owners of the space, consenting to the creation of such stand. Upon the filing of the application, the Police Department shall make an investigation of the traffic conditions at such place and shall thereafter file their written recommendation to the City Council. The Council shall then either grant or refuse the application. When a callbox stand has been established, it shall be used solely by the holder to whom the same was granted and his agents and employees. No holder may obtain a permit for more than one callbox stand within the downtown business area.

(B) A holder operating a callbox stand may have a starter on duty at such stand for the purpose of assisting in the loading or unloading of passengers from cabs for receiving calls and dispatching cabs, and for soliciting passengers at such stand. The words it "at such stand" shall mean that part of the sidewalk immediately adjacent to and of equal length with such callbox stand. A starter or other employee shall not go beyond the area herein designated for the purpose of soliciting passengers or assisting them in boarding cabs.

7-13-24 **PARKING AT STANDS.** Drivers of vehicles other than taxicabs shall not occupy any space established as an open stand or callbox stand.

7-13-25 **TAXICAB SERVICE.** Persons engaged in the taxicab business in the City shall render an overall service to the public. Holders shall maintain a central place of business and keep the same open **twenty-four (24) hours** a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so, and if such service cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.

7-13-26 **MANIFESTS.** Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place or origin and destination of each trip and amount of fare. The completed manifests shall be returned to the holder by the driver at the conclusion of his tour of duty. The forms for the manifest shall be furnished to the driver by the holder and shall be of a character approved by the City Council. Every holder shall retain and preserve drivers' manifests for the calendar year next preceding the current calendar year. The manifests shall be available to the Council and the Police Department.

7-13-27 **RECORDS.** Every holder shall keep accurate records of receipts, expenses, capital expenditures, and such other operating information as may be required by the City Council. The records and other data required by this Article shall be readily accessible for examination by the Council.

7-13-28 **REPORT OF ACCIDENTS.** An accident arising from or occurring in connection with the operation of a taxicab which results in death or injury to any person, or

BUSINESS LICENSES APPLICATION

damage to any vehicle or property in an amount exceeding the amount of **One Hundred Dollars (\$100.00)**, shall be reported within **twenty-four (24) hours** from the time of occurrence to the Police Department on a form of report furnished by the Police Department.

7-13-29 **SERVICE CONTRACT REPORTS.** A holder shall file with the City Clerk, copies of contracts, agreements, arrangements, memoranda, or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with the holder or any firm with which the holder may be interested or connected. Failure to file such copies within **seven (7) days** shall be sufficient cause for the revocation of a certificate of any offending holder or the cancellation of any cabstand and privileges.

7-13-30 **ADVERTISING.** Subject to the rules and regulations of the City Council, a holder may permit advertising matter to be affixed in or on his taxicabs.

7-13-31 **ENFORCEMENT.** The Police Department shall report violations of this Article to the City Council, which will order or take appropriate action.

7-13-32 **SENIOR CITIZENS DISCOUNT.** Each senior citizen using a taxicab shall be entitled to a discount of **Fifty Cents (\$0.50)** from their fare.

7-13-33 **PENALTIES.** Any person violating any provision of this Article shall be fined not more than **Two Hundred Dollars (\$200.00)**.

[Unless Otherwise Noted, This Article Ord. No. 5385; 03-08-95]

BUSINESS LICENSES APPLICATION

ARTICLE XIV - TOURIST CAMPS AND MOTELS

7-14-1 **DEFINITIONS.** Terms used in this Article have the following meanings:

"MOTEL". A building, consisting of **one (1)** or more units, maintained for the accommodation of transients by the day, week or month, whether a charge is made or not, but shall not include hotels.

"TOURIST CAMP". Any park, tourist park, tourist court, camp, court, site, lot, parcel, or tract of land upon which **one (1)** or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week, or month, whether a charge is made or not.

7-14-2 **LICENSE.**

(A) No person shall operate a tourist camp or motel in the City without a license.

(B) The annual license fee for a tourist camp is **Five Hundred Dollars (\$500.00).**

(C) The annual license fee for a motel is **Twenty-Five Dollars (\$25.00).**

7-14-3 **APPLICATION FOR LICENSES.** An application for a tourist camp or

motel license shall be filed with the City Council. The application shall be in writing and signed by the applicant and contain the name and address of the applicant, and the location and legal description of the tourist camp or motel.

7-14-4 **POSTING LICENSE.** The license certificate issued under this Article shall

be conspicuously posted in the office of or on the premises of the tourist camp or motel at all times.

7-14-5 **REGULATIONS.**

(A) **Application.** The regulations of this Article shall apply to tourist camps and motels.

(B) **Camp Plan.** A tourist camp or motel shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(C) **Driveways.** Units and cabin plots shall be clearly designated and the camp so arranged that all units and cabin plots face or abut on a driveway of not less than **sixteen (16) feet** in width, giving easy access from all units to a public street. Such driveway shall be paved and maintained in good condition, having natural drainage into a City street catch basin, be well lighted at night, and shall not be obstructed.

(D) **Floor Space.** No camp cottage or cabin or unit shall be less than **two hundred ten (210) square feet** nor less than **fourteen (14) feet** wide at its narrowest point, nor less than **eight (8) feet** high from floor to ceiling, and shall not have less than

BUSINESS LICENSES APPLICATION

twenty-seven (27) square feet of ventilating openings. All windows must be fully screened. If the floor is of wood, it shall be raised not less than **twelve (12) inches** above the ground level.

(E) **Toilet Facilities.** Each unit or cabin shall have separate toilet facilities.

(F) **Water Supply.** An adequate supply of pure water, furnished through a pipe distribution system connected directly with the City water main, with supply faucets located not more than **two hundred (200) feet** from any trailer or cabin shall be furnished for drinking and domestic purposes at a tourist camp.

(G) **Drinking Water Faucets.** No common drinking vessels are permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.

(H) **Hot Water.** An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.

(I) **Sewers.** All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a sewer system connected with the City sewer system.

7-14-6 **REVOCATION OF LICENSE.** The City Council may revoke any license to operate a tourist camp or motel upon violation by the licensee of any provision of this Article or upon failure of the licensee to maintain adequate standards for the protection of health, sanitation and safety and for fire prevention.

[Ord. No. 5385; 03-08-95]

BUSINESS LICENSES APPLICATION

ARTICLE XV - VEHICLES VENDING FOOD

7-15-1 **LICENSE REQUIRED.** No person shall use any vehicle, including a vehicle propelled by human power, for the storage or carrying of any meats, poultry, fish, butter, cheese, lard, vegetables, flour meal, bread or bakery products or any other provisions intended for human consumption, including beverages and milk in the City for the purpose of delivering any such foodstuffs to any place in the City for use and consumption or for resale in the City for such purpose, without a license for such vehicle.

7-15-2 **APPLICATION FOR LICENSE.** Application for such license shall be made to the City Clerk and shall state thereon the name and address of the owner thereof, the name or names of the persons from whom such deliveries are made, and the nature of the goods carried. The City Clerk shall issue such license and shall give to the Council a list of all licenses issued. The license fee is **Fifty Dollars (\$50.00)** per year for all the licenses defined in **Section 7-15-1** hereof.

7-15-3 **REGULATIONS.** All such vehicles shall be kept in a clean and sanitary condition, and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter or other waste material to accumulate in or on such vehicle while it is so used. If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion of the vehicle which is screened and protected against dust and insects.

7-15-4 **USE OF FEES.** The license fees paid over to the City Treasurer shall constitute a separate fund to be used to defray the reasonable expense associated with said inspections and regulations in the interest of public health and safety and for the enforcement of the provisions of this Article. **(Ord. No. 6993; 05-21-07)**

7-15-5 **INSPECTIONS.** It shall be the duty of the Health Officer to make or cause to be made, inspections to insure compliance with the provisions of this Article, and the Health Officer shall give to each license a certificate that the vehicle has been inspected and keep a record thereof. The licensee shall be notified when and where he shall report for inspection. **(Ord. No. 6993; 05-21-07)**

7-15-6 **EXCEPTIONS.** No license fee is required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the City, but all other provisions of this Article shall be complied with in connection with such vehicles.

BUSINESS LICENSES APPLICATION

7-15-7 PENALTY. Any person violating any provision of this Article shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Two Hundred Dollars (\$200.00)** for each offense; and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

(Ord. No. 5385; 03-08-95)

BUSINESS LICENSES APPLICATION

ARTICLE XVI - BED AND BREAKFAST CODE

7-16-1 **ESTABLISHED.** This Article shall be known and may be cited as the "Bed and Breakfast Code".

7-16-2 **DEFINITIONS.** The following words and phrases shall have the following meaning when used in this Code, unless the context otherwise requires.

"BED AND BREAKFAST ESTABLISHMENT" shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **four (4) guest rooms** for rent. The only "full service" meal the establishment shall service is breakfast. Breakfast and light refreshments/snacks may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

"OPERATOR" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Code to reside in the bed and breakfast establishment, or on contiguous property.

"GUEST ROOM" shall mean a sleeping room intended to serve no more than **two (2)** adult transient guests and **one (1)** child per night.

"HEALTH OFFICER" shall mean the City's duly appointed and acting health officer, or duly licensed and acting health officer of the St. Clair County Health Department.

"FIRE CHIEF" shall mean the Fire Chief of the Belleville Fire Department.

"ELECTRICAL INSPECTOR" shall mean the City's Electrical Inspector appointed by the Mayor with the advice and consent of the City Council as provided in the City's Electrical Code.

"BUILDING COMMISSIONER" shall mean the City's Building Commissioner.

7-16-3 **FOOD SERVICE.** Bed and Breakfast establishments which serve food shall comply with the minimum standards of the Illinois Bed and Breakfast Act and shall meet the St. Clair County Health Department Food Service Rules and Regulations for Bed and Breakfast Establishments. Those requirements being as follows:

(A) Food shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, safe for human consumption and minimally handled. Containers of food shall be stored **six (6) inches** off the floor, on clean racks, shelves, or other clean surfaces in such manner as to be protected from splash or other contamination. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(B) Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of 45 degrees F. or below, or 140 degrees F or above, as appropriate, except during necessary periods of preparation and serving. Frozen foods shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the Health Officer. An indicating thermometer shall be located in each refrigerator and freezer. Raw fruits

BUSINESS LICENSES APPLICATION

BUSINESS LICENSES APPLICATION

and vegetables shall be washed thoroughly before use. Stuffing, poultry, and pork products shall be cooked to heat all parts of the food at least 165 degrees F. before being served. Cooking food temperatures shall be checked by a 0-220 degrees F. metal-stemmed thermometer. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation area.

(C) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(D) If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Officer immediately.

(E) All operators, or at least one employee of each bed and breakfast shall be certified within **six (6) months** of licensing by the County Health Department. Certification shall be achieved by successfully completing an examination offered by the local Health Officer as described in the current edition of the Illinois Department of Public Health Food Service Sanitation Code.

(F) Persons preparing or service food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly with hand soap and dry their hands with paper towels in a lavatory but never in the kitchen sink.

(G) No one, while preparing or serving food, may use tobacco, alcohol or mind or mood altering drugs or medication in any form.

(H) Utensils shall be kept clean and in good repair.

(I) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(J) Pots, pans, and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned and sanitized after each use. Cooking surfaces of equipment, if any shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(K) Residential **three (3)** compartments sinks with drain boards and home-style mechanical dishwashing machines which achieve a 165 degrees F. wash and rinse temperature are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.

(L) Immediately following either manual or mechanical washing of eating and/or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the Health Officer. Dishpans may be used to accomplish the final sanitizing rinse.

(M) The reuse of single-service utensils is prohibited.

BUSINESS LICENSES APPLICATION

7-16-4 **SOAP, TOWELS AND LINENS.** Each person who is provided accommodations shall be provided individual soap and clean individual clothes and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

7-16-5 **FIRE SAFETY.** Bed and breakfast establishments shall meet the Illinois Fire Marshall's requirements and City of Belleville Fire Department requirements for one and two-family dwellings. In addition, the following minimum standards shall be required:

- (A) Manual fire extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
- (B) All combustibles or flammable liquids shall be stored in approved metal containers. There shall be no combustible storage in or under stairways.
- (C) All trash receptacles shall be metal and lavatory receptacles shall have covers.
- (D) No cooking facilities shall be permitted in guest rooms.
- (E) All hallways and stairways shall be adequately lighted. Emergency lighting shall be required.
- (F) No portable heating devices shall be permitted in guest rooms.
- (G) The operator shall submit a floor plan of bed and breakfast establishments to the City's Fire Chief.
- (H) Smoke detectors shall be provided.

7-16-6 **PROOF OF INSURANCE.** The bed and breakfast establishment shall provide proof of effective liability insurance that insures the license from liability for personal injury and property damage of not less than **One Hundred Thousand Dollars (\$100,000.00)** per person.

7-16-7 **TAXES.** The bed and breakfast establishment shall fulfill the requirements of the Illinois Department of Revenue, including the payment of any applicable hotel taxes and sales taxes.

7-16-8 **CITY LICENSE.** It shall be unlawful to operate a bed and breakfast establishment within the corporate limits of the City without having a license from the City. Application for a license to operate a bed and breakfast establishment shall be made to the City Clerk, in writing on a form to be furnished by the City Clerk. The application shall be verified by oath or affirmation shall contain the following information:

- (A) The name, age and address of the applicant.
- (B) The location and description of the bed and breakfast establishment which is to be operated under the license.
- (C) Whether the applicant has made similar application for a similar license on premises other than described in the application and whether such application was granted or denied.

BUSINESS LICENSES APPLICATION

7-16-9 FEES. The fee for an initial license shall be **Seventy-Five Dollars (\$75.00)** and the fee for a renewal of a license shall be **Seventy-Five Dollars (\$75.00)**. Each license issued hereunder shall be valid for **one (1) year** and must be renewed each year thereafter in order to remain valid.

Upon application being prepared and executed by the applicant, it shall be submitted to the City Clerk who shall refer the same to the Health Officer, the Building Commissioner, the Fire Chief and the Electrical Inspector for their inspections and recommendations. The City may withhold action on the application for **thirty (30) days** for the inspection of the proposed bed and breakfast establishment premises before taking action thereon. No license shall be issued or renewed without a recommendation to do so by the Health Officer, Building Commissioner, Fire Chief and Electrical Inspector.

Every licensee shall cause his or her license to be displayed in plain view and in a conspicuous place on the first floor of licensed premises.

7-16-10 SUSPENSION, REVOCATION OR NON-RENEWAL OF LICENSE. The City may suspend, revoke or refuse to renew a license issued under this Code for good cause, as determined by the City Council. Annually the Health Officer, the Building Commissioner, the Fire Chief and the Electrical Inspector shall inspect each bed and breakfast establishment in the City for the purpose of determining whether such inspection reveals that a bed and breakfast establishment is not in compliance with this Code, the establishment's license shall be suspended, revoked or not renewed, as the case may be. Notwithstanding anything in this Section of the Code to the contrary, no such license shall be suspended, revoked or not renewed except after a public hearing by the City Council with at least **three (3) days** prior written notice to the licensee, affording the licensee an opportunity to appear in person and/or by his or her legal counsel and to be heard by the City Council. The service of such notice may be made by delivering a copy of said notice to the licensee personally or by delivering a copy of said notice to some person who resided in the bed and breakfast establishment premises who is over **eighteen (18) years** of age and informing such person of the contents of such notice. The City shall, within **five (5) days** after such hearing, advise the licensee in writing whether his or her license shall be suspended, revoked or not renewed; stating in said order of suspension, revocation or non-renewal the reason or reasons for such revocation, suspension or non-renewal. When the defect or defects complained of in the order of suspension, revocation or non-renewal are corrected by the licensee or his or her duly authorized agent, the licensee's license shall be reinstated or renewed.

7-16-11 BUILDING CODE COMPLIANCE. Prior to the issuance of a license to operate a bed and breakfast establishment, the establishment's buildings and facilities shall be inspected by the City's Building Commissioner to determine that same are in general compliance with the City's Building Codes and Ordinances.

7-16-12 ELECTRICAL CODE COMPLIANCE. Prior to the issuance of a license to operate a bed and breakfast establishment, the establishment's buildings and facilities shall be inspected by the City's Electrical Inspector to determine that same are in compliance with the City's Electrical Codes and Ordinances.

BUSINESS LICENSES APPLICATION

7-16-13 **EXTERIOR DESIGN STANDARDS.** Minimal outward modification of structure or grounds may be made only if such alterations are compatible with the character of the area or neighborhood, or may be necessary to meet health, safety and sanitation requirements.

7-16-14 **INTERIOR DESIGN STANDARDS.** Any modification of the interior space shall maintain the architectural integrity or historic character, except as may be necessary to meet health, safety and sanitation requirements.

7-16-15 **NUISANCES.** A bed and breakfast establishment shall not generate any offensive noise, smoke, dust or any interferences noticeable at or beyond the lot lines.

7-16-16 **PARKING STANDARDS.** In addition to the required parking for the principal residence in accordance with the Zoning Ordinance - Chapter 22, Article VI, one parking space per guest room shall be provided.

7-16-17 **SIGNAGE.** A non-illuminated identification sign of no more than **three (3) square feet** in size affixed to and parallel with the front first floor exterior wall of the building or mounted stationary sign in the front grounds.

7-16-18 **OPERATOR QUALIFICATIONS.** Only persons of good moral character shall be eligible for a license under this Code. Any licensee who fails to operate an orderly and reputable bed and breakfast establishment may be subject to suspension, revocation or non-renewal of his or her license under this Code.

7-16-19 **ENFORCEMENT AGENCIES.** The Health Officer, Building Commissioner, Fire Chief, Electrical Inspector are hereby designated as agents of the City of the purpose of furnishing administrative, inspection, and supervisory services under this Code.

7-16-20 **RIGHT OF ACCESS TO PREMISES.** The Health Officer, Building Commissioner, Fire Chief, Electrical Inspector and other duly authorized agents, officers and employees of the City, shall have the right to come upon and be upon the premises of the bed and breakfast establishment, with or without notice, at any reasonable time, to inspect the premises of the establishment to determine that the same are being operated and maintained in good and safe order and repair and in compliance with this Code and the other applicable Codes and Ordinances of the City.

(Ord. No. 5385; 03-08-95)
(See 50 ILCS Sec. 820/1 to 820/8)

BUSINESS LICENSES APPLICATION

ARTICLE XVII - RAFFLE LICENSES

7-17-1 **LICENSE REQUIRED.** No organization shall operate a raffle in the City without first obtaining a license and complying with the following regulations:

(A) Organization must be one of the following: religious, charitable, labor, fraternal, educational or veterans. The organization must have been in existence for **five (5) years.**

(B) **Limitations.**

- (1) Retail value of all prizes or merchandise awarded in a single raffle shall not exceed **Twenty-Five Thousand Dollars (\$25,000.00).**
- (2) Retail value of each prize in a single raffle shall not exceed **Fifteen Thousand Dollars (\$15,000.00).**
- (3) Maximum price which may be charged for each raffle chance issued or sold shall not exceed **Twenty-Five Dollars (\$25.00).**
- (4) Maximum number of days during which chances may be issued or sold shall not exceed **ninety (90) days.**

(C) **Conduct of Raffles.**

- (1) Entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (3) No person may receive any payment or profit for participating in the management of the raffle.
- (4) An organization may rent a premises on which to determine the winning chance or chances in a raffle only from another organization which is also licensed to have raffles.

(D) **Raffle Manager.** All operation of and the conduct of raffles within the City of Belleville shall be under the supervision of a single raffles manager designated by the organization. The manager shall obtain a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** in favor of the organization. A copy of this bond must be filed with the office of the City Clerk.

(E) **Records.**

- (1) Each organization shall keep records of its gross receipts, expenses and net proceeds for each single occasion at which winning chances are determined. All deductions from gross receipts for each single occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (2) Each organization shall have separate records of each raffle conducted. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles on behalf of such organization shall not be the same person who accounts for other revenues of the organization.

BUSINESS LICENSES APPLICATION

- (3) Each organization licensed to conduct raffles shall report monthly to its membership, and to the City of Belleville, its gross receipts, expenses and net proceeds from raffles, and the distribution of the net proceeds itemized. This report shall be submitted to the City Clerk's office on the first of each month.
- (4) **Ineligibility.** Any person who has been convicted of a felony; any person who is or has been a professional gambler or gambling promoter; any person who is not of good moral character; are ineligible for a license.
- (5) A filing fee of **Five Dollars (\$5.00)** per raffle must be paid when applying for the Raffle License. **(Ord. No. 7297; 08-17-09)**

(Ord. No. 5385; 03-08-95)

BUSINESS LICENSES APPLICATION

ARTICLE XVIII - OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS

7-18-1 **PURPOSE STATEMENT.** To provide for and regulate the location and use of public areas designated for outdoor restaurants and dining establishments within the corporate limits of Belleville.

7-18-2 **DEFINITIONS.** The following words and phrases shall have the following meaning when used in this Article, unless the context otherwise requires:

"Outdoor Restaurant/Dining Establishment". Any portion of a food establishment or eating place located on a public sidewalk or public open-space that provides waiter or waitress service and is unenclosed and open to the general public. The facility being properly licensed as a food establishment in St. Clair County.

"Operator" shall mean the owner of the restaurant, or the owner's agent, who is licensed by the City to operate and maintain a food serving establishment.

7-18-3 **LOCATION OF OUTDOOR RESTAURANTS/DINING ESTABLISHMENTS.** Outdoor Restaurants/Dining Establishments shall be permitted in all commercial zoning districts as a "Special Use Permit" subject to approval by the City Council.

7-18-4 **LICENSE REQUIRED.** No person, firm or corporation shall operate an outdoor restaurant/dining establishment within the City without having first obtained a license. The license fee being **Twenty-Five Dollars (\$25.00)** per year. However a person who is operating a restaurant within the City having obtained a license under this Chapter (**Section 7-2-3**) can amend said license without any additional license fee.

7-18-5 **REGULATIONS/REQUIREMENTS.** The operator/owner of an outdoor restaurant/dining establishment must comply with all applicable health and safety requirements as well as the specific zoning requirements as set forth in Chapter 60 of the Revised Code of Ordinances.

(Ord. No. 5547; 04-01-96)

BUSINESS LICENSES APPLICATION

ARTICLE XIX

CONVENIENCE STORE CODE

7-19-1 **PURPOSE.** This Code is enacted to reduce the potential for where employees or customers of "convenience stores" are exposed to risk of death or serious injury from the actions of individuals with criminal intent. In recent years there have been many deaths in "convenience stores" caused by individuals with criminal intent who have found these businesses very convenient for their purposes; and the Belleville City Council believes that this danger to public safety can be deterred and restrained by adopting security measures that are adhered to by "convenience stores".

7-19-2 **DEFINITIONS.**
"CONVENIENCE STORE" is hereby defined as "any place of business that is primarily engaged in the retail sales of groceries, or both groceries and gasoline products". This Code is not intended to apply to grocery store or grocery store chains.

7-19-3 **CLEAR VISIBILITY.** Any business as defined in Section 7-19-2 shall provide clear visibility of the cashiers area from the street.

7-19-4 **PARKING LOTS.** Any business as defined in Section 7-19-2 shall properly light business and parking lot.

7-19-5 **SECURITY TRAINING.** Any business as defined in Section 7-19-2 shall conduct regular employee security training.

7-19-6 **SURVEILLANCE CAMERAS.** Any business defined in Section 7-19-2 shall utilize surveillance cameras during the business hours of **10:00 P.M.** until **5:00 A.M.** Surveillance cameras shall be positioned so as to record and video tape the image of all persons entering the business and all persons approaching within **five (5) feet** of the cash register.

7-19-7 **CAMERAS IN WORKING ORDER.** Cameras shall be maintained in proper working order and positioned correctly at all times and shall be subject to inspection by the police chief or designee.

7-19-8 **NEW OPERATIONS.** All businesses commencing new operations within the corporate City limits shall install color video cameras which are of digital image format only, and must be operating **twenty-four (24) hours** per day. Businesses having VHS format video at the time this Code is enacted are grandfathered. However, these cameras when replaced shall be brought in compliance with digital standards. **(Ord. No. 6240; 12-04-00)**

BUSINESS LICENSES APPLICATION

7-19-9 **STORAGE.** The tape shall be stored and not reused for **fourteen (14) days** in case it is needed for evidentiary purposes. The tape can then be reused, but not more than **eighteen (18) times** to prevent distortion.

7-19-10 **ALTERNATIVE SECURITY MEASURES.** The City reserves the right to impose alternate security measures which may include: minimum staffing requirements during late hours; hours of operation limitations; bullet proof enclosure of cashiers area; automated door locking system; cash drop boxes or safes limiting available cash on hand; and other safety measures which if imposed, will enhance the safety of employees and customers.

7-19-11 **IMPOSITION BY CHIEF.** Alternate security measures provided for in Section 7-19-10 above may be imposed upon the recommendation of the Chief of Police or his delegates based upon the following factors:

- (A) traffic density at times of operation;
- (B) past occurrences of violent crimes perpetrated in the immediate area or the "convenience store" location;
- (C) store design and layout;
- (D) location of "convenience store";
- (E) visibility;
- (F) lighting; and
- (G) current security measures in place.

7-19-12 **APPEAL.** If there is a discrepancy between the owners of the "convenience stores" and the recommendations of the police chief or his delegatee, the owners, within **thirty (30) days**, have a right to file an appeal before the police and fire committee. The police and fire committee shall hear that appeal and make a formal recommendation to the City Council.

7-19-13 **ADDITIONAL MEASURES.** Nothing in this Code prohibits any business from using additional cameras, alarms, or other security measures nor does it prevent any business from using those measures more than the required hours.

7-19-14 **PENALTY.** Any person, firm or corporation violating any provision, section, or paragraph of this Code shall be guilty of an infraction, and upon conviction thereof be subject to a fine of not more than **Five Hundred Dollars (\$500.00)**. Each day a violation occurs shall constitute a separate offense.

(Ord. No. 5385; 03-08-95)

BUSINESS LICENSES APPLICATION

ARTICLE XX - FIRE INSPECTIONS

7-20-1 **FEE ESTABLISHED.** The City is hereby authorized to charge an annual fee for fire inspections which are conducted by the City of Belleville.

7-20-2 **FEE SCHEDULE.** The following fee schedule shall be implemented for said fire inspection:

0,000 - 2,500 sq. feet	-	\$ 25.00
2,501 - 5,000 sq. feet	-	\$ 50.00
5,001 - 10,000 sq. feet	-	\$ 100.00
10,001 - and over	-	\$ 150.00

7-20-3 **FEES BILLED BY CITY CLERK.** Bills for the fire inspection fees herein established shall be made out by the City Clerk or his/her designee and shall be due and payable on or before the **thirtieth (30th) day** from the day of the bill. If the fee for the fire inspection is not paid within **thirty (30) days** after the date of any bill rendered therefore, a delayed payment charge in the amount of **ten percent (10%)** of the bill rendered shall be imposed and collected. If a bill is not paid by a tenant within **forty-five (45) days** after the date of the bill, then the City Clerk shall bill the land owner directly and he/she shall be responsible for paying said bill including any delayed payment charges within **thirty (30) days** shall result in a Notice of Lien on the cost and expense incurred by the City, being recorded in the office of the Recorder of Deeds of St. Clair County. Representatives from the Fire Department are expressly prohibited from collecting any fees. All fees shall be payable at the office of the City Treasurer and shall be collected by the City Treasurer.

If a building encompasses more than one separate business under the same roof, each business shall be billed separately and the City shall conduct the necessary fire inspections for that building. A business with multiple locations shall be billed separately for each location.

A business with one or more auxiliary buildings that serve in a subsidiary capacity to the main facility and are located within close proximity to the principal business building shall be billed one fee for the combined square footage of the buildings inspected at that same general location.

Each time a new business opens in the same location, the building shall be inspected by the City of Belleville and a new fee shall be due and owing to the City for said inspection.

If the property inspected is tax exempt real estate, no fire inspection fee will be charged.

The City reserves the right to suspend all business in the location of the building, upon due notice to the tenant and/or landowner if inspection fees are not paid within **ninety (90) days** of said fire inspection. **(Ord. No. 5386; 03-06-95)**

ARTICLE XXI - MASSAGE ESTABLISHMENTS

7-21-1 **DEFINITIONS.** For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(A) **Therapeutic Massage.** Any method of 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.

(B) **Therapeutic Massage Establishments.** Any establishment having a fixed place of business where any person, firm, association or corporation engaged in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in **Section 7-21-1(A)** of this Article.

(C) **Out-Call Therapeutic Massage Service.** Any business, the function of which is to engage in or carry on therapeutic massages at a location designated by the customer or client rather than at a therapeutic massage establishment.

(D) **Massage Therapist.** Any person who, for any consideration whatsoever, engages in the practice of therapeutic massages as herein defined.

(E) **Employee.** Any and all persons other than the massage therapist, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.

(F) **Persons.** Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(G) **Permittee.** The operator of a therapeutic massage establishment.

(H) **Sexual or Genital Area.** Sexual or genital area shall include the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female. However, genital area shall exclude displacement of breast tissue for muscular therapy.

7-21-2 **PERMITS AND EDUCATION REQUIRED.** It shall be unlawful for any person 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 City of Belleville, the operation of a therapeutic massage establishment as herein defined, without first having obtained a permit from the Chief of Police.

Furthermore, no person shall be allowed to engage in, conduct or carry on, or upon any premises in the City of Belleville, the operation of a therapeutic massage establishment, or engage in the occupation of Therapeutic Massage Therapist as hereinafter defined, without first maintaining a minimum of **five hundred (500) hours** of education from a recognized school training in therapeutic massage and licensed in the State of Illinois issues licenses. Any person holding a permit from the City of Belleville on **July 1, 2003**, shall not have to meet the **five hundred (500) hours** requirement.

Furthermore, all persons shall be required to secure **One Hundred Thousand Dollars (\$100,000.00)** liability insurance in order to operate as a therapeutic massage therapist.

[ED. NOTE: This law originally amended the Offense Code, but it licenses a business, therefore it is located in this Chapter.]

BUSINESS LICENSES APPLICATION

7-21-3 FILING OF APPLICATION AND FEE PROVISION. Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in duplicate under oath with the Chief of Police upon a form provided by said Chief of Police and pay a non-refundable filing fee of **One Hundred Dollars (\$100.00)** to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the Chief of Police.

The Chief of Police shall within **five (5) days** refer copies of such application to the Department of Inspection Services, the Fire Department, the Board of Health and the City Planning Department. The departments shall within **thirty (30) days** inspect the premises proposed to be operated as a therapeutic massage establishment and make written recommendations to the Chief of Police concerning compliance with the codes that they administer. Within **ten (10) days** of receipt of the recommendations of the aforesaid departments, the Chief of Police shall notify the applicant that his application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional **thirty (30) days** unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Chief of Police shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the Chief of Police shall advise the applicant in writing of the reasons for such action.

The failure or refusal of the applicant to promptly 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 said application or his or her refusal to submit to or cooperate with any inspection required by this Chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Chief of Police.

7-21-4 APPLICATION FOR THERAPEUTIC MASSAGE ESTABLISHMENT.

The application for a permit to operate a therapeutic massage establishment shall set forth the exact nature of the therapeutic massage to be administered, and the proposed place of business and facilities therefor.

In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than **ten percent (10%)** of the stock of a corporate applicant, shall furnish the following information:

- (A) Name and address;
- (B) Written proof that the individual is at least **eighteen (18) years** of age;
- (C) All residential addresses for the past **three (3) years**;
- (D) The applicant's height, weight, color of eyes and hair;
- (E) The business, occupation or employment of the applicant for **three (3) years** immediately preceding the date of application;
- (F) The therapeutic massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- (G) All criminal or city ordinance violation convictions, forfeitures of bond and pleading of nolo contendere on all charges, except minor traffic violations;
- (H) The fingerprints and photograph of the applicant; and

BUSINESS LICENSES APPLICATION

(I) A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business;

(J) The following personal information concerning an individual; each stockholder holding more than **ten percent (10%)** of the stock of the corporation, each officer and each director, if the applicant is a corporation; the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business for all of the above entities;

- (1) Name, complete residence address and residence telephone numbers;
- (2) The **two (2)** previous addresses immediately prior to the present address of the applicant;
- (3) Written proof of age;
- (4) Height, weight, color of hair and eyes, and sex;
- (5) **Two (2)** front-face portrait photographs taken within **thirty (30) days** of the date of the application and at least **two (2) inches** by **two (2) inches** in size;
- (6) The massage or similar business history and experience, including, but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
- (7) All criminal or municipal ordinance violation convictions, bond forfeitures, or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition and the circumstances thereof;
- (8) A complete set of fingerprints taken and to be retained on file by the Chief of Police or his authorized representatives;
- (9) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will administer massage in each massage establishment for which a permit is requested;

(K) If the applicant is a corporation, or if the applicant is a partnership and a partner of the partnership is a corporation, provide the name of the corporation as set forth in its Certificate of Incorporation and provide copies of the corporation's Articles of Incorporation, Certificate of Incorporation, and Certificate of Authority to do business in the State of Illinois if the corporation is a foreign corporation, and Certificate of Goodstanding from the Illinois Secretary of State;

(L) If the applicant is a sole proprietorship, joint venture, partnership, or any other kind of business than a corporation, provide a copy of its registration with the County Recorder, or other such office receiving the same, for the County in which it is located;

(M) Such other information, identification, and physical examination of the person as shall be deemed necessary by the Chief of Police to discover the truth of the matters hereinbefore required to be set forth in the application;

BUSINESS LICENSES APPLICATION

- (N) Authorization for the City, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;
- (O) The names, addresses, and telephone numbers of all owners of the property on which the massage establishment is located;
- (P) The names, addresses, and telephone numbers of all lessor's of the property on which the massage establishments is located;
- (Q) The applicant must also produce proof of ownership of the premises that are to be licensed or a lease on said premises for **one (1) year** or more;
- (R) The applicant must produce a certified copy of his or her birth certificate;
- (S) A copy of their social security card.

7-21-5 ISSUANCE OF PERMIT FOR A THERAPEUTIC MASSAGE ESTABLISHMENT. Upon receipt of the recommendations of the departments referred to in **Section 7-21-3** and the certificate of the City Board of Health that the establishment is in compliance with all of the requirements of **Section 7-21-12** the Chief shall issue a permit to maintain, operate or conduct a therapeutic massage establishment, unless he finds:

- (A) That the operation; as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the building, health, planning, housing, zoning and fire codes of the City of Belleville; or
- (B) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a therapeutic massage establishment has been convicted of:

- (1) a felony,
- (2) an offense involving sexual misconduct with children,
- (3) prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping or other offense opposed to decency and morality.

The Chief of Police, at his discretion, may issue a permit to any person convicted of any of the crimes in **Subsections (A)(1), (2) and (3)** if he finds that such conviction occurred at least **four (4) years** prior to the date of application, the applicant has had no subsequent convictions and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

Every therapeutic massage establishment permit issued pursuant to this Chapter will terminate at the expiration of **one (1) year** from the date of its issuance, unless sooner suspended or revoked.

7-21-6 REVOCATION OR SUSPENSION OF PERMIT FOR THERAPEUTIC MASSAGE ESTABLISHMENT. Any permit issued for a therapeutic massage establishment may be revoked or suspended by the Chief of Police after a hearing for good cause or in any case where any of the provisions of this Article are violated or any employee of the permittee, including a massage therapist, is engaged in any conduct at permittee's place of business, which violates any of the provisions of this Article or any state law which provides for imprisonment, and permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this Article or in any

BUSINESS LICENSES APPLICATION

case where the permittee or licensee refuses to permit any duly authorized police officer or health inspector of the City and the County of St. Clair to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing upon the recommendation of the City Board of Health that such business is being managed, conducted or maintained without regard for the public health or healths of patrons or customers or without due regard to proper sanitation or hygiene.

The Chief of Police, before revoking or suspending any permit, shall give the permittee at least **ten (10) days'** written notice of the charges against him or her and the opportunity for a public hearing before the Chief of Police, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The Chief of Police may suspend a license for up to **fourteen (14) days** pending the public hearing. If a license is revoked, no new license shall be issued for the premises for a period of **twelve (12) months** after the revocation. **(Ord. No. 6588; 10-20-03)**

7-21-7 APPLICATION FORM FOR THERAPEUTIC MASSAGE PERMIT. Any person desiring a masseur's permit shall file a written application with the Chief of Police on a form to be furnished by the Belleville Police Department. The application shall be accompanied by a fee non-refundable filing fee of **One Hundred Dollars (\$100.00)** plus a check payable to the Illinois State Police for a criminal history check prior to any action being taken on the part of the Chief of Police and shall include the following information:

(A) The business name, address and all telephone numbers where the massage is to be practiced;

(B) The following personal information concerning the applicant:

- (1) Name, complete residence address and residence telephone numbers;
- (2) Social security number and driver's license number;
- (3) The **two (2)** previous addresses immediately prior to the present address of the applicant;
- (4) Written proof of age;
- (5) Height, weight, color of hair and eyes, sex;
- (6) **Two (2)** front-face portrait photographs taken within **thirty (30) days** of the date of the application and at least **two (2) inches** by **two (2) inches** in size;
- (7) The massage or similar business history and experience, including, but not limited to whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
- (8) All criminal or municipal ordinance violation convictions, bond forfeitures, or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition, and the circumstances thereof;
- (9) A complete set of fingerprints taken and to be retained on file by the Chief of Police or his authorized representatives;

BUSINESS LICENSES APPLICATION

- (10) Diploma, certificate, or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will administer massage in each massage establishment for which a permit is requested;
 - (11) Certified copy of a license issued by the Department of Professional Regulation pursuant to the Illinois Physical Therapy Act (**225 ILCS 90/1 et seq.**) as revised and amended;
 - (12) A statement in writing from a physician licensed in this State that he has examined the applicant and believes the applicant to be free of all communicable diseases;
- (C) The names and addresses of **three (3) adults** who will serve as character references. These references must be persons other than relatives and business associates;
- (D) Such other information, identification, and physical examination of the person deemed necessary by the Chief of Police in order to discover the truth of the matters hereinbefore required to be set forth in the application;
- (E) Authorization for the City, its agents, and employees to obtain verification of the statements set forth in the application and the qualifications of the applicant for the permit;
- (F) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the City;
- (G) Proof of education or license as required by **Section 7-21-2**;
- (H) A certified copy of their birth certificate;
- (I) A copy of their social security card.

7-21-8 **ISSUANCE OF THERAPEUTIC MASSAGE PERMIT.** The Chief of Police may issue a therapeutic massage permit within **twenty-one (21) days** following application, unless he finds that the applicant for therapeutic massage permit has been convicted of:

- (A) a felony;
- (B) an offense involving sexual misconduct with children;
- (C) keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering.

The Chief of Police, in his discretion, may issue a permit to any person convicted of such crimes if he finds that such conviction occurred at least **four (4) years** prior to the date of the application and the applicant has had no subsequent convictions.

- (D) Each permit shall expire **April 30th** each year.

7-21-9 **REVOCAION OF THERAPEUTIC MASSAGE PERMIT.** A therapeutic massage permit issued by the Chief of Police shall be revoked or suspended where it appears that the massage therapist has been convicted of any offense which would be cause for denial of a permit upon an original application, had made a false statement on an application for a permit, or has committed an act in violation of this Article.

BUSINESS LICENSES APPLICATION

The Chief of Police in revoking or suspending a therapeutic massage permit shall give the permit holder a written notice specifying the grounds therefor. Such person may within **ten (10) days** of such revocation or suspension file a written request with the Chief of Police for a public hearing before the Chief of Police, at which time the massage therapist may present evidence bearing upon the question.

7-21-10 **FACILITIES NECESSARY.** No therapeutic massage establishment shall be issued a permit, nor be operated, established or maintained in the City unless an inspection by the City Board of Health reveals that the establishment complies with each of the following minimum requirements:

(A) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the Building Code of the City of Belleville;

(B) All therapeutic massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;

(C) Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and therapeutic massage room facilities shall be provided;

(D) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering therapeutic massages. Such non-disposable instruments and materials shall be disinfected after use on each patron;

(E) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering therapeutic massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinet shall be kept separate from the clean storage areas;

(F) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each **twenty (20)** or more employees or patrons of that sex on the premises at any **one (1) time**. Urinals may be substituted for water closets after **one (1)** water closet has been provided. Toilets shall be designated as to the sex accommodated therein;

(G) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap and a dispenser and with sanitary towels; and

(H) The premises shall be equipped with a service sink for custodial services. The City Board of Health shall certify that the proposed therapeutic massage establishment complies with all the requirements of this Section of this Article and shall send such certification to the Chief of Police.

7-21-11 **OPERATING REQUIREMENTS.**

(A) Every portion of the therapeutic massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition;

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers;

BUSINESS LICENSES APPLICATION

(C) All employees, including massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas, whose use is restricted to the therapeutic massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing;

(D) All therapeutic massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner;

(E) The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist;

(F) It shall be unlawful for any person, knowingly, in a therapeutic massage establishment, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person;

(G) No massage therapist, employee or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions or other preparations used in administering therapeutic massages shall be kept in clean, closed containers or cabinets.

(J) Eating in the therapeutic massage work areas shall not be permitted. Animals, except for seeing eye dogs, shall not be permitted in the therapeutic massage work area.

(K) No massage therapist shall administer a therapeutic massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely massaged prescribing the conditions thereof.

(L) Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a therapeutic massage to each patron.

7-21-12 **KEEPING OF RECORDS.** Every person who operates a massage establishment or practices or provides a massage shall, at all times, keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the Chief of Police or his authorized representative(s).

7-21-13 **TRANSFERS PROHIBITED.** No massage establishment permit and/or masseur permit shall be transferable, and such authority as a permit confers shall be conferred only on the permitted named thereon. However, upon the death or incapacity of the manager or a massage establishment the massage establishment permit may continue in effect and the business be allowed to continue to operate for **forty-five (45) days** after the death or incapacity to allow for the Chief of Police to determine whether the new manager meets the qualifications of this Chapter for operation of the massage establishment.

BUSINESS LICENSES APPLICATION

7-21-14 **ADVERTISING.** No therapeutic massage establishment granted a permit under provisions of this Article shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available, Other than those services described in **Section 7-21-1(A)** of this Article, or that employees, or massage therapists are dressed in any manner other than prescribed in **Section 7-21-12(B)** of this Article, nor shall any therapeutic massage establishment indicate in the text of such advertising that any services are available other than those services described in **Section 7-21-1(A)**.

7-21-15 **OUT-CALL REGISTRATION.** Any massage therapist who provides any of the services listed in **Section 7-21-1(A)** of this Article at any hotel or motel must first register his or her name and permit number with the owner, manager or person in charge of the hotel or motel.

7-21-16 **OUT-CALL SERVICE.** No "Out-Call Massage Service" may be operated other than by a licensed therapeutic massage establishment. All therapeutic massages performed by an "out-call massage service" must be performed in the manner prescribed in **Section 7-21-12** and **7-21-13**.

7-21-17 **INSPECTIONS.** The Police Department and the Department of Public Health shall from time to time, and at least twice a year, make an inspection of each therapeutic massage establishment granted a permit under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

7-21-18 **EMPLOYMENT OF PERSON UNDER THE AGE OF EIGHTEEN (18) PROHIBITED.** It shall be unlawful for any owner, proprietor, manager or other person in charge of any therapeutic massage establishment to employ any person to perform therapeutic massages who is not at least **eighteen (18) years** of age.

7-21-19 **IDENTIFICATION CARD.** The Chief of Police shall provide each massage therapist granted a permit with an identification card which shall contain a photograph of the massage therapist and the full name and permit number assigned to the said massage therapist, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this Article.

7-21-20 **TRANSFER OF PERMITS.** No permit for the operation of a therapeutic massage establishment issued pursuant to the provisions of this Article shall be transferable except with the written consent of the Chief of Police and approval of the City Board of Health;

BUSINESS LICENSES APPLICATION

provided, however, that upon the death or incapacity of the permittee the therapeutic massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

7-21-21 DISPLAY OF PERMITS. Every permittee shall display a valid permit in a conspicuous place within the therapeutic massage establishment so that the name may be readily seen by persons entering the premises.

7-21-22 EMPLOYMENT OF MASSAGE THERAPISTS. It shall be the responsibility of the permittee for the therapeutic massage establishment or the employer of any persons purporting to act as massage therapists to insure that each person employed as a massage therapist shall first have obtained a valid permit pursuant to this Article.

7-21-23 NONAPPLICABILITY OF THIS ARTICLE. This Article shall not apply to hospitals, nursing homes, sanitarium or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Illinois or persons working under the direction of any such persons or in any such establishments, nor shall this Article apply to barbers or cosmetologist lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State of Illinois.

7-21-24 RULES AND REGULATIONS. The Chief of Police, the City Board of Health, or both officers, may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this Article.

7-21-25 VIOLATION AND PENALTY. Every person except those persons who are specifically exempted by this Article, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives therapeutic massages or conducts a therapeutic massage establishment without first obtaining a permit and paying a license fee to do so from the City of Belleville, or shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed **Five Hundred Dollars (\$500.00)**.

7-21-26 MAINTAINING PUBLIC NUISANCE. Any building used as a therapeutic massage establishment in violation of this Chapter with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Chapter are hereby declared to be a nuisance.

BUSINESS LICENSES APPLICATION

7-21-27 **REVIEW OF POLICE CHIEF'S DECISION.** The decision of the Chief of Police with regard to the issuance, suspension or revocation of any license under this Article shall be reviewable by the Mayor of the City of Belleville, Illinois, upon the written request of the party filed with the Mayor within **ten (10) days** of such refusal, revocation or suspension. The Mayor shall review evidence previously submitted to the Chief of Police, and any additional evidence presented with the written request for review. The decision of the Mayor upon such review shall be a final appealable order.

(Ord. No. 5469; 10-16-95)

BUSINESS LICENSES APPLICATION

ARTICLE XXII – NEWSPAPER BOXES

7-22-1 **REGISTRATION.** All persons or businesses who have unattended newspaper or advertising box within the City must register with the City Clerk, providing them with their name, address, telephone number and location of their newspaper or advertising box.

7-22-2 **SPECIFICATIONS FOR NEWSPAPER OR ADVERTISING BOXES.** All newspaper or advertising boxes shall be constructed of metal and shall not exceed the following outside dimensions:

- | | | |
|-----|-----------------------|-----------|
| (A) | <u>Height.</u> | 49 inches |
| (B) | <u>Width.</u> | 24 inches |
| (C) | <u>Depth.</u> | 18 inches |

7-22-3 **MAINTENANCE.** All newspaper or advertising boxes shall be kept in good repair.

7-22-4 **IDENTIFICATION.** Newspaper boxes must identify the publication enclosed. Such identification may not exceed **fifty (50) square inches** in total area.

7-22-5 **ATTACHMENT.** It shall be unlawful to attach newspaper or advertising boxes by any means to any public property. This shall include but is not limited to, light poles, benches, trash containers, sign poles and trees.

7-22-6 **LOCATION.** Newspaper or advertising boxes shall not block crosswalks, obstruct sidewalks or limit access to public or private property.

7-22-7 **VIOLATIONS.** Newspaper or advertising boxes violating any of the requirements of this Article shall be removed by the City. Confiscated boxes may be retrieved by the owner only after paying a fee of **Fifty Dollars (\$50.00)** per box to reimburse the City for the cost of removing and storing the boxes.

(Ord. No. 6033; 07-17-00)

BUSINESS LICENSES APPLICATION

ARTICLE XXIII – TEEN CLUBS

7-23-1 TEEN CLUBS.

(A) Definitions. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) Applicant. An individual, partnership, or corporation, including all partners in a partnership and all stockholders in a corporation.
- (2) City. City of Belleville.
- (3) Manager. Manager shall include any employee who is in charge and responsible for the conduct of the business activity at any given time.
- (4) Teen Club. Commercial premises which are open to the public, the primary function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function, a teen club may sell and serve food and beverages (excluding alcoholic beverages) to its patrons.
The term "teen club" does not include the following: premises which serve alcoholic beverages as defined by State and local laws; theaters where the patrons sit in parallel rows of fixed seats; full service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; outdoor performances; a banquet, party or celebration conducted for invited guests which is not open to the public; dances, events, or teen club sponsored and operated by a governmental entity, an educational institution, or nonprofit religious, charitable, benevolent or fraternal organization.
- (5) Type A Teen Club. A teen club which restricts its admission to persons age **fourteen (14)** to **seventeen (17) years** to a person **eighteen (18) years** of age if such person is currently enrolled in high school and presents a valid identification card issued by the high school indicating that such person is currently enrolled in that school.
- (6) Type B Teen Club. A teen club which restricts its admission to persons **eighteen (18) years** of age and over.
- (7) Club Premises. Any place where a teen club is operated or maintained, including all highways, bathrooms, parking areas and other adjacent portions of the premises which are accessible to the public during operating hours.
- (8) Person. **One (1)** or more natural persons, corporations, partnerships, associations or other entities capable of having an action of law brought against such entity.

(B) Teen Club License Required. It is unlawful for any person to own, operate, manage or maintain a teen club in the City without first obtaining a teen club license from the City.

BUSINESS LICENSES APPLICATION

(C) **License Application Procedures.** Initial and renewal applications for a Teen Club license shall be made to the Mayor in writing; signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation, verified by oath or affidavit; shall be accompanied with a non-refundable application fee of **One Hundred Fifty Dollars (\$150.00)** for the initial application plus the current rate by the Illinois State Police for processing ISP and FBI fingerprint cards for initial and all renewal applications (current rate - \$38.00 each) for each individual, partner, or corporation stockholder, and manager; and shall contain the following information and statements:

- (1) The name, date of birth, address (current and past **five (5) years**), telephone number, place of birth, physical description, drivers license number, social security number, and fingerprints of the individual applicant(s), partners in a partnership, or stockholder(s) in a corporation. In the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses (current and past **five (5) years**) of the officers and directors, and if a majority in interest of the stock of such corporation is owned by **one (1) person** or his nominees, the name and address (current and past **five (5) years**) of such person;
- (2) The length of time that said applicant has been in this business or a similar related business and in the case of a corporation, the date on which it was incorporated;
- (3) A statement whether applicant has made similar application for a similar related business and in the case of a corporation, the date on which it was incorporated;
- (4) A resume of applicant's management history, i.e., business experience and employment history;
- (5) The name, address and telephone number of **three (3)** business references and **three (3)** personal references;
- (6) A description of the business operation and marketing plan which shall include the proposed theme of the establishment;
- (7) Detailed plans for preventing persons under or over the age required for a Type A or B license from entering the premises, including security training of employees, identification checking system, and any other methods that will be utilized;
- (8) The name, address and telephone number of person(s) who will be employed and serve as a manager for the business and a statement that the same information will be reported to the Mayor prior to any new such employee(s) hired during the license period;
- (9) The location and description of the premises or place of business which is to be operated under such license (include a drawing of premises with measurements of floor space and layout);
- (10) A statement that the applicant does beneficially own the premises for which a license is to be issued or has a lease for the entire period of the license. If the location is to be leased, a copy of the lease shall be provided and/or the name, address and telephone

BUSINESS LICENSES APPLICATION

- number of the current property owner. Each applicant must indicate the existing business, if any, at the proposed location;
- (11) A statement delineating the criminal history, if any, of the applicant and manager(s) including all arrests and guilty dispositions for all criminal offenses;
 - (12) A statement:
 - (a) that if a co-partnership, all members of the co-partnership and manager(s) shall be qualified to obtain a license; and
 - (b) that if a corporation, any officer, manager or director thereof, or any stockholder is eligible to receive a license pursuant to this Section of the Municipal Code;
 - (13) Any additional information the applicant deems pertinent, or is subsequently requested by the City, to review in determining whether the applicant should be granted a license;
 - (14) A statement that the applicant will not violate any of the laws of the State of Illinois or any ordinance of the City of Belleville in the conduct of his place of business;
 - (15) A statement that the applicant will testify under oath to all competent, relevant and material questions propounded to him in any hearing conducted by the Mayor, either before or after the issuance of a license to him and that his failure to so testify shall be sufficient reason for the refusal to issue any such license to him or for the suspension or revocation of any license which has been issued to him.
- (D) In addition to the application procedures referred to in paragraph (C) of this Section, an applicant for a teen club license shall provide the following:
- (1) A written statement setting forth all measures proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the premises, will be maintained; and that the ages of patrons admitted to the teen club will be monitored.
 - (2) A statement indicating whether the teen club will be operated as a Type A Teen Club or a Type B Teen Club and a statement of the proposed schedule of operating hours and days. The club premises may not be used for both a Type A and Type B Teen Club.
 - (3) A statement of whether the applicant, or the applicant's officers, directors, partners or any other person involved in the operation or management of the teen club has pled, been found guilty, or has pending charges for any crimes including, but not limited to firearms, gambling, racketeering, alcohol, controlled substances, sexual offenses, prostitution, assault, battery or contributing to the delinquency of a minor.
 - (4) The annual fee for such license shall be **Two Hundred Fifty Dollars (\$250.00)**.
- (E) **Procedure for Issuance or Denial of License.** After receiving a complete application for a teen club license, the City shall follow the following procedures:
- (1) The Mayor shall forward copies of the application to appropriate City officials for their comments regarding compliance with

BUSINESS LICENSES APPLICATION

regulations under their jurisdiction. The Mayor shall consider all materials and comments submitted and shall issue or deny the license.

- (2) A teen club license may be denied by the Mayor for any or more of the following reasons:
 - (a) The applicant is in violation of any of the requirements to obtain a license, listed in **Section 7-23-1(C)**;
 - (b) The applicant and/or premises to be licensed have any outstanding past due debts, fines, or fees to the City of Belleville or any ongoing code violations;
 - (c) If the applicant and/or business premises do not comply with all applicable City ordinances and State laws;
 - (d) If the application is incomplete or if it contains any material misrepresentation;
 - (e) If the application does not show adequate measures for:
 - (i) the protection and security, both inside and outside the premises, or
 - (ii) the monitoring of the ages of patrons and citizens admitted to the teen club;
 - (f) If the applicant is not of good character and reputation;
 - (g) If any part of the premises has a license to sell alcoholic liquor.
- (3) If the Mayor denies a license, written notice stating the reasons for the denial shall be sent to the applicant. The applicant shall have a period of **ten (10) working days** after the date of license denial to appeal the denial. Such appeal must be submitted to the Mayor, in writing and must set forth the basis for the appeal. The Mayor shall hold a meeting and decide the appeal within **thirty (30) days** of the hearing.

(F) **License Term; Pro-Rating Fee.** Each teen club license shall terminate on **April 30** following its issuance. The license fee shall be prorated from the date of issue to **April 30**. No refund shall be made to any license discontinuing business during the license year.

(G) **Operating Rules and Regulations.** It shall be unlawful for any person to violate the following provisions. Such provisions shall apply to all teen clubs in the City:

- (1) Persons of the following ages shall not be permitted to enter or remain on the premises of a Type A Teen Club:
 - (a) Under the age of **fourteen (14) years** unless accompanied by a parent or legal guardian;
 - (b) **Eighteen (18) years** of age or older except for bona fide employees or entertainers hired by the licensee to work in the club, or a parent of a person under **fourteen (14) years** of age present in the club, or a person **eighteen (18) years** of age currently enrolled in a high school who presents a valid identification from such high school showing such person to be enrolled in such high school and at least one additional piece of identification showing the picture of such individual containing the date of birth of such person and issued by an officer, agent or

BUSINESS LICENSES APPLICATION

- department of the State of Illinois or other state.
- (2) No person under the age of **eighteen (18) years** shall be permitted to enter or remain on the premises of a Type B Teen Club unless accompanied by a parent or legal guardian, except for entertainers hired by the licensee to work in a club.
 - (3) Type A Teen Clubs shall be operated only between the following hours:
 - 6:00 P.M. Monday – 10:00 P.M. Monday
 - 6:00 P.M. Tuesday – 10:00 P.M. Tuesday
 - 6:00 P.M. Wednesday – 10:00 P.M. Wednesday
 - 6:00 P.M. Thursday – 10:00 P.M. Thursday
 - 6:00 P.M. Friday – 11:00 P.M. Friday
 - 6:00 P.M. Saturday – 11:00 P.M. Saturday
 - 6:00 P.M. Sunday – 10:00 P.M. Sunday
 - (4) Type B Teen Clubs shall be operated only between the following hours:
 - 6:00 P.M. Monday – 1:00 A.M. Tuesday
 - 6:00 P.M. Tuesday – 1:00 A.M. Wednesday
 - 6:00 P.M. Wednesday – 1:00 A.M. Thursday
 - 6:00 P.M. Thursday – 1:00 A.M. Friday
 - 6:00 P.M. Friday – 1:00 A.M. Saturday
 - 6:00 P.M. Saturday – 1:00 A.M. Sunday
 - 6:00 P.M. Sunday – 1:00 A.M. Monday
 - (5) It shall be the obligation of the licensee to employ qualified supervisory personnel at a ratio of one such person for every **twenty-five (25) patrons**, who will be present on club premises during all operating hours to maintain peace and order and to ensure compliance with all applicable laws of the State and the City.
 - (6) The licensee and its agents shall not permit or allow alcoholic beverages or controlled substances to be consumed or be present on the teen club premises.
 - (7) It shall be the obligation of the licensee and/or manager to remove, or have removed, from the club premises any person who is, or appears to be, under the influence of, or affected by the use of, alcohol or drugs, or whose conduct poses a physical danger to the safety of others present.
 - (8) It shall be the obligation of the licensee to provide proper and adequate illumination of all portions of the club premises which are available for public use. Such illumination shall not be less than **ten (10) foot-candles** at floor level at all times when the premises are open to the public or when any member of the public is permitted to enter and remain on the premises.
 - (9) It shall be the obligation of the licensee to prevent loitering, and/or the creation of public nuisances or disturbances of the peace by any patrons of the teen club on club premises or in the immediate vicinity. "Loitering" shall not include walking between the club building and a patron's vehicle, nor shall it include the act

BUSINESS LICENSES APPLICATION

- of waiting in line to gain admission to the club.
- (10) It shall be the obligation of the licensee to clean up all litter resulting from club operations. The cleanup shall occur within **eight (8) hours** after the end of each day's operation.
 - (11) All teen clubs shall have an occupancy limit established by providing a minimum of **ten (10) square feet** of space per person. All teen clubs shall provide seating for **fifty percent (50%)** of the maximum occupancy. No license shall be issued until the applicant has complied with this provision.
 - (12) All Teen Club license holders shall enter an agreement with the Belleville Police Department to act as their agent for the purposes of enforcing criminal trespass laws.
- (H) **Obscenity in Licensed Establishments.**
- (1) No licensee, his agent or employee shall allow or permit any person to perform acts of, or acts which simulate:
 - (a) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
 - (b) the actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;
 - (c) the actual or simulated displaying of the pubic hair, anus, vulva or genitals;
 - (d) the actual or simulated displaying of the breast so as to expose the nipple of the female breast;
 - (e) the displaying of films or pictures depicting acts, a live performance of which is prohibited by (a), (b) or (d) above.
 - (2) No licensee, his agent or employee shall allow or permit any person to remain in or upon the licensed premises who exposes in public view any portion of his or her genitals or anus, or in the case of females, the breast so as to expose the nipple.
- (I) **Access by Police Officers.** All police officers of the City shall have free access to all teen clubs for the purpose of inspection and to enforce compliance with the provisions of this Chapter at all times that the premises are open to the patrons.
- (J) **Checking the Age of Patrons.**
- (1) It is the responsibility of the licensee to require picture identification or a reasonable equivalent showing the age of each person admitted to a teen club. It is unlawful for any person to knowingly allow a person to enter or remain on the premises of a teen club in violation of the age restrictions of this Article.
 - (2) It is unlawful for any person to misrepresent his or her age for the purpose of obtaining admission to, or remaining at, a teen club in violation of the provisions of this Article.
- (K) **Suspension or Revocation of Licenses.**
- (1) A teen club license may be suspended or revoked by the Mayor, after due process notice and hearing when the licensee, or any manager, officer, director, agent or employee of the licensee has caused or permitted any of the following:

BUSINESS LICENSES APPLICATION

- (a) Failure to keep the building structure or equipment of the licensed premises in compliance with the applicable health, building, fire or safety laws, regulations or ordinances in a way which relates to or affects public health or safety on the teen club premises;
 - (b) Failure to comply with the provisions of this Article;
 - (c) Failure of the licensee or any manager, agent or employee to cooperate fully with police officers who respond to the premises;
 - (d) Making a material false statement or misrepresentation, or failure to disclose any material information to the City, in connection with any application for the teen club license or any license renewal;
 - (e) Whenever, the licensee or any manager, officer, director, agent or employee of the licensee knowingly permits conduct on the licensed premises that violates any federal, state or city criminal or penal statute, law or ordinance;
 - (f) Whenever the operation of the teen club becomes the cause of a significant increase in activities on the premises or in the immediate vicinity requiring police response.
- (2) The hearing shall be public and all interested persons shall be afforded an opportunity to be heard.
 - (3) If the Mayor determines a violation has occurred, he may:
 - (a) Fine the licensee in an amount not to exceed **One Thousand Dollars (\$1,000.00)** per violation; and
 - (b) Impose a probationary period and impose certain conditions which must be observed; and
 - (c) Suspend the license for a period of time; and
 - (d) Any other relief he deems just; or
 - (e) Revoke the license.
 - (4) Failure to pay any fine ordered by the Mayor shall be grounds for revocation of the license.

(L) **Injunction.** In addition to any other relief provided herein the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Article. The application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(M) **Penalty.** Any person, firm or corporation violating any provision of this Article shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

[NOTE: Article XXIII had to be renumbered to fit the format of the Chapter.]

BUSINESS LICENSES APPLICATION

ARTICLE XXIV - INSTALLMENT LOAN BUSINESSES

7-24-1 **PURPOSE.** The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should be limited to **three (3)** in the City. This Article shall be construed in conformity with the laws and regulations of the State of Illinois.

7-24-2 **LICENSE REQUIRED.** No person, firm, association, partnership or corporation shall conduct or operate a consumer installment loan business without having first obtained a license therefore as is provided in this Article, or in violation of any of the provisions contained in this Article. Any consumer installment loan license may be revoked by the Mayor for any violation of any provision of this Article. The license fee shall be **Five Hundred Dollars (\$500.00)** per year. **(Ord. No. 7147; 7-8-08)**

7-24-3 **DEFINITIONS.** For the purpose of this Article, unless the context requires otherwise, the following mean:

"Consumer Installment Loan Business": Any person, firm, association, corporation or partnership, engaged in the business or service of, and providing facilities for, consumers to receive cash or evidence of cash in exchange for a loan agreement to be repaid in installments over a period of weeks, months or years, which agreement is either collateralized or not, and for which any service charge is made or interest received, including but not limited to loans collateralized by personal check, payroll check or personal property title, or collateralized with the promise to relinquish possession to any personal property upon default, or engaged in any one or more of the foregoing businesses; EXCEPT, that this definition does not include: State or National Banks, or Savings Banks, the United States Postal Service, Postal Telegraph Company, or Western Union Telegraph Company, Credit Union, or any person, firm, association, corporation or partnership engaged in the business of selling tangible personal property at retail who, in the course of such business and only as an incident thereto, receives checks, drafts, money orders or other evidences of money, or receives or issues a contractual agreement to receive money or evidence of money on an installment basis in exchange for tangible goods sold or rented on the premises, with or without using such tangible goods as collateral or as a repossessible item upon default.

7-24-4 **STATE LICENSING REQUIRED; COMPLIANCE WITH STATE LAW.** Any person, firm, association, corporation or partnership applying for and/or receiving for holding a business license in the City of Belleville to operate a consumer installment loan business as defined in **Section 7-24-3** herein must also hold a license to operate from the State of Illinois (whenever such license is required pursuant to the Consumer Installment Loan Act, **205 ILCS 670/1, et seq.**, or pursuant to any other licensing provision of the State of Illinois) and must show that such state license is current and active. In addition, any person, firm, association, corporation or partnership operating a consumer installment loan business within the City of Belleville must at all times be in full compliance with all State laws, rules

BUSINESS LICENSES APPLICATION

and/or regulations pertaining to the operation of such business. Failure to achieve and maintain full compliance with all laws, rules and regulations shall be deemed a violation of this Article.

7-24-5 **LICENSE; APPLICATION; INVESTIGATION.** Applications for a consumer installment loan business shall be made to the City Clerk and shall state therein the name of the applicant, the place of business, and the number of employees intended to be engaged. The applications shall also state the Illinois State license number and shall be accompanied by good and sufficient proof of compliance with all Illinois State licensing laws pertaining to any such consumer installment loan business as defined in **Section 7-24-3** herein.

7-24-6 **PROHIBITED ACTIVITIES.** No person, firm, association, partnership or corporation licensed to conduct a consumer installment loan business shall accept items in pawn and/or for bailment in exchange for cash or other evidence of cash nor shall a consumer installment loan business as defined herein except evidence of title or ownership in real property in exchange for cash or evidence of title or ownership in real property in exchange for cash or evidence of cash.

7-24-7 **LICENSE IS LIMITED.** The City of Belleville, as a home rule unit, hereby finds and declares that at no time shall the currently licensed number of consumer installment loan businesses in the City of Belleville exceed **three (3)**, and that no license shall issue unless renewed by the current holder of a license (after compliance with this Article) or by a new applicant (after compliance with this Article) where a current license holder relinquishes the license in writing, presented to the City Clerk, or fails to renew said license in a timely manner. This limit of the number of licenses shall not apply to consumer installment loan business operating at the time this Article takes effect.

7-24-8 **HOURS.** The hours of operation of a consumer installment loan business or a currency exchange business are hereby limited to the hours of **7:00 A.M.** until **9:00 P.M.** (**Ord. No. 7279; 06-15-09**)

7-24-9 **VIOLATION AND PENALTY.** Any person, firm, association, partnership or corporation violating any provision of this Article shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense.

(**Ord. No. 7035; 09-17-07**)

BUSINESS LICENSES APPLICATION

ARTICLE XXV - CERTIFICATE OF BUSINESS OCCUPANCY

7-25-1 **OCCUPANCY PERMIT REQUIRED.** It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any property for the purpose of operating a business on said premises until a Permit of Occupancy for a business has been issued by the Health, Housing & Building Office. The certificate so issued shall state the occupancy complies with all of the ordinances and regulations which may be in force at time of issuing occupancy or which may be passed or made while the occupancy is in force.

7-25-2 **FEES.** A fee of **One Hundred Dollars (\$100.00)** shall be charged for each request for a Certificate of Occupancy. The business occupancy permit shall be obtained by the tenant, occupant or owner and must be secured before the unit(s) can be legally occupied.

7-25-3 **APPLICATION.** It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for the purpose of operating a business.

7-25-4 **ACTING ON AN APPLICATION.** The City shall examine, or cause to be examined, all applications within a reasonable time after filing. The City shall cause the premises to be inspected within **fifteen (15) working days** after filing.

If the premises are not in compliance with all laws and ordinances applicable thereto, the City shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible. The owner or occupant of every business unit shall give the City free access thereto, at all reasonable times, for the purpose of such inspection.

7-25-5 **BUILDING AND PREMISES REGULATION.** No permit shall be issued for the conduct of any business, occupation or activity if the premises of the building to be used for such purpose do not fully comply with all applicable provisions of this Article, including the fire prevention and building and zoning regulations.

Any business, trade or occupation subject to the business occupancy permit shall be conducted in all respects in accordance with all applicable ordinances of the City. Said business, trade or occupation shall be conducted on premises which conform to the provisions of the zoning code, building code, plumbing code, fire protection code and all other applicable ordinances. The Health, Housing, Building & Zoning Department or other duly designated officer or employer of the City may cause such inspection to be made as shall be required to ensure the operation of such business, trade or occupation in full conformance with the ordinances of the City.

BUSINESS LICENSES APPLICATION

7-25-6 **PROPERTY MAINTENANCE CODE.** The International Property Maintenance Code of 2006 as amended is hereby adopted to apply to non-residential structures.

7-25-7 **INSPECTIONS.** Whenever the inspections of the premises, vehicles, equipment or methods of operation used in conducting a business, occupation or activity are authorized or required by this Article, or are reasonably necessary to secure compliance with any provision of this Article or to detect violations thereof, it shall be the duty of the occupant or person in charge of such premises, vehicles, equipment or methods of operation to permit, at any reasonable time, any officer or employee of the City who is authorized or directed to make such inspections to be admitted to such premises, to have access to such vehicles or equipment, and to observe such methods of operation for the purpose of making said inspections.

7-25-8 **PROHIBITION AGAINST NUISANCES.** No business, trade or occupation shall be carried on in any manner which will create a public or private nuisance, nor shall such operation be carried on in a manner which will produce noise, odor or other physical disturbances beyond the property line of the premises at which such operations take place, or otherwise threaten the public health, safety, morale or welfare. The prohibition contained herein shall be an additional regulation besides those otherwise provided by this Article and shall not be deemed to be a limitation on any other ordinance.

7-25-9 **ISSUANCE OF PERMIT.** If all the fees are paid and the City is satisfied that the premises and its occupancy are in compliance with all laws and ordinances applicable thereto, the Health, Housing, Building & Zoning Department shall issue the occupancy permit as soon as practicable. Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of the permit or if the occupancy is terminated.

7-25-10 **CONDITIONAL PERMIT.** Occupancy shall be permitted on a conditional basis when in the judgment of the City practical difficulties interfere with completing all repairs required to bring the premises into full compliance with all laws and ordinances prior to permitting occupancy. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant. No conditional permit shall be issued under the provisions of this Article for premises which have been newly constructed, newly altered, or on which a change in use is proposed unless a Certificate of Compliance has first been issued under the provisions of the Building Code.

7-25-11 **REJECTION OF APPLICATION.** If the application does not comply with the requirements of all pertinent laws, the City shall reject such application in writing, stating the reasons therefore. Furthermore, the City may reject an application or deny an occupancy permit in such case when an applicant or person applying for an occupancy permit has failed to pay liens, sewer debts, trash collection fees or any other fees which are due to the City.

BUSINESS LICENSES APPLICATION

7-25-12 **PENALTY.** Any person violating any provision of this Article or any part thereof shall be fined in an amount not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **One Thousand Dollars (\$1,000.00)**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation.

7-25-13 **OCCUPANCY REGISTER.** The Health, Housing, Building & Zoning Department shall keep an occupancy register in which they will enter the name of each person to whom a license is issued, the purpose of such license and the date of issuance.

7-25-14 **LIMITATION OF BUSINESS OCCUPANCY ACTIVITY.** No person may do business or act under any occupancy permit except the occupant; nor shall an occupancy permit authorize any person to act or do business at any place other than the place specified on the occupancy permit.

7-25-15 **CHANGE IN REGULATIONS.** Business occupancy permits are subject to all ordinance and regulations which may be in force at the time of issuing the permit or which may be passed or made while the license is in force. If any occupant violates any of the provisions thereof, he shall be liable to be proceeded against for any penalty imposed and their permit shall be subject to revocation at the discretion of the Mayor, or of the court before which they are convicted of such violation.

7-25-16 **ENFORCEMENT.** It shall be the duty of the Police Department and the Health, Housing, Building & Zoning Department to enforce the provisions of this Article in relation to business occupancy permits and to prosecute any person guilty of a violation.

7-25-17 **REBATE OF FEE.** In no event shall any rebate or refund be made of any business occupancy permit fee or part thereof by reason of the death of the applicant or by reason of nonuse of such permit, or by reason of a change in the location of the business, occupation or activity of such permit; provided, however, that the provisions of this Section shall not be construed to prevent the Director of Health, Housing, Building & Zoning from authorizing a refund of a business occupancy permit or a portion thereof, where the fee was collected through error.

7-25-18 **PROHIBITION AGAINST TRANSFER.** No occupant may assign, sell or transfer their permit to any other person, even if such other person(s) intends to conduct the same business, occupation or activity as the permittee at the location used by the occupant. Such other person must apply and pay the fee for new business occupancy in accordance with the provisions of this Article.

BUSINESS LICENSES APPLICATION

7-25-19 POSTING OF PERMIT. Every permit issued hereunder shall be posted by the occupant in a conspicuous place.

7-25-20 SUSPENSION OF PERMIT. Any permit issued by the City other than liquor licenses may be suspended as recommended by the Health, Housing, Building & Zoning Department or designee if:

- (A) The applicant fails to provide all the necessary information required;
- (B) The applicant provides false information;
- (C) The applicant or the business is not in compliance with any provision of this Article, any local ordinance, state or federal laws, rules or regulations;
- (D) The applicant has received **two (2)** or more citations/penalties in regard to substantiated complaints on the property;
- (E) The applicant has a background or history of violating local ordinance, state or federal law, rule or regulation; or
- (F) The public health, welfare or safety would be adversely affected by granting the application;
- (G) The permit was issued in error;
- (H) The applicant has outstanding fines, fees or monies due the City and has failed to pay them.

7-25-21 REVOCAION OF PERMIT. Any permit issued by the City other than liquor licenses may be revoked as recommended by the Health, Housing, Building & Zoning Department or designee if:

- (A) The applicant fails to provide all the necessary information required;
- (B) The applicant provides false information;
- (C) The applicant or the business is not in compliance with any provision of this Article, any local ordinance, state or federal laws, rules or regulations;
- (D) The applicant has received **two (2)** or more citations/penalties in regard to substantiated complaints on the property;
- (E) The applicant has a background or history of violating local ordinance, state or federal law, rule or regulation; or
- (F) The public health, welfare or safety would be adversely affected by granting the application;
- (G) The permit was issued in error;
- (H) The applicant has outstanding fines, fees or monies due the City and has failed to pay them.

7-25-22 APPEAL DENIAL, SUSPENSION OR REVOCATION.

(A) **Appeal.** Any applicant or permit holder may appeal a denial, suspension or recommendation of revocation of a permit to the Mayor or designee. The appeal shall be in writing and submitted to the Mayor or designee within **fifteen (15) days** of denial, suspension or recommendations of revocation.

- (1) **Hearing Appeal Procedure.** The Mayor or designee shall conduct the hearing regarding all appeals of a denial, suspension

BUSINESS LICENSES APPLICATION

or revocation recommendation of any license. The Mayor or designee shall:

- (a) Provide written notification to the applicant or permit holder of the basis of the appeal;
 - (b) Afford the applicant or permit holder the opportunity to present any evidence relevant to the appeal; and be represented by attorney.
 - (c) Afford the City the opportunity to present any evidence relevant to the appeal.
- (2) **Authority.** The Mayor or designee may:
- (a) Examine any books, papers, records or memorandum bearing upon the business or activities of the permittee;
 - (b) Take testimony; and
 - (c) Make rulings as to the admissibility of evidence. The Mayor or designee is not bound by the technical rules of evidence. No informality in the proceeding or in the manner of taking testimony or receiving evidence shall invalidate any decision ruling or recommendation.

At any hearing held pursuant to this Section, the Mayor or designee's decision to deny, suspend or recommend revocation of a permit shall be presumed prima facie correct and the party contesting the decision shall have the burden of overturning that finding.

(Ord. No. 7127; 04-22-08)

BUSINESS LICENSES APPLICATION

ARTICLE XXVI - HOMELESS SHELTERS

7-26-1 DECLARATION OF POLICY. It is the purpose of this Article and the policy of the City to support, foster, and establish standards for the licensing and regulation of facilities to provide shelter to persons who are temporarily without permanent housing. Such facilities are designed to provide shelter on an emergency and temporary basis and not intended to be permanent residences or a substitute for permanent residences.

7-26-2 ADMINISTRATION. The Mayor, or his designee, shall administer this Article and may, with the approval of the City Council, promulgate rules and regulations to carry out its enforcement.

7-26-3 DEFINITIONS. For the purposes of this Article, the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Applicant": A person that submits to the Department of Health, Housing and Sanitation an application for a license or the renewal of a license to conduct, operate or maintain a shelter under this Article.

"Director": The Director of the Department of Health, Housing and Sanitation for the City, or his/her designee, charged with the responsibility of enforcing and administering the provisions of this Article.

"Chief of Police": The Chief Law Enforcement Officer of the Department of Police for the City, or his/her designee responsible for the inspection of licenses, investigation of complaints of violations with license ordinances to ensure compliance with this Article.

"Homeless Person": For purposes of this Section, "homeless person" means either of the following:

(A) An individual who lacks a fixed, regular, and adequate nighttime residence.

(B) An individual who has a primary nighttime residence that is any of the following:

(1) A supervised public or private operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill).

(2) An institution that provides a temporary residence for individuals intended to be institutionalized.

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation. "Referring agency" means any public or private entity that receives federal or State funds for the purpose of arranging, referring or facilitating the placement of homeless families with school age children in shelter facilities.

"Person": Any person, firm, partnership, association, corporation, company or any organization of any kind.

BUSINESS LICENSES APPLICATION

"Homeless Family" means a family that lacks a fixed, regular, and adequate nighttime residence or a family that has a primary nighttime residence that is any of the following:

(A) A supervised public or private operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill).

(B) An institution that provides a temporary residence for individuals intended to be institutionalized.

(C) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation. "Referring agency" means any public or private entity that received federal or State funds for the purpose of arranging, referring or facilitating the placement of homeless families with school age children in shelter facilities.

"Shelters for the Temporarily Homeless": Refer to definition of "Shelter" in this Chapter.

"Congregate Shelter": Provides private accommodations to each family living at the shelter, and shares communal space such as living room, dining room and kitchen with the other resident families. Congregate Shelters have **twenty-four (24) hour**, on-site, coverage **three hundred sixty-five (365) days** a year. Case managers are on site daily to assist families with their search for permanent housing; overcoming the obstacles that led them there; and establishing links with external service providers to assist families in reaching their self-sufficiency goals. The program includes nutrition education, budgeting; parenting classes; job searches; crisis intervention; legal advocacy; counseling; case management; and tutoring for children, to ensure that families will be successful when they obtain permanent housing.

"Emergency Shelter": A facility which provides congregate style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than **four (4) weeks** in any calendar year but does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, a temporary emergency shelter, or a warming center.

"Shelter": Means either an emergency shelter or a shelter for victims of domestic violence.

"Shelter for Victims of Domestic Violence": A residential facility which provides temporary accommodation and support for victims of domestic violence either with or without their minor children.

"Temporary Emergency Shelter": A building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than **four (4) weeks** in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of lodging.

"Transitional Shelter/Housing": Means residential accommodations for **two (2)** or more persons, including support/counseling services for homeless individuals and/or families. The intent of this type of facility is to provide a stable environment for the homeless and to facilitate self-sufficiency. Transitional Housing (TH) is a program under the Supportive Housing Demonstration Program (SDHP). Homeless persons or families may live in a TH project for up to **two (2) years** according to United States Department of Housing and Urban Development (HUD) regulations. Additional descriptions may be obtained from HUD regulations 24 CFR 577.5 as "transitional housing" or in 24 CFR 583.5 as "supportive housing".

BUSINESS LICENSES APPLICATION

“Warming Center”: Means a facility which is not designed for lodging and is operated for the purpose of sheltering the transient homeless from the elements for brief intervals during any **twenty-four (24) hour** period.

“Welfare Hotel”: A hotel used to house homeless people or families receiving Aid to Families with Dependent Children (AFDC), Temporary Assistance for Needy Families (TANF), or other similar federal or state public aid or welfare benefit until they can transition into permanent traditional housing.

7-26-4 **LICENSE REQUIRED.** No person shall conduct, operate or maintain or permit to be conducted, operated or maintained or participate in the conduct, operation or maintenance of a shelter for the temporarily homeless within the City unless the City has issued a license as provided for in this Article and which is in full force and effect.

Said license shall be issued only if the applicant is approved pursuant to procedures established in this Article, and has received a special use designation from the Zoning Board of Appeals in accordance with procedures established in the City Code.

7-26-5 **APPLICATION FOR LICENSE.** Application for such license shall be made to the Director in such form and manner as may be prescribed by said Director. The application shall be under oath and shall contain:

- (A) The location of the premises for which a license is sought;
- (B) The proposed maximum number of persons to be housed in the shelter;
- (C) The name and address of the applicant if an individual, and if a firm, partnership, corporation or association, the principal address of the entity and name and address of its officers;
- (D) The name of the person(s) under whose management or supervision the shelter will be conducted;
- (E) The date of special use approval.
- (F) Guidelines to be utilized for operation of shelter (including but not limited to such policies as admission criteria, procedures for linkage with social service agencies, procedures for termination of stay).
- (G) Such other information as the Director may require implementing this Article.

7-26-6 **INSPECTION.** Upon receipt of an application for a license hereunder, the Director shall cause an inspection to be made of the proposed shelter by the City’s Fire, Housing and Health Departments. The applicant shall afford the representative of the City’s departments reasonable opportunity to inspect the applicant’s location for which the license is requested and to interview the applicant’s agents and employees and any other person within his/her or its custody or control in the particular premises for which a license is being requested. During the term of licensure, the Director may conduct inspections of the shelter at any time without notice to licensee.

BUSINESS LICENSES APPLICATION

7-26-7 STANDARDS FOR ISSUANCE OF LICENSE. Upon completion of such inspection, and a review of the application, the Director shall issue an appropriate license to the applicant for the shelter providing the Director finds and determines that the applicant meets the minimum standards of the Fire, Housing and Health codes and that such conforms to the requirements of this Article.

7-26-8 LICENSE TERM AND CONDITION.

(A) **Annual License.** The Director shall provide for the issuance and renewal of licenses for shelters. The licenses shall be issued on forms prescribed by the Director. Each license, whether an original or a renewal license, shall expire at the end of **one (1) year** from the date of its issuance (which date of expiration shall be stated upon its face) unless sooner revoked or surrendered. Licenses shall not be transferable either as to place or person. The license shall be displayed in a conspicuous place near the main entrance inside the shelter.

(B) **Maximum Number of Occupants.** Unless otherwise restricted by the special use permit granted for a specified shelter, the maximum number of occupants permitted to remain in any such shelter shall be computed by dividing the square footage of habitable floor area by **eighty (80)** (resulting fractions to be disregarded), to a maximum of **twenty (20) occupants.**

(C) **Admission Agreement.** No owner, operator, or manager of a shelter shall allow a person to occupy a shelter unless said person has completed a criminal history/warrants check with the City Police Department, signed an agreement stating that he/she understands that the stay is for a temporary period, and does not intend the shelter to be a permanent residence.

(D) **Staff Requirements.** Each shelter shall be staffed with at least **two (2) persons** on duty and awake during operating hours. One of these persons shall be designated as night supervisor and shall be responsible for administration of the shelter during this time period.

(E) **Records and Reports.** Every licensee shall keep and maintain such records and make such reports available to the Director of Health, Housing & Sanitation herein referred to as the "Director" as may reasonably be required to implement this Article, including but not limited to a list of names of all persons who stay overnight at the shelter and the dates of the stay. Data from such reports and from applications on file within the City shall be made available by the Director in accordance with disclosure requirements of the Public Records Act. Every licensee shall make available for view or inspection by the Chief of Police, his designee or officers on duty during the normal shelter business hours a list of names of all persons who are temporary or long term residents and those who stay overnight. Officers shall also be permitted to view such records or intake registries during non-regular business hours when an exigence/emergency is determined to exist by the responding officers and a good faith effort to notify on duty staff is attempted or made.

7-26-9 ADDITIONAL OPERATING REQUIREMENTS.

(A) **Separation of Sleeping Areas.** Separate sleeping areas shall be provided for men, women, and parents with children, if applicable.

BUSINESS LICENSES APPLICATION

(B) **No Smoking Materials Permitted.** The owner, operator, or manager of a shelter shall not allow the use of smoking materials therein, but only in an outside designated smoking area **fifteen (15) or more feet** from any outside door, window or intake vent. Outside smoking areas shall be monitored by the staff of the shelter to ensure shelter residents do not cause noise complaints from area residents or a breach of the peace.

(C) **Smoke Detection and Carbon Monoxide Devices.** Smoke detection and Carbon Monoxide devices, as described in the adopted fire code, shall be installed and maintained in the manner designated in said requirements, in each shelter as follows:

- (1) Within each sleeping area;
- (2) In each corridor with the distance between each smoke detection device not to exceed **forty (40) feet**;
- (3) At the uppermost ceiling of each stairwell and open shaft; and
- (4) In each room or area used for storage.

(D) **Evacuation Diagram.** In each temporary shelter for the homeless, a diagram shall be posted on each floor of a shelter, illustrating evacuation routes from the floor and the shelter in the event of an emergency. Such diagram shall measure no less than **twenty (20) inches** square, and shall be posted in a place and manner where it will be readily visible to occupants.

7-26-10 ADDITIONAL RESTRICTIONS AND PROHIBITIONS.

(A) It shall be unlawful for any person to provide as part of the regular accommodations or services of any shelter for the homeless, any medical care or treatment, nursing care or other health related care. Nothing contained herein shall prohibit any person from obtaining emergency medical care or treatment for any occupant of such shelter in the event of an emergency.

(B) No person shall own, operate, or manage a shelter except on a not for profit basis and without charge to occupants thereof. However, occupants may be required to do work to maintain shelter facilities in exchange for shelter accommodations.

(C) No owner, operator, or manager shall knowingly allow a shelter occupant to bring weapons, alcohol, or un-prescribed drugs into the shelter.

(D) No Child Sex Offender, an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under **seventeen (17) years** of age for which the individual is required to register as a sex offender under the Illinois Sex Offender Registered Act, as amended, (730 ILCS 150/1 et seq.), shall be permitted to stay temporarily, while in transit or overnight at the shelter.

7-26-11 COMPLIANCE WITH LOCAL CODES. The premises used as shelters as defined herein shall comply with the building, housing, zoning, fire and health provisions of this Article for the type of structure being utilized and with any other requirements of this Article.

7-26-12 VIOLATIONS. The Director, Chief of Police or their designee shall have authority to issue written notices of violations to licensee specifying the particular violations and the time allowed for correction.

BUSINESS LICENSES APPLICATION

7-26-13 **LICENSE REVOCATION.** Whenever the Director determines that a violation has occurred which endangers or threatens the life, health, safety or welfare of the shelter's occupants, the licensee or its employees or agents, or the community, the Mayor may revoke the shelter's license by providing **twenty-four (24) hours** written notice to the shelter, or by taking summary action pursuant to this Article. Whenever necessary, said notice shall contain an order for evacuation of the occupants, immediate correction of the violation(s) or such other measures which the Director determines to be required.

The Mayor may also revoke the license of a shelter for any violation which is uncorrected within the time specified by the Director or Chief of Police in a notice of violation, or for repeated violations.

The Mayor may also revoke the license of a shelter for failure to follow its guidelines as submitted and approved with its license application.

7-26-14 **REFUSAL, RENEWAL, AND REVOCATION HEARING APPEALS.** Whenever the Mayor shall refuse to issue a license or to renew a license or shall revoke a license for a shelter, the person aggrieved shall have the right to a hearing before the Mayor. The Mayor shall grant such person a reasonable opportunity to present in writing, or verbal testimony in an open hearing, his/her arguments against such decision. The Mayor shall consider such arguments and the pertinent facts and shall provide a brief response to the appeal within **forty-five (45) days**. The decision of the Mayor with respect to such appeal shall be final.

7-26-15 **PENALTY.** Any person violating any of the provisions of this Article is subject to prosecution and shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense, and a separate and distinct offense shall be considered as having been committed for each and every day on which any person shall be guilty of any such violation.

7-26-16 **SUMMARY ACTION.** Whenever an inspection of a shelter discloses that such shelter is in violation of local codes and poses an immediate and serious menace to public health and safety, the Mayor is hereby authorized to revoke licensure and to close such shelter forthwith.

(Ord. No. 7214; 01-05-09)

BUSINESS LICENSES APPLICATION

ARTICLE XXVII – VIDEO GAMING

7-27-1 LICENSED VIDEO GAMING.

(A) Any establishment within the City which is licensed to sell alcoholic liquor and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a video gaming sticker from the City for each video gaming terminal located at such establishment and;

(B) Any person licensed to sell alcoholic liquor may apply to the LiquorControl Commissioner for a City video gaming sticker on an application form provided and pay a fee of **One Hundred Dollars (\$100.00)** for each video gaming terminal at the premises. Each video gaming sticker issued by the City shall expire **April 30**, next, after date of issue.

(C) All video gaming terminals at premises within the City shall display a City video gaming sticker at all times.

(D) Video gaming may be played only during the hours of operation for the consumption of alcohol at that establishment.

7-27-2 PENALTY. A person violating any provision of this Article is subject to prosecution and shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense, and a separate and distinct offense shall be considered as having been committed for each and every day on which any person shall be found guilty of any such violation.

(Ord. No. 7663; 01-07-13)

BUSINESS LICENSES APPLICATION

APPLICATION FOR RAFFLE LICENSE

1. Organization Requesting License _____
2. Address of Organization _____
3. Manager of Raffle _____
4. Manager's Address _____
5. Manager's Date of Birth _____
6. Has Manager Ever Been Convicted of a Felony? Yes _____ No _____
7. Date of Raffle _____
8. Proceeds of Raffle will be use to _____

10. License No. _____

Raffle Manager