

TITLE 2

BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1

GENERAL LICENSING PROVISIONS

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2-1-1: **EFFECT OF CHAPTER:** Licenses shall be granted under the ordinances of the village in the manner and upon the conditions of this chapter, and not otherwise. (1995 Code ch. 19 § 1)

2-1-2: **APPLICATION FOR LICENSE:** The person desiring a license shall make written application therefor to the village clerk, which application shall be signed by the applicant, and shall state the purpose and time for which the license is desired, and the place where the business for which the license sought is to be conducted; and upon presentation of said application to the village clerk and the payment of the sum required for such license, the clerk shall issue the license, and the clerk shall preserve in his office all applications on which licenses are so issued. (1995 Code ch. 19 § 1; amd. 2009 Code)

2-1-3: **CONTENTS OF LICENSE; DISPLAY:** Every license shall contain the name in full of the person to whom same is granted, the kind of business thereby authorized, the time covered by the same, where the licensee is to conduct a local business, and the street and number of the place of business thereby covered, and shall be signed by the mayor and countersigned by the village clerk, attested by the seal of the village, and such license shall not protect the holder thereof beyond the express terms of the license. Every person holding a license shall, upon demand, exhibit the same to any village officer. (1995 Code ch. 19 § 2)

2-1-4: **RECORD OF LICENSE:** It shall be the duty of the village clerk to record in suitable books all licenses issued under the ordinances of the village, entering the name of the person licensed, the date of the license, for what purpose granted, date of expiration, the amount paid, and the name of the security on the bond, if bond is required. (1995 Code ch. 19 § 3)

2-1-5: **TERM AND TRANSFER OF LICENSE; BOND:** No license shall be granted for a longer period than one year, nor be assignable or transferable without the permission of the board of trustees, nor shall said license authorize any person other than the one therein named to carry on the business therein specified, and where bond is ordinance required of the person licensed, the village clerk shall see to the taking and approving of the same, unless otherwise specially provided by ordinance. (1995 Code ch. 19 § 4)

2-1-6: **EFFECT OF VILLAGE REGULATIONS ON LICENSES;
REVOCATION OF LICENSE; REFUND OF LICENSE FEE:**
Every license, except where otherwise specially provided, shall be taken and held subject to all ordinances and regulations then existing or afterwards passed, and subject to revocation, in the discretion of the board of trustees, at any time, on refunding the price paid for the unexpired term of such license, and on conviction of the person holding any license of a breach of any ordinance of the village regulating the business therein licensed, the board of trustees may, in its discretion, declare such license forfeited, without the repayment above required. The conditions contained in this section shall be made a part of every license issued by the village. (1995 Code ch. 19 § 5; amd. 2009 Code)

CHAPTER 2

ALCOHOLIC BEVERAGES

SECTION:

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2-2-1: **DEFINITIONS:** Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

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

ALCOHOLIC LIQUOR: Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being

consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%) or less of alcohol by volume.

BEER:

A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

CLUB:

A corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object, other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment, and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such "club" files with the mayor and the board of trustees of the village at the time of its application for a license under this chapter, two (2) copies of a list of names and residences of its members, and similarly file within ten (10) days of the election of any additional member, his or her name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or officer, agent or employee of the "club" is paid, or directly or indirectly receives in form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to

	<p>the "club" or the members of the "club" or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governmental body out of the general revenue of the "club".</p>
LOCAL LIQUOR CONTROL COMMISSIONER:	<p>The mayor of the village shall be the "local liquor control commissioner" for the village, and shall be charged with the administration of the provisions of this chapter relating to alcoholic liquor.</p>
ORIGINAL PACKAGE:	<p>Any bottle, flask, jug, can, cask, keg, hogshead or other receptacles or containers whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey an alcoholic liquor.</p>
RESTAURANT:	<p>Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment in capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.</p>
SALE:	<p>Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.</p>
SELL AT RETAIL OR SALE AT RETAIL:	<p>Sales for use or consumption and not for resale in any form.</p>
SPIRITS:	<p>Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in</p>

solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

WINE: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of "alcohol" or spirits as defined in this section. (1995 Code ch. 20 § 1; amd. 2009 Code)

2-2-2: LICENSE AND COMPLIANCE REQUIRED: It shall be unlawful to sell or offer for sale at retail in the village any alcoholic liquor without having a retail liquor license, or in violation of the terms of such license. (1995 Code ch. 20 § 2)

2-2-3: APPLICATION FOR LICENSE: Application for such license shall be made to the mayor of the village in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit. The application shall set forth such information as is required by the state liquor control act¹, and if the application is being made by a club, such application shall be accompanied by a complete list of its members. The mayor shall recommend to the board whether or not to grant a license and any license must be approved by the board of trustees. (1995 Code ch. 20 § 3; amd. Ord. 2016-09-26, 9-26-2016)

2-2-4: INELIGIBILITY FOR LICENSE: No license shall be issued to:

- A. A person who has not been a resident of the village for six (6) months prior to his application, except in the case of an applicant who has purchased a regularly established business in the village which, for six (6) months prior thereto, had a liquor license issued by the village.
- B. A person who is not of good character and reputation in the community in which he resides.

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

- C. A person who is not a citizen of the United States. (1995 Code ch. 20 § 4)
- D. A person who has been convicted of a felony under any federal or state law, unless the local liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (1995 Code ch. 20 § 4; amd. 2009 Code)
- E. A person who has been convicted of being the keeper or is keeping a house of ill fame.
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- G. A person whose license issued under this chapter has been revoked for cause.
- H. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application. (1995 Code ch. 20 § 4)
- I. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason.
- J. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the village. (1995 Code ch. 20 § 4; amd. 2009 Code)
- K. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required by the licensee.
- L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to the effective date hereof, or shall have forfeited his bond to appear in court to answer charges for any such violation. (1995 Code ch.

0 § 4)

- M. A person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued.
- N. Any law enforcing public official, the mayor of the village, members of the village board of trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, with the manufacture, sale or distribution of any alcoholic liquor. (1995 Code ch. 20 § 4; amd. 2009 Code)
- O. Any person, association or corporation not eligible for a state retail liquor dealer's license.
- P. Any person or corporation having more than a five percent (5%) interest in any other liquor license issued under the terms of this chapter. (1995 Code ch. 20 § 4)

2-2-5: **CLASSIFICATION OF LICENSES; FEES:** Licenses shall be and are hereby divided into six (6) classes, as follows:

- A. Class A License: Class A license, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be one thousand dollars (\$1,000.00). Provided, however, that if said license holder shall elect to make application to remain open on Sunday, as provided in this chapter, then the annual fee for such license shall be one thousand two hundred fifty dollars (\$1,250.00).
- B. Class B License: Class B license, which shall authorize the retail sale on the premises specified of beer containing not more than six percent (6%) of alcohol by weight, and of "wine" as defined in section 2-2-1 of this chapter, but not for consumption on the premises where sold. The annual fee for such license shall be four hundred dollars (\$400.00). Provided, however, that if said license holder shall elect to remain open on Sunday, as provided in this chapter, the annual fee shall be five hundred dollars (\$500.00).
- C. Class C License: Class C license, which shall authorize the retail sale of alcoholic liquor on the premises specified, but not for consumption on the

premises where sold. The annual fee for such license shall be six hundred dollars (\$600.00). Provided, however, that if said license holder shall elect to remain open on Sunday, as provided in this chapter, the annual fee shall be seven hundred fifty dollars (\$750.00).

- D. Class D License: Class D license, which shall authorize the retail sale of alcoholic liquor by "clubs" as defined in section 2-2-1 of this chapter for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be six hundred dollars (\$600.00). Provided, however, that said license holder shall be restricted to the following: From April 15 to October 15 of each year, said license holder shall be subject to the closing hours as set out in subsection 2-2-11A of this chapter; from October 15 to April 15 of each year, said license holder shall only be allowed to be open one day each month, which hours shall be governed by subsection 2-2-11A of this chapter. (Ord., 3-29-2004)
- E. Class E License: Class E license, which shall authorize the retail sale of alcoholic liquor for consumption on the premises only for a period of twenty four (24) hours or less.
 - 1. The class E license shall only apply to not for profit applicants and purposes.
 - 2. No person may obtain a class E license more than three (3) times in a period of three hundred sixty five (365) days.
 - 3. No more than two (2) class E licenses shall be issued per twenty four (24) hour period by the village. (1995 Code ch. 20 § 5)
 - 4. The applicant shall provide proof of obtaining a special event permit from the state liquor control commission before the issuance of a class E license. The fee for said license shall be fifty dollars (\$50.00) per applicant per year.
 - 5. Applicant shall provide evidence of proper dramshop insurance issued by a company with a B+ rating or better, in a class of 7 or better. Said insurance policy shall be nonassignable and shall include the following minimum limits of coverage: bodily injury per person, one hundred thousand dollars (\$100,000.00); bodily injury per occurrence, three hundred thousand dollars (\$300,000.00); and property damage, one

hundred thousand dollars (\$100,000.00).

6. There shall be a minimum of five (5) liquor supervisors for every one hundred (100) persons in attendance during the hours of the license. The liquor supervisors shall be members of the organization holding the license. The liquor supervisors shall ensure the maintenance of public peace. Each liquor supervisor shall wear an identifying badge, provided by the village, during the hours of the event. All badges shall be returned to the village within seventy two (72) hours after the closing hour of the event.

7. All applications for a class E license for an outdoor location shall be accompanied by a statement outlining the procedures to be used to contain the consumption of liquor on the licensed premises only, control littering, and provide adequate restroom facilities. (1995 Code ch. 20 § 5)

- F. Class F License: Class F License, also known as a BYOB license, shall authorize a licensee to permit customers who are over twenty-one (21) years of age to bring their own alcoholic beverages in their original unopened, sealed containers, for their own consumption on the premises. A Class F licensee may not engage in the sale or service of alcoholic beverages. (Ord. 2018-08-27(B), 8-27-2018)

2-2-6: PRORATING AND DISPOSITION OF FEES:

- A. Prorating Fee: Except for the fee payable for a class E license, the fee to be paid shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of the license. (1995 Code ch. 20 § 6)
- B. Disposition Of Fees: All license fees shall be paid to the mayor at the time the application is made, and shall be forthwith turned over the village treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the village board of trustees by proper action. (1995 Code ch. 20 § 7)

2-2-7: BOND REQUIREMENTS: Every applicant for a retail liquor dealer's license shall file with his application to the mayor, a bond executed to the village in the penal sum of five hundred dollars (\$500.00) for a class A license and two hundred fifty dollars (\$250.00) for a class B or class C license, signed by at least two (2) good and sufficient sureties, freeholders of the county,

which bond shall be approved by the mayor before a license is issued; said bond conditioned that the licensee will pay to the village all fines and costs recorded against said licensee under the provisions of this chapter and any and all of the ordinances regulating the sale of alcoholic liquors now in force, or which may hereafter be enforced, on account of any act done by the licensee in violation of any such ordinance or ordinances during the time for which said license shall be granted. (1995 Code ch. 20 § 20)

2-2-8: **NUMBER OF LICENSES:** The number of licenses authorized to be issued in each classification is as follows:

Class	Number
A	unlimited
B	unlimited
C	unlimited
D	unlimited

(1995 Code ch. 20 § 10; amd. Ord. 2016-09-26, 9-26-2016)

2-2-9: **NONTRANSFERABILITY OF LICENSE:** A license shall be purely a personal privilege good for not to exceed one year after issuance unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that the executors or administrators of the estate of any deceased licensee, or the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, or may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration such license, but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section. (1995 Code ch. 20 § 9)

2-2-10: **RENEWAL OF LICENSE:** Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which said renewal license is sought is suitable for such purpose, and provided further, that the renewal privileges herein provided for shall not be construed as a vested right, which shall prevent the board of trustees from decreasing the number of licenses to be issued within its jurisdiction. (1995 Code ch. 20 § 9)

2-2-11: DAYS AND HOURS OF SALES:

A. Days And Hours Specified:

1. Except as herein provided, all persons, corporations or designated agencies operating under class A, B, or C licenses, as set forth in this chapter, shall close the premises and be prohibited from selling or offering for sale at retail alcoholic liquors between the following hours:

1:00 A.M. through 5:00 A.M.

These prohibited hours shall be in effect each day of the week, except for those licensees who have not paid the additional license fee to operate on Sundays. Such licensees are further prohibited from selling or offering for sale at retail alcoholic liquors between 1:00 A.M. Sunday through 5:00 A.M. Monday.

2. On holidays and special celebrations, the liquor commissioner may, with the consent of the majority of the village board of trustees, grant additional operating hours. (1995 Code ch. 20 § 18; amd. Ord. 2015-04-27, 4-27-2015)

B. Election Days: It shall be lawful to sell at retail alcoholic liquor on the day of any national, state, county, or village election, including primary elections, during the hours the polls are open within the political area in which such election is being held. Provided, however, that said hours of sale shall be limited by subsection A of this section. (1995 Code ch. 20 § 18)

2-2-12: LOCATION RESTRICTED:

A. Fire Zone; Zoning: No liquor license shall be issued to any person, firm or corporation for the sale of alcoholic liquors on the premises of any place

which is not located within the area or the territory designated by the village board of trustees as the fire zone² or in any area not specifically permitted by the village zoning ordinance. (1995 Code ch. 20 § 11; amd. 2009 Code)

B. Sales Near Churches, Schools And Hospitals:

1. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where the church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

2. Nothing in this subsection shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods prepared on the premises if: a) the restaurant is newly constructed and located on a lot of not less than ten thousand (10,000) square feet; b) the restaurant costs at least one million dollars (\$1,000,000.00) to construct; c) the licensee is the titleholder to the premises and resides on the premises; and d) the construction of the restaurant is completed within eighteen (18) months of the effective date of the 1998 amendatory act of 235 Illinois Compiled Statutes.

3. Nothing in this subsection shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if: a) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food, and the applicant is a completely new owner of the restaurant; b) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the twenty four

2. See subsection 8-2-2A of this code.

(24) months before the change of ownership; and c) the restaurant is located seventy five (75) or more feet from a school. (2009 Code)

2-2-13: **DANCING PERMITTED:** Dancing shall be permitted in any licensed premises with or without supervision. (1995 Code ch. 20 § 15)

2-2-14: **MINORS:**

A. Presence On Premises:

1. It shall be unlawful for any person under the age of twenty one (21) years, not accompanied by his parent or legal guardian, to enter or remain upon any licensed premises where the primary business of the licensed holder is for the sale of alcohol for consumption on the premises or for carry out.

2. It shall be unlawful for any licensee to allow any person under the age of twenty one (21) years, not accompanied by his parent or a legal guardian, to enter or remain upon any premises licensed for the sale of alcoholic liquor. However, a person under the age of twenty one (21) years, who is accompanied by his parent or legal guardian may be allowed to enter or remain on any licensed premises selling food before 9:00 p.m. in an area more than 10 feet from bar.

B. Purchase, Acceptance By: It shall be unlawful for any person under the age of twenty one (21) years to accept or purchase alcoholic liquor.

C. Sales, Providing To: It shall be unlawful for any person to sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years.

D. Employment: It shall be unlawful for any person under the age of twenty one (21) years to sell, give or deliver alcoholic liquor in his course of employment. (1995 Code ch. 20 § 17)

2-2-15: **PROHIBITED CONDUCT:**

A. Peddling Prohibited: It shall be unlawful to peddle alcoholic liquor in the village.

- B. **Gambling Prohibited:** Except as provided by Illinois statutes, no gambling device shall be kept or used for the purpose of gambling in any place of business for which a license to sell alcoholic liquor has been issued, and no gambling (except as permitted by statute) shall be permitted in said place of business. (1995 Code ch. 20 § 16; amd. 2009 Code)
- C. **Other Conduct Prohibited:** In addition to all other acts prohibited by the Liquor Control Act of 1934 which are cause for revocation or suspension, the following conduct is prohibited in any place of business for which a license under this chapter 2 has been issued:
1. The actual or simulated displaying of an individual's anus, genitals, pubic hair, breasts, or buttocks;
 2. The act or simulated touching, caressing, or fondling of an individual's breast, buttocks, anus, genitals, or pubic hair;
 3. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts;
 4. The displaying of moving pictures or photographic slide presentations depicting acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act; and
 5. The permitting of any act to be performed which is contrary to any state, federal, or local criminal or quasi-criminal law. (Ord. 2018-08-27(B), 8-27-2018)

2-2-16: **CLASS B AND CLASS C LICENSE RESTRICTIONS:** It shall be unlawful for the holder of a class B or a class C license to permit alcoholic liquor to be consumed on the premises operated by him. (1995 Code ch. 20 § 14)

2-2-17: **REVOCATION OF LICENSE:** The mayor may revoke any retail liquor dealer's license for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of liquor. (1995 Code ch. 20 § 21)

2-2-18: **RECORD OF LICENSES:** The mayor shall keep or cause to be kept a complete record of all alcoholic liquor licenses issued by him, and shall furnish the clerk, the treasurer and the county sheriff each with a copy thereof.

Upon the issuance of any new license or the revocation of any old license, the mayor shall give written notice of such action to each of these officers within forty eight (48) hours of such action. (1995 Code ch. 20 § 8; amd. 2009 Code)

2-2-19: **PENALTY:** Any person, firm or corporation violating any of the provisions of this chapter shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1995 Code ch. 20 § 23; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

CHAPTER 3

AMUSEMENTS AND AMUSEMENT DEVICES

SECTION:

- 2-3-1: Definitions
- 2-3-2: License Required
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- 2-3-5: Grant, Denial, Issuance Of License
- 2-3-6: Display Of License
- 2-3-7: Days And Hours Of Closure
- 2-3-8: Gambling Prohibited
- 2-3-9: Penalties

2-3-1: **DEFINITIONS:**

PINBALL GAME: A game played with any number of balls or spheres upon a table or board having holes, pockets or cups into which such balls or spheres may drop or become lodged and having arches, pins and springs, or any of them, to control, deflect or impede the direction or speed of the balls or spheres put in motion by the player and shall include the modern variety of bagatelle or pigeonhole commonly known as "pinball game".

PLACE OF PUBLIC RESORT: Any premises wherein any service or merchandise is offered for sale to the public or where tables or implements of any kind for playing any game of amusement are kept for gain or profit, or any premises used as a clubhouse, or clubrooms, whether the same is maintained for profit or not. (1995 Code ch. 21 §§ 1.01, 1.02)

2-3-2: **LICENSE REQUIRED:** It shall be unlawful for any person to operate within the village a billiard table, pool table, shooting gallery, pinball machine or game, maintenance bowling machine, electronic amusement machine, shuffleboard game (whether electronic or otherwise), or any other amusement device or machine, either for gain or not, in any place of public resort without a license therefor. (1995 Code ch. 21 § 1; amd. 2009 Code)

2-3-3: **APPLICATION FOR LICENSE:** Application for license for any game or machine listed in section 2-3-2 of this chapter shall be made to the village clerk, signed by the applicant, if an individual; by a partner in the case of a partnership; or by an officer in case of a corporation, verified by oath or affidavit, and shall contain the following information:

- A. The name, address, age and date and place of birth of the applicant.
- B. Prior convictions of the applicant for any violation of the gaming laws of the state of Illinois or any other state, if any.
- C. Place where machine or device is to be displayed or operated and the business conducted at the place.
- D. Description of machine to be covered by the license, mechanical features, name of manufacturer and serial number.
- E. Whether said machine is owned by the applicant, and if not, the name of the owner thereof. (1995 Code ch. 21 § 2)

2-3-4: **LICENSE FEE:** The fee for licenses for pinball machines, pool tables, billiard tables, maintenance bowling machines, electronic amusement machines, shuffleboard games (whether electronic or otherwise), or any other amusement device or machine shall be thirty five dollars (\$35.00) per year for each device or machine (or in the case of gambling devices permitted by Illinois Statutes, the maximum amount that can be charged on an annual basis for such devices). (Ord., 3-29-2004)

2-3-5: **GRANT, DENIAL, ISSUANCE OF LICENSE:** The application shall be referred to the village board who shall grant or deny the license pursuant to this chapter within thirty (30) days of the application. Upon approval

by the village board, licenses shall be issued by the village clerk. (1995 Code ch. 21 § 2)

2-3-6: **DISPLAY OF LICENSE:** The license or licenses herein provided for shall be posted prominently and conspicuously at the location of the game or machine in the premises wherein the device is to be operated or to be maintained to be operated. (1995 Code ch. 21 § 2)

2-3-7: **DAYS AND HOURS OF CLOSURE:** All billiard rooms, billiard halls, poolrooms, bowling or tenpin alleys, or places of public resort having pinball machines or devices or any other game as set forth in this chapter shall be kept closed on Sunday. They shall be closed at twelve o'clock (12:00) midnight each day and be kept closed until ten o'clock (10:00) A.M. of the following day. (1995 Code ch. 21 § 3)

2-3-8: **GAMBLING PROHIBITED:** Except as permitted by Illinois statutes, it shall be unlawful for any person owning, possessing or operating any pinball game or machine, pool table, billiard table, maintenance bowling machine, shuffleboard game (whether electronic or otherwise) or any other amusement device or machine to permit said machine or any scheme whatsoever to dispense any form of payoff, prize, or reward, except free games dispensed by the machine, and nothing in this chapter shall in any way be construed to authorize, license or permit any gambling device whatsoever, or any mechanism which has been judicially determined to be a gambling device, or in any way contrary to the laws of the state. (1995 Code ch. 21 § 2)

Nothing in this paragraph is intended to or shall prohibit exercise of rights and privileges given under the video gaming laws in the State of Illinois, 230 ILCS 40 et seq.

2-3-9: **PENALTIES:** Any person, firm, or corporation violating any of the provisions of this chapter shall be fined as provided in section 1-4-1 of this code for each offense. Each day that any person, firm, or corporation violates this chapter shall be deemed a separate and distinct violation. Nothing herein contained shall preclude the village from instituting any action, either legal or equitable, against any person, firm or corporation violating any provisions of this chapter. (1995 Code ch. 21 § 4; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

CHAPTER 4

PEDDLERS, SOLICITORS AND HAWKERS

SECTION:

2-4-1:	Definitions
2-4-2:	License Required
2-4-3:	Fees for License
2-4-4:	Application
2-4-5:	Exemptions
2-4-6:	Issuance of Denial
2-4-7:	Permit and Identification and Display
2-4-8:	Time Limit on Operation of Peddler in One Location
2-4-9:	Restricting Peddling (Vending) Near Public Elementary or Middle School
2-4-10:	Fraud
2-4-11:	Penalty

2-4-1: **DEFINITIONS:** When used in this chapter, the following words and terms shall have the following meanings ascribed to them in this section:

SOLICITOR: Any person who engages in the business of going from house to house, place to place, in or along the streets, within the village selling or taking orders for or offering to sell or take orders for goods, wares, or merchandise or other things of value for future delivery or for services to be performed in the future.

SOLICITING: Any one (1) or more of the following activities conducted on any part of residential property regardless of the method used, including the leaving or

placing of advertising materials anywhere thereon, including the parkway between the sidewalk and road or street thereof: Seeking to obtain order for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration; Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project; Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication; or Going upon any premises and ringing the door bell, knocking upon or near any door, or creating any sound in any manner that is calculated to attract the attention of an occupant or owner for the purpose of engaging in any of the activities described above in this definition of solicitation.

PEDDLERS:

Any person who sells and makes immediate delivery or offers for sale and immediate delivery any goods, wares, merchandise, or thing in the possession of the seller at any place in the village other than a fixed place of business, but shall not include salesmen or agents for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies.

HAWKER:

A hawker under this ordinance shall be deemed and construed to mean and include any person or persons, firm or corporation, either principal or agent, employer or employee who engages in a temporary business in the village by selling or offering

for sale goods, wares, merchandise, or things or articles of value for a period of not more than one hundred ninety days and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure, or stand or trailer on any real property or on any adjoining street or public place in the village. The person, firm, or corporation so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by reason of conducting such temporary business in connection with or as a part of any local business or in the name of any local dealer, trader, merchant, or auctioneer. (1995 Code ch. 22 § 1.01; amd. 2009 Code; amd. Ord. 2019-02-25)

2-4-2: **LICENSE REQUIRED:** As a condition of engaging in any act of soliciting, peddling, or hawking within the corporate limits of the village, every peddler, solicitor, and/or hawker as defined herein, unless exempt, shall apply for and possess a valid solicitor's license which shall be carried and prominently displayed on the front of his or her person, uncovered by any article of clothing, so as to be fully visible at all times to any onlooker: said solicitor, peddler, or hawker shall also pay an annual fee. An exempt solicitor, peddler, or hawker is not required to apply for, possess, carry, or display a solicitor's license.. (1995 Code ch. 22 § 1; amd. Ord. 2019-02-25)

2-4-3: **FEES FOR LICENSE:** Fees for licenses under the provisions of this article shall be Twenty-five dollars (\$25.00) for a one-year license to be paid to the village clerk for the use of the village. (Ord. 2019-02-25)

2-4-4: **APPLICATION:** Any interested person desiring such a license required by this chapter shall make application with the village clerk at least thirty (30) days prior to the proposed date of conducting the business activity. The application must set forth:

- A. The name and address of the company or firm for which orders are to be secured;
- B. The number of vehicles, if any, to be operated;
- C. The name and address of the nearest local or state manager;
- D. The kind of goods, wares, or merchandise to be delivered;
- E. The name of the manufacturer, maker, or distributor of said merchandise;
- F. The place from which the same are to be shipped or forwarded;
- G. The method of solicitation or of taking orders;
- H. The location of any warehouse, factory, or plant within the state and the method of delivery;
- I. The name and permanent residence address of the applicant;
- J. The number and names of the employees of the solicitor or hawker to be engaged within the village;
- K. Such other information as the village clerk may deem necessary; and
- L. A statement certifying the correctness of the information given on the application. (1995 Code ch. 22 § 2; Ord. 2019-02-25)

2-4-5: **EXEMPTIONS:** The following persons are exempt from the requirements of this chapter:

- A. A person age seventeen (17) and under, who is participating in fundraising programs for, or sponsored by a public or private elementary or high school or bona fide children's or youth organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports.
- B. A person engaged in soliciting for activities whose purpose is religious, political, civic, charitable, scientific, or educational and which neither directly nor indirectly relate to or involve in any fashion the seeking of funds or the sale and promotion of any goods or services, as more fully set forth in the definition of soliciting in this section. (Ord. 2019-02-25)

2-4-6: **ISSUANCE OR DENIAL:** If all requirements of this chapter are adhered to and the results of the background check are acceptable to the mayor, the village clerk shall issue such license. If any or all requirements have not been met, or the mayor is not satisfied with the results of the background check, the license shall not issue. (Ord. 2019-02-25)

2-4-7: **PERMIT AND IDENTIFICATION AND DISPLAY:** Any peddler, solicitor, or hawker being duly licensed according to the provisions of this chapter shall carry on his person at all times while operating in the village, a solicitor's permit as furnished by the village clerk. This permit shall serve as a notice to the public that such solicitor is duly licensed by the village and has the necessary approval of the village clerk.

This section is for the purpose of regulating peddlers, solicitors, and hawkers under the police powers of the village to preserve the peace and general welfare of the community and is not for the purpose of revenue, as is the case in the collection of license fees provided for elsewhere in the village code.

Failure to display the same to any authorized law enforcement officer may be grounds for suspension or revocation of such permit. (Ord. 2019-02-25)

2-4-8: **TIME LIMIT ON OPERATION OF PEDDLER IN ONE LOCATION:** A peddler may operate in one general location for no longer than thirty minutes. (Ord. 2019-02-25)

2-4-9: **RESTRICTING PEDDLING (VENDING) NEAR PUBLIC ELEMENTARY OF MIDDLE SCHOOLS:** A person operating a vehicle, cart, trailer, or other device that is distributing or selling food, services, or merchandise shall not stop, stand, or park on any street within three hundred feet (300') of the property line of any public elementary or middle school on days when school is in session. (Ord. 2019-02-25)

2-4-10: **FRAUD:** Any licensed solicitor, peddler, or hawker who shall be guilty of any fraud, cheating, or misrepresentation, whether through himself or through an employee, while acting as a solicitor in the village, or who shall barter, sell, or peddle any goods, merchandise, or wares, other than those

specified in his application for a license, shall be fined as provided in section 1-4-1 of this code for each offense, and the mayor may revoke the license for such offense. (1995 Code ch. 22 § 4; amd. Ord. 2001-3, 7-23-2001; 2009 Code); amd. Ord. 2019-02-25)

2-4-11: **PENALTY:** Any person, firm, or corporation violating any provision of this chapter shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.. (1995 Code ch. 22 § 5; amd. Ord. 2001-3, 7-23-2001; 2009 Code; amd. Ord. 2019-02-25)

CHAPTER 5

ANIMAL SLAUGHTERING AND RELATED BUSINESSES

SECTION:

2-5-1: Location Restricted

2-5-2: Nuisance Declared; Penalty

2-5-1: **LOCATION RESTRICTED:** It shall be unlawful for any person, firm or corporation to erect or operate any slaughterhouse, bone factory, or rendering works within the corporate limits of the village, unless such slaughterhouse, bone factory or rendering works shall be located at least one thousand five hundred feet (1,500') distant from any dwelling house, school, church or other public building. (1995 Code ch. 29 § 1; amd. 2009 Code)

2-5-2: **NUISANCE DECLARED; PENALTY:** Whoever shall build or operate any slaughterhouse, bone factory, or rendering works within the corporate limits of the village in violation of this chapter shall be deemed guilty of creating a nuisance and, upon conviction, shall be fined as provided in section 1-4-1 of this code. Each day that any person, firm or corporation shall operate any slaughterhouse, bone factory or rendering works in violation of this chapter shall be deemed a separate and distinct offense. (1995 Code ch. 29 §§ 2, 3; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

CHAPTER 6

CANNABIS BUSINESS REGULATIONS

SECTION:

2-6-1: Registration

2-6-2: Regulations

2-6-1: **REGISTRATION:**

- A. It shall be unlawful for any person to operate a dispensary within the boundaries of the Village of Shabbona without having first registered with the Village Clerk and submitting the following information:
1. Name and address of all persons owning more than fifty percent (50%) of the dispensing organization;
 2. Location of operation;
 3. Hours of operation; and
 4. A copy of the license issued by the Illinois Department of Financial and Professional Registration. (Ord. 2019-10-28(B), 10-28-2019)

2-6-2: **REGULATIONS:**

- A. It shall be unlawful to locate a dispensary within fifteen hundred feet (1,500') of another dispensary.
- B. It shall be unlawful to operate a dispensary between the hours of 10:00 P.M. and 6:00 A.M.
- C. It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:

1. Within one thousand feet (1,000') of the perimeter of school grounds, a playground, a recreation center or facility, a childcare center, a public park or public library, or a game arcade where admission is not restricted to persons twenty-one (21) years of age or older;
2. In or on a public transit vehicle or public transit shelter; or
3. On publicly owned or publicly operated property. (Ord. 2019-10-28(B), 10-28-2019)

CHAPTER 7

BED AND BREAKFAST ESTABLISHMENTS

SECTION:

- 2-7-1: Name
- 2-7-2: Definitions
- 2-7-3: Power of Corporate Authorities
- 2-7-4: Business License
- 2-7-5: Minimum Standards
- 2-7-6: Soap, Towels, and Linens
- 2-7-7: Fire Safety
- 2-7-8: Proof of Insurance
- 2-7-9: Taxes

2-7-1: **NAME:** This Ordinance shall be known and may be cited as the, "Village of Shabbona Bed and Breakfast Ordinance." (Ord. 2020-01-27(C), 01-27-2020)

2-7-2: **DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this Chapter.

**BED AND BREAKFAST
ESTABLISHMENT:**

An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding rooms, or food service establishments.

OPERATOR: The owner of the bed and breakfast establishment, or the owner's agent, who is required by this Chapter to reside in the bed and breakfast establishment, or on contiguous property.

GUEST ROOM: A sleeping room intended to serve no more than two (2) transient guests per night. (Ord. 2020-01-27(C), 01-27-2020)

2-7-3: POWER OF CORPORATE AUTHORITIES:

- A. Provide for the regulation, safe operation, licensing, and inspection of bed and breakfast establishments.
- B. Provide for examination and regulation of bed and breakfast establishment operators.
- C. Designate and use full-time municipal, district, county, or multi-county health departments and local fire departments as agents.

However, the powers granted to the corporate authorities of counties by this Chapter shall apply to unincorporated areas within the county. (Ord. 2020-01-27(C), 01-27-2020)

2-7-4: BUSINESS LICENSE: A business license will be issued by the village for initial occupancy. The fee for the initial license shall be \$1,000.00. The village building inspector, on behalf of the village, shall annually inspect the establishment at the owner's expense, the owner shall renew their business license with the village annually for a fee of \$100.00. (Ord. 2020-01-27(C), 01-27-2020)

2-7-5: MINIMUM STANDARDS: Bed and breakfast establishments which serve breakfast shall comply with the following minimum standards:

- A. Food shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. Containers of food shall be stored above the floor, on clean racks, shelves, or other clean

surfaces in such a 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 foods shall be maintained at safe temperatures of 45 degrees F, or below, or 140 degrees F, or above, as appropriate, except during the necessary periods of preparation and serving. Frozen food 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 local health department. An indicating thermometer shall be located in each refrigerator. Raw fruits 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.

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 conduct. 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 areas.

- C. No guest parking is permitted on village streets. All parking for the establishment shall be on-site.
- D. The owner must live on-site.
- E. No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.
- F. If the bed and breakfast operator suspects that any employee, family member of the operator himself or herself has a communicable disease, the operator shall notify the local health department immediately.
- G. All operators shall be certified. Certification shall be achieved by successfully completing an examination by the local health department as described in the current edition of the State of Illinois Food Service Sanitation Rules and Regulations.

- H. Persons preparing or serving 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 wash often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.
- I. No one, while preparing or serving food, may use tobacco in any form.
- J. Utensils shall be kept clean and in good repair.
- K. Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for operations of washing, rinsing, and sanitizing shall be provided.
- L. Pots, pans, and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces or equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces or equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.
- M. Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.
- N. Immediately following either manual or mechanical washing of eating or drinking utensils, and pots and 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 concentration tested and approved by the local health department. Dishpans may be used to accomplish the final sanitizing rinse.
- O. The reuse of single-service utensils is prohibited (Ord. 2020-01-27(C), 01-27-2020)

2-7-6: **SOAP, TOWELS, AND LINENS:** Each person who is provided accommodations shall be provided individual soap and clean individual bath clothes and towels. Clean bed linens 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. (Ord. 2020-01-27(C), 01-27-2020)

2-7-7: FIRE SAFETY: Bed and breakfast establishments shall meet the State Fire Marshall's requirements for one and two-family dwellings. In addition, the following standards shall be required:

- A. Manual 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. No combustibles storage in or under stairways.
- C. All trash containers shall be metal.
- D. No cooking facilities shall be permitted in guest rooms.
- E. All hallways and stairways shall be adequately lighted.
- F. No portable heating devices shall be permitted in guest rooms.
- G. The operator shall submit floor plans of the bed and breakfast establishment to the local fire department.
- H. Smoke detectors and carbon monoxide detectors shall be provided in each guest room. (Ord. 2020-01-27(C), 01-27-2020)

2-7-8: PROOF OF INSURANCE: The bed and breakfast establishment shall provide proof of adequate liability insurance as required by the licensing agency. (Ord. 2020-01-27(C), 01-27-2020)

2-7-9: TAXES: The bed and breakfast establishment shall fulfill the requirements of the Illinois Department of Revenue, including the payment of any applicable hotel taxes. (Ord. 2020-01-27(C), 01-27-2020)

CHAPTER 8

MOBILE FOOD VENDORS

SECTION:

- 2-8-1: Definitions
- 2-8-2: Permit Required
- 2-8-3: Application for Permit; Fee
- 2-8-4: Requirements
- 2-8-5: Investigation of Applicant
- 2-8-6: Issuance or Denial of Permit
- 2-8-7: Expiration of Permit; Renewal
- 2-8-8: Revocation of Permit
- 2-8-9: Appeals
- 2-8-10: Constitutional Guarantees

2-8-1: **DEFINITIONS:**

For the purpose of this chapter, the following words and terms are hereby defined:

- | | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FIXED POINT: | The location of a mobile food vending operation that is the primary place from which the business will operate within the Village of Shabbona. |
| MOBILE FOOD VENDOR: | A food vending operation that prepares/serves food from a permitted vehicle, trailer, or cart. |
| SPECIAL EVENT: | For the purposes of mobile food vending, a special event shall mean a temporary operation and location, as part of an event or gathering such as fundraisers, company picnics, block parties, weddings, etc. (Ord. 2021-09-27(A), 09-27-2021) |

2-8-2: PERMIT REQUIRED: It shall be unlawful for a mobile food vendor as defined in Section 2-8-1 of this chapter, to engage in such business within the Village without first obtaining a permit in compliance with the provisions of this chapter.

A violation of this section shall be subject to penalty as provided in Section 1-4-1 of this code. (Ord. 2021-09-27(A), 09-27-2021)

2-8-3: APPLICATION FOR PERMIT; FEE:

A. Application: Every mobile food vendor shall, prior to engaging in such activity, make application to the Village Clerk's office for a mobile food vendor permit with the following information:

1. Name, address, and Federal Employer Identification Number of the business;
2. A brief description of the nature of the business;
3. Name and address of applicant;
4. The length of time and the hours of operation the applicant wishes to be engaged in such activity (Special Event Permit or Fixed Point Mobile Food Vendor Permit);
5. A description of the vehicle, trailer, or cart including any license plate number or other means of identification;
6. A drawing depicting the location of the vehicle, trailer, or cart.
7. The names of at least two (2) reliable residents of the Village who will certify as to the applicant's good character and business responsibility, evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility; and
8. A statement of whether the applicant has ever been convicted of a felony and if so, what, when, and where.

- B. Fee: At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider shall be delivered to the Village Clerk payable to the Village or the investigation service provider, as the case may be, at the time the license application is submitted to cover the cost of investigation.

Further, at the same time of filing the application, the following fees shall be paid to the Village by the applicant:

1. Special Event Mobile Food Vendor Permit: \$50/annually
 2. Fixed Point Mobile Food Vendor Permit: \$50/month or \$250/annually
- C. Felony Conviction Or False Information: It shall be unlawful for any person to engage as a mobile food vendor within the Village if any of the information furnished by the applicant, as required by this chapter, which is material to his character and responsibility or to the activity he proposed to engage in, has been falsely stated or is adverse to his character, or if he has been convicted of a felony in the past five (5) years. (Ord. 2021-09-27(A), 09-27-2021)

2-8-4: **REQUIREMENTS:**

- A. Special Event Mobile Food Vendors:

Permits for the operation of special event mobile food vending will be reviewed on a case-by-case basis with an emphasis on public safety.

All mobile food vendors for special events shall possess a permit as defined in section 2-8-2 and remain in good standing with the Village.

- B. Fixed Point Mobile Food Vendors:

Fixed point mobile food vendors are permitted in C-1 Central Business District, C-2 General Business District, and I Industrial District, provided the location meets the following:

1. Each vendor must receive written authorization from the property owner on the form provided by the Village.

2. The location cannot be within two hundred fifty feet (250') from the property line of any other permanent prepared food service vendor. This provision may be waived in writing by the impacted business(es).

3. The entire vehicle, trailer, or cart must comply with all setback requirements for the zoning district in which the mobile food vending operation will occur. A minimum twenty-five feet (25') setback is required for any zoning classification if the required setbacks are less. The location of mobile food vending operations and equipment shall be entirely at or behind the front plane of any building or structure related to the primary use of the property. An exception will be made to allow mobile food vendors to operate beyond the front plane of the building when a business or property has more than one hundred (100) parking stalls (subject to staff review).

4. A minimum of five (5) dedicated parking spaces beyond those required for the primary business are required.

5. Fixed point mobile food vendors shall not operate before ten o'clock (10:00) a.m. or after nine o'clock (9:00) p.m. No vehicle, trailer, or equipment related to mobile food vending operations shall be on the property from ten o'clock (10:00) p.m. to nine o'clock (9:00) a.m.

6. Fixed point mobile food vendors shall only be permitted to operate from May 1st through the second to last full weekend in October.

7. A drawing to scale depicting the location of any vehicles or equipment used in the mobile food vending operation, including compliance with setbacks and dedicated parking spaces is required to be submitted with the application for a fixed point mobile food vendor permit.

C. General Requirements:

Signs: No free-standing signage, flags, banners, etc. shall be allowed.

Public Health and Safety: All mobile food vendors shall meet public safety requirements, including health, sanitation, and fire and life safety requirements. Food may only be dispensed from a properly sanitized conveyance licensed by the DeKalb County Public Health Department. Applicants shall demonstrate proof of valid Food Safety permit from the DeKalb County Health Department and comply with all required regulations during the duration of the Village's permit. Failure to maintain a Food Safety permit from the DeKalb County Health Department will result in an

immediate termination of the Village's mobile food vendor permit.

Requirements for fire and life safety shall generally be the same as those applied to other restaurants within the Village. Additionally, mobile food vendors preparing food on-site shall conform with NFPA standards for "Mobile and Temporary Cooking Operations" (NFPA 1: Fire Code, Ch. 50.7 & Annex "B") and standards for "Ventilation Control and Fire Protection of Commercial Cooking Operations" (NFPA 96) and ensure gas or fuels are separated from the cooking/serving area and smoke and carbon monoxide detectors are installed.

Any vehicle over 8,000 lbs. and trailers with a gross weight over 5,000 lbs. shall obtain an Illinois Department of Transportation Certificate of Safety. Safety inspections are required every six months. Garages or service stations licensed by the Illinois Department of Transportation (IDOT) may conduct safety inspections.

Sight-triangle: Vehicles and equipment shall be arranged so as not to limit a driver's visibility.

Advertisement by Loud Noises: No peddler, solicitor, or itinerant merchant shall carry on his trade by means of loud outcries or other noises that unreasonably alarm residents of the Village.

Sanitization: Mobile food vendors shall have access to a toilet with hand sanitization, within three hundred feet (300') of the portable vending operation, at all hours that the facility is open for business.

Waste: Mobile food vendors shall provide a stable waste receptacle that is emptied and maintained on a regular basis.

Electricity: If any power is required, it shall be protected with ground fault circuit interrupters and be provided through a properly sized, UL approved card that is safely installed. (Ord. 2021-09-27(A), 09-27-2021)

2-8-5: **INVESTIGATION OF APPLICANT:**

A. Verification of Information:

The Village Clerk shall promptly submit the complete application to the DeKalb County Sheriff's Office for verification. The DeKalb County

Sheriff's Department shall complete the verification and investigation in no more than forty-five (45) days. Ord. 2021-09-27(A), 09-27-2021)

2-8-6: ISSUANCE OR DENIAL OF PERMIT:

A. Submittal to Clerk:

1. All such applications, upon being processed by the DeKalb County Sheriff's Department, shall be submitted to the Village Clerk with a determination as to whether or not all requirements of this chapter have been met.

2. If the applicant does not satisfactorily meet any of the above requirements or background verification, no permit should be issued. If the above requirements are satisfactorily met, then a permit shall be issued.

B. Contents of Permit; Transferability:

1. The permit herein required shall express the time the mobile food vendor is permitted to operate and continue, the name of the person and the article, identification of a vehicle, if any, and whether said permittee will pass from place to place or remain at a fixed point or place within the Village.

2. Permits shall not be assignable or transferable and shall be identified as a "mobile food vendor permit," specifying "special event" or "fixed point" with an identifying number and date of purchase.

3. Each registrant shall affix his signature to the "mobile food vendor permit" as required by this section. (Ord. 2021-09-27(A), 09-27-2021)

2-8-7: EXPIRATION OF PERMIT; RENEWAL:

A. Term; Expiration: Special event mobile food vendor permits shall be granted for one-year for the period of May 1 to April 30 and fixed-point mobile food vendor permits shall be for the period requested within the requirements outlined in Section 2-8-4, above. (Ord. 2021-09-27(A), 09-27-2021)

2-8-8: REVOCATION OF PERMIT:

- A. Cause for Revocation: The permits issued pursuant to this chapter may be revoked, after notice, for any of the following causes:
1. Any fraud, misrepresentation, or false statement contained in the application for permit.
 2. Any violation of this chapter.
 3. Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude. (Ord. 2021-09-27(A), 09-27-2021)

2-8-9: APPEALS:

- A. Any person aggrieved by the decision of the Village Clerk regarding the denial of application for a permit as provided in Section 2-8-6 of this chapter or in connection with the revocation of a permit as provided for in Section 2-8-8 of this chapter, shall have the right to appeal to the Village Board of Trustees.
- B. Such appeal shall be taken by filing a written statement setting forth the grounds for the appeal, with the Village Clerk within fourteen (14) days after notice of the decision by the Village Clerk has been mailed to the applicant's last known address.
- C. The Village Board of Trustees shall schedule a hearing on such appeal at the next regular board meeting. Notice of hearing shall be given to such person in the same manner as provided in Section 2-8-8 of this chapter for notice of hearing on revocation. (Ord. 2021-09-27(A), 09-27-2021)

2-8-10: CONSTITUTIONAL GUARANTEES: No provision of this chapter shall be construed so as to deprive any person of his right of freedom of religion or freedom of speech as guaranteed by the constitution of the state or the constitution of the United States or as any infringement upon businesses engaged in interstate commerce. (Ord. 2021-09-27(A), 09-27-2021)