

TITLE 3
BUSINESS AND LICENSE
REGULATIONS

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CHAPTER 1
LICENSES AND PERMITS

SECTION:

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3-1-1: APPLICATIONS, FORMS AND SIGNATURES:

- A. Applications: Applications for all licenses and permits required by ordinance shall be made in writing to the Village Clerk, in the absence of provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for. (1954 Code, §121)
- B. Forms: Forms for all licenses and permits, and all applications therefor, shall be prepared and kept on file by the Village Clerk. (1954 Code, §123)
- C. Signatures: Each license or permit shall bear the signatures of the Village President and the Village Clerk, in the absence of any provision to the contrary. (1954 Code, §124)

3-1-2: **PERSONS SUBJECT TO LICENSE:** Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person shall be subject to the requirements if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively or performs or attempts to perform any part of such business or occupation in the Village. (1954 Code, §122)

3-1-3: **FEES:** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk. When application for an annual license is made after the expiration of six (6) months of the current license year, the license for the remainder of the year shall be issued upon payment of one-half (½) of the annual fee.

Except as otherwise provided, all license fees shall become a part of the Corporate Fund. (1954 Code, §126)

3-1-4: **TERMINATION OF LICENSES:** All annual licenses shall terminate on the last day of the fiscal year of the Village¹ in which they are issued, where no provision to the contrary is made. (1954 Code, §127)

The Village Clerk shall mail to all licensees of the Village a statement of the time of expiration of the license held by the licensee if an annual one, three (3) weeks prior to the date of such expiration; provided, that a failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from the failure to obtain a new license, or a renewal; nor shall it be a defense in an action for operating without a license. (1954 Code, §127)

3-1-5: **POSTING LICENSE:** It shall be the duty of any person conducting a licensed business in the Village to keep the license posted at all times in a prominent place on the premises used for such business. (1954 Code, §134)

3-1-6: **TRANSFER; CHANGE OF LOCATION:** Licenses issued may be transferred by the original licensee; provided, that written notice thereof is given to the Village ten (10) days before the transfer is made; but no more than one transfer of any license shall be made within any license year. It shall be unlawful, however, to transfer any peddler's, itinerant merchant's or chauffeur's license, and any attempt to transfer of such a license shall have no effect.

1. Fiscal year defined in Section 1-3-2 of this Code, General Definitions.

The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days' notice thereof is given to the Village Clerk, in the absence of any provision to the contrary; provided, that the building, zoning and frontage consent requirements of this Code are complied with. (1954 Code, §129)

3-1-7: INVESTIGATIONS AND INSPECTIONS:

- A. **Duty of Village Officer:** Upon the receipt of an application for a license or permit, where the ordinances of the Village necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer for making such investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. (1954 Code, §125)
- B. **Duty of Licensee:** Whenever inspection of the premises used for or in connection with the operation of a licensed business or occupation is provided for or required by ordinance, or is reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making such inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.
- Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the Municipality whose business is governed by such provision, to give to any authorized officer or employee of the Municipality requesting the same sufficient samples of such material or commodity for such analysis upon request.
- C. **Refusal of Licensee to Cooperate:** In addition to any other penalty which may be provided, the Board of Trustees may revoke the license of any licensed proprietor or any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection, or take such sample to make the inspection, or take an adequate sample of the desired commodity, or who interferes with the officer or employee while in the performance of his duty in making such inspection. No license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises,

- C) in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample. (1954 Code, §132)

3-1-8: **BUILDING AND PREMISES:** No license shall be issued for the conduct of any business and no permit for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the ordinances of the Village. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance. (1954 Code, §128)

3-1-9: **FRONTAGE CONSENTS:** Whenever the consent of adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consents must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the Village Clerk, when signed.

Consents once given and filed shall not be withdrawn, and such petitions need not be renewed for the continued conduct of the same business whether by the same proprietor or not.

It shall be unlawful to forge any name to such petition, or to falsely represent that the names thereon have been properly placed thereon, if such is not the fact.

Each consent filed shall be accompanied by the affidavit of the person securing the signatures, that each signature appearing thereon was properly secured and written on; and that the petition contains the necessary number of signatures required by ordinance.

The frontage consent requirements contained in this Code shall not be construed to amend or change any zoning ordinance provision of the Village; and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business or the commission of any act, in any location where such structure, building, business or act is prohibited by any zoning ordinance of the Village. (1954 Code, §130)

3-1-10: **NUISANCES:** No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (1954 Code, §131)

3-1-11

3-1-12

3-1-11: **REVOCATION OF LICENSE OR PERMIT:** Any license or permit may be revoked for a limited time by the Board of Trustees at any time during the life of such license or permit for any violation by the licensee or permittee of the Village ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied. Such revocation may be in addition to any fine imposed. (1954 Code, §133)

3-1-12: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §135)

CHAPTER 2

MUNICIPAL OCCUPATION TAXES

SECTION:

- 3-2-1: Municipal Retailers' Occupation Tax
- 3-2-2: Municipal Service Occupation Tax
- 3-2-3: Foreign Fire Insurance Companies

3-2-1: **MUNICIPAL RETAILERS' OCCUPATION TAX:** A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business while this Section is in effect, in accordance with the provisions of section 8-11-1 of the Illinois Municipal Code.

Every such person engaged in such business in the Village shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by section three of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption", approved June 28, 1933, as amended.¹

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month. (Ord. 485, 8-4-69, eff. 10-1-69)

3-2-2: **MUNICIPAL SERVICE OCCUPATION TAX:** A tax is hereby imposed upon all persons engaged in the Municipality in the business of making sales of service at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of section 8-11-5 of the Illinois Municipal Code.

1. S.H.A. ch. 120, §§440 et seq.

3-2-2

3-2-3

Every supplier or serviceman required to account for Municipal service occupation tax for the benefit of the Municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by section nine of the "Service Occupation Tax Act", approved July 10, 1961, as amended.¹

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. 486, 8-4-69, eff. 10-1-69)

3-2-3: **FOREIGN FIRE INSURANCE COMPANIES:** It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois, to engage, in the Village, in effecting fire insurance, or to transact any business of fire insurance in the Village while in default by not complying with any of the requirements of the Roseville, Swan, Point Pleasant and Ellison Fire Protection District, Warren County, Illinois. This provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation of this Section. (1954 Code, §208)

1. S.H.A. ch. 120, §§439.101 et seq.

CHAPTER 3

AMUSEMENTS; ENTERTAINMENTS

SECTION:

- 3-3-1: Application of Provisions
- 3-3-2: Licenses Required; Fees
- 3-3-3: Sunday Closing
- 3-3-4: Street Shows
- 3-3-5: Order; Crowding
- 3-3-6: Building and Premises Requirements
- 3-3-7: Prohibited Acts
- 3-3-8: Inspections and Enforcement
- 3-3-9: Penalty

3-3-1: **APPLICATION OF PROVISIONS:** The provisions of this Chapter, except as to licenses and fees, shall apply to all public shows, theatricals, circuses and other amusements in the Village, whether licensed specifically in another chapter of this Code or not. (1954 Code, §136)

3-3-2: **LICENSES REQUIRED; FEES:** It shall be unlawful to conduct or operate any amusement which is open to the public and for admission to which a fee is charged, without having first secured a license therefor; provided, that the provisions of this Section shall not be held to apply to those amusements which are specifically licensed by other articles of this Chapter or by other ordinances of the Village.

Applications for such licenses shall be made to the Village Clerk and shall comply with the general provisions of this Code relating to such applications. Except as otherwise provided, the fees for such license shall be:

Menageries	\$15.00 per day
Carnivals	10.00 per day or 35.00 per week

3-3-2

3-3-6

Exhibition of inanimate objects	\$ 5.00 per day
Other public shows or amusements not specifically licensed	10.00 per day or 35.00 per week
Miniature golf courses, for admission to which or for the use of which a fee is charged (1954 Code, §137)	15.00 per year

3-3-3: **SUNDAY CLOSING:** It shall be unlawful to conduct, operate or open for business any theater, billiard or pool hall, bowling alley, motion picture, circus, exhibition, carnival, show or other similar public amusement which is not conducted solely on behalf of and for the benefit of a charitable, religious or fraternal organization, and for admission to which a fee is charged, on the first day of the week, commonly called Sunday. (1954 Code, §585)

3-3-4: **STREET SHOWS:** No permit shall be granted for any carnival, exhibition, show or other amusement to be given on any public street or sidewalk or in such a place that the only main accommodation for the public or the audience will be in a public place, except on order of the Village President and Board of Trustees. (1954 Code, §138)

3-3-5: **ORDER; CROWDING:** The audience of any amusement show or theatrical shall be orderly and quiet at all times and it shall be unlawful to create or permit a disturbance at such performance. It shall further be unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risk. (1954 Code, §139)

3-3-6: **BUILDING AND PREMISES REQUIREMENTS:**

A. Construction of Building: It shall be unlawful to conduct or hold any public show or theatrical in any building or premises which does not comply with the ordinances of the Village relating to the construction of buildings.

B. Exits:

1. Unobstructed: It shall be unlawful to conduct or hold any such performance or exhibition in any place not equipped with adequate exits; and all exits in such buildings or places shall be kept free and unobstructed. (1954 Code, §140)

- B) 2. Exit Lights: It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred (100) persons or more, in which theatricals, shows, amusements, lectures or other entertainments are offered, operated or presented, to provide and place a sign on which the word "Exit" shall appear in letters at least six inches (6") high, over every door or other opening from such hall to every means of egress therefrom, and the light shall be provided with a red globe and placed at or over said sign, which light shall be kept burning during the entire period that the hall is opened to the public and until the audience has left the hall. (1954 Code, §146)
- C. "No Smoking" Signs: It shall be the duty of the owner of such premises or of the occupant in charge to provide and place printed signs on which the words "No Smoking" shall appear in letters at least four inches (4") high, in conspicuous places, at least two (2) such signs to be placed upon the stage or in the wings thereof and one in each dressing room. (1954 Code, §145)

3-3-7: **PROHIBITED ACTS:** It shall be unlawful for any person:

- A. Indecent Shows: To present, exhibit or conduct any indecent show, theatrical, motion picture, exhibition or other form of public amusement or show. (1954 Code, §141)
- B. Exhibition of Criminals: To exhibit any criminals, or the body of any criminal or other person who shall have become notorious because of the commission of a crime, in any theatrical, exhibit, show or other public amusement. (1954 Code, §142)
- C. Riots: To present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or public disturbance. (1954 Code, §143)
- D. Smoking: To smoke or carry a lighted cigar, cigarette or pipe on or beneath any stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than one hundred (100) persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, operated, presented or exhibited. (1954 Code, §144)

3-3-8: **INSPECTIONS AND ENFORCEMENT:** It shall be the duty of the Village Marshal and the District Fire Marshal to see to the enforcement of the provisions of this Chapter; and one member of each department shall be admitted free to each public show, exhibit or amusement for the purpose of seeing to the enforcement thereof. (1954 Code, §147)

3-3-9

3-3-9

3-3-9: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §148)

CHAPTER 3

AMUSEMENTS; ENTERTAINMENTS

ARTICLE A. AMUSEMENT GAMES, DEVICES

SECTION:

- 3-3A-1: Billiard and Pool Halls
- 3-3A-2: Bowling Alleys
- 3-3A-3: Shuffleboard and Pinball Machines

3-3A-1: BILLIARD AND POOL HALLS:

- A. License Required: No person shall operate, maintain or conduct a billiard, pool, bagatelle or pigeonhole table, open to the public, without having first obtained a license therefor as is herein provided. All applications for such a license shall be made in writing to the Village Clerk and shall state thereon the intended location of the place of business and the number of tables to be used therein.
- B. Hours of Operation: All pool or billiard halls opened to the public in the Village are hereby required to be closed for all purposes and cease doing business of any kind whatsoever at the hour of twelve o'clock (12:00) midnight and they shall remain so closed and no business whatever may be conducted therein until the hour of six o'clock (6:00) A.M.
- C. Sunday Closing: All pool and billiard halls open to the public and licensed hereunder are required to be closed for all purposes and cease doing business of any kind whatsoever on each Sunday, except that the same may be open to the public only from the hours of one o'clock (1:00) P.M. to ten o'clock (10:00) P.M. each Sunday.
- D. Penalty: Any person violating any of the provisions of this Section shall be fined not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 541, 3-2-81, eff. 4-1-81)

3-3A-2: BOWLING ALLEYS:

- A. License Required; Fees: No person shall operate, maintain or conduct for profit within the Village any bowling alley, pin or ball alley without having first obtained a license therefor, as herein provided. (1954 Code, §155)

The annual license fee for any such license shall be twenty five dollars (\$25.00) for the first alley and fifteen dollars (\$15.00) for each additional alley. (1954 Code, §156)

- B. Hours of Operation: No person shall keep open, operate or play upon any bowling alley, ball or pin alley, licensed hereunder during the nighttime between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. (1954 Code, §157)
- C. Sunday Closing: All bowling alleys, ball or pin alleys open to the public and licensed hereunder are required to be closed for all purposes and cease doing business of any kind whatsoever at the hour of twelve o'clock (12:00) midnight each Saturday night and shall remain so closed until the hour of six o'clock (6:00) on the Monday morning following. (1954 Code, §158)
- D. Noise; Congregating Outside Bowling Alley: It shall be unlawful for any person keeping or conducting a bowling alley, pin or ball alley, to permit the patrons of the same to make loud and boisterous noises so as to disturb the peace in the vicinity. It shall be unlawful for any person to make or cause any such noise in a bowling alley, ball or pin alley; or to congregate on the sidewalk or street in front of such premises in such manner or in such numbers as to obstruct foot or vehicle traffic along the street or sidewalk. (1954 Code, §159)
- E. Penalty: Any person violating any of the provisions of this Section shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and the said license may be revoked for any violation of this Section by the licensee or his employees. (1954 Code, §160)

3-3A-3: SHUFFLEBOARD AND PINBALL MACHINES:

- A. License Required; Fees: It shall be unlawful for any person within the corporate limits of the Village to maintain, keep, house or lease any shuffleboard or pinball machine for hire, lease or rent, for the purpose of amusement, or for any material gain whatsoever, without first securing a license to do so. (1954 Code, §199)

- A) The annual license fee for each shuffleboard shall be twenty dollars (\$20.00) per year and for each pinball machine, twenty five dollars (\$25.00) per year. (1954 Code, §200)
- B. Penalty: Any person violating any of the provisions of this Section shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (1954 Code, §201)

CHAPTER 3

AMUSEMENTS; ENTERTAINMENTS

ARTICLE B. MOTION PICTURES, THEATRICALS

SECTION:

- 3-3B-1: Motion Pictures
3-3B-2: Theatricals

3-3B-1: MOTION PICTURES:

- A. License Required; Compliance: It shall be unlawful to give, present or conduct any motion picture, for admission to which a fee is charged, excepting performances given solely for the benefit of and under the auspices of a religious or charitable organization, without first having secured a license therefor as is herein provided. (1954 Code, §169)

It shall be the duty of every person licensed under this Section to obey the provisions of Chapter 3 of this Title and all other applicable ordinances of the Village. (1954 Code, §177)

- B. Application for License: Applications for such licenses shall be made in conformance with the general provisions relating to such applications, and shall state, in addition to the other information required, the place of the intended performance and the seating capacity thereof. (1954 Code, §170)

- C. Fees:

1. Licensed Premises: Any person securing an annual license for motion pictures, naming a specific place or building in which the performances are to be presented, may present therein any number of performances, including theatricals, during the year for which the license was secured, without having to pay any additional fee. The annual license fee for such license shall not exceed ten dollars (\$10.00). (1954 Code, §171)

- C) 2. Nonlicensed Premises: For motion pictures which are to be presented in premises which are not covered by such an annual license, the fee to be paid shall not exceed three dollars (\$3.00) per day; provided, that no such motion picture shall be presented in or on any premises or building which does not fully comply with requirements of Village ordinances or the construction of buildings. (1954 Code, §172)
- D. Prohibited Acts, Conditions: It shall be unlawful:
1. Crowding, Order: To permit any person, excepting ushers, to remain standing in a hall or room in which a motion picture is presented, during the time of such performance; and it shall be unlawful to admit to any such hall more persons than can be accommodated by the seating arrangements for such premises. (1954 Code, §173)
 2. Scenery: To use any scenery in any theater other than nonflammable scenery or such as may have been rendered nonflammable by application of fire preventive coatings. (1954 Code, §174)
 3. Building Requirements: To present any public motion picture in any building or structure which does not contain the number of exits required for buildings or places intended for motion picture performances by the Building Code of the Village;¹ or in any premises in which the electric wiring does not fully comply with the ordinances of the Village. All places used for the exhibition of theatricals must be kept adequately ventilated during the performance and for so long a time as the audience may remain therein. (1954 Code, §175)
 4. Exits: To obstruct or permit the obstruction of any aisle, corridor or exit leading from any room or enclosure in which a motion picture performance is being given. (1954 Code, §176)
- E. Penalty: Any person violating any provision of this Section shall be fined not less than two dollars (\$2.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §178)

3-3B-2: THEATRICALS:

- A. License Required; Compliance: It shall be unlawful to conduct or operate any theatrical performance, with the exception of motion pictures or other performances specifically licensed by ordinance, to which a charge is made for admission, and which is not conducted

1. See Title 9, Chapter 1 of this Code.

- A) solely for the profit of and under the auspices of a religious or charitable organization, without having first obtained a license therefor, as is herein provided. (1954 Code, §187)

It shall be the duty of every person licensed under this Section to obey the provisions of Chapter 3 of this Title and all other applicable Village ordinances. (1954 Code, §190)

B. Fees:

1. Licensed Premises: Any person securing an annual license for theatricals, naming a specific place or building in which the performances are to be presented, may present therein any number of performances or theatricals including motion pictures, during the year for which the license is secured without any additional fee. The annual fee for such a license shall not exceed one hundred fifty dollars (\$150.00). (1954 Code, §188)

2. Nonlicensed Premises: For theatricals which are to be presented in premises which are not covered by such annual license, the fee to be paid shall not exceed ten dollars (\$10.00) per day; provided, that no such theatricals shall be presented in or on any premises or building which does not fully comply with the requirements of the ordinances relating to buildings to be used for theatricals. (1954 Code, §189)

- C. Penalty: Any person violating any provision of this Section shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §191)

CHAPTER 3
AMUSEMENTS; ENTERTAINMENTS
ARTICLE C. PUBLIC DANCES

SECTION:

- 3-3C-1: License Required; Fees
- 3-3C-2: Application for License; Investigation
- 3-3C-3: Closing Hours
- 3-3C-4: Prohibited Acts, Conditions
- 3-3C-5: Penalty

- 3-3C-1: **LICENSE REQUIRED; FEES:** It shall be unlawful to operate or conduct a public dance in the Village without having first obtained a license therefor as is herein provided. (1954 Code, §179)

The annual fee for public dances to be held on one premises shall not exceed twenty five dollars (\$25.00), and the fee for a single dance shall not exceed five dollars (\$5.00). (1954 Code, §182)

- 3-3C-2: **APPLICATION FOR LICENSE; INVESTIGATION:** Application for such license shall be made in conformance with the provisions of this Code relating to licenses, and shall specify the location of the proposed dance and the person or organization sponsoring the same. No such license shall be issued to a person who is not a person of good moral character, nor to a corporation or organization which is not represented in the Village by a person of good moral character. (1954 Code, §180)

It shall be the duty of the Village Marshal to make or cause to be made an investigation into the character of each applicant and report results to the Village Clerk. (1954 Code, §181)

3-3C-3

3-3C-5

3-3C-3: **CLOSING HOURS:** No person shall operate, keep open or permit the operation or the keeping open of any public dance or dance after the hour of twelve o'clock (12:00) midnight on any day anywhere in the Village. (1954 Code, §185)

3-3C-4: **PROHIBITED ACTS, CONDITIONS:** It shall be unlawful for any person:

- A. Premises: To conduct a public dance in any hall or place which is not equipped with sufficient and adequate exits; nor in any hall or building which is not provided with at least two (2) exits. (1954 Code, §183)
- B. Conduct: To indulge in or permit any improper or immoral conduct at any public dance. (1954 Code, §184)

3-3C-5: **PENALTY:** Any person violating any provision of this Article shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense. (1954 Code, §186)

CHAPTER 3

AMUSEMENTS; ENTERTAINMENTS

ARTICLE D. SKATING RINKS

SECTION:

- 3-3D-1: License Required; Fees
- 3-3D-2: Application for License; Investigation
- 3-3D-3: Closing Hours
- 3-3D-4: Prohibited Acts, Conditions
- 3-3D-5: Penalty

- 3-3D-1: **LICENSE REQUIRED; FEES:** It shall be unlawful to operate or maintain a public skating rink in the Village without first having obtained a license therefor, as is herein provided. (1954 Code, §192)

The fees for such skating rinks shall not exceed fifty dollars (\$50.00) for an annual license and twenty five dollars (\$25.00) for a monthly or shorter period license. (1954 Code, §194)

- 3-3D-2: **APPLICATION FOR LICENSE; INVESTIGATION:**
Applications for such licenses shall be made in conformance with the provisions of this Code relating to licenses, shall specify the location of the proposed skating rink and the person or organization sponsoring the same. No such license shall be issued to a person who is not a person of good moral character nor to a corporation or organization which is not represented in the Village by a person of good moral character.

It shall be the duty of the Village Marshal to make or cause to be made an investigation into the character of each applicant and report the results of such investigation to the Village Clerk. (1954 Code, §193)

3-3D-3

3-3D-5

3-3D-3: **CLOSING HOURS:** No person shall operate, maintain or permit the operation or maintenance of any skating rink after the hour of twelve o'clock (12:00) midnight on any day of the week. (1954 Code, §197)

3-3D-4: **PROHIBITED ACTS, CONDITIONS:** It shall be unlawful for any person:

- A. Premises: To conduct a public skating rink in any hall or building which is not equipped with sufficient and adequate exits; and no hall or building which is not provided with at least two (2) exits of four feet (4') or more in width shall be used for such purpose. (1954 Code, §195)
- B. Conduct: To indulge in any improper conduct or to permit any improper conduct at any public skating rink, and it shall be unlawful to permit music at any public skating rink after the hour of eleven o'clock (11:00) P.M. (1954 Code, §196)

3-3D-5: **PENALTY:** Any person violating any provision of this Article shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §198)

CHAPTER 3
AMUSEMENTS; ENTERTAINMENTS
ARTICLE E. CIRCUSES

SECTION:

- 3-3E-1: License Required; Compliance
- 3-3E-2: Application for License; Fees
- 3-3E-3: Parade, Bond Required
- 3-3E-4: Inspection
- 3-3E-5: Cheating
- 3-3E-6: Penalty

- 3-3E-1: **LICENSE REQUIRED; COMPLIANCE:** No person shall conduct or operate a circus in the Village without having obtained a license as is provided in this Article. (1954 Code, §161)

It shall be the duty of every person licensed under this Article to obey the provisions of Chapter 3 of this Title and all other ordinance provisions relating to circuses or the premises occupied. (1954 Code, §164)

- 3-3E-2: **APPLICATION FOR LICENSE; FEES:** The application for such license shall be made to the Village Clerk and specify the place in or on which the circus is to be conducted. No license shall be issued without payment of the license fee.

- A. Circus Licence Fee: The fee for a circus license shall be fifteen dollars (\$15.00) for each day during which the circus is conducted or open to the public. (1954 Code, §162)
- B. Sideshow and Concession License Fee: The license fee for each sideshow and concession operated in connection with a circus shall be five dollars (\$5.00) per day. (1954 Code, §163)

3-3E-3

3-3E-6

3-3E-3: **PARADE, BOND REQUIRED:** It shall be unlawful to conduct any parade connected with the circus on any public street, alley or other public way or any place in the Village, unless a permit therefor is first obtained from the Board of Trustees. Such permit shall specify the route to be followed, and shall be accompanied by a bond in the sum of ten thousand dollars (\$10,000.00), conditioned to indemnify the Village for any loss, damage or liability incurred or caused by the conduct of such exhibition or such parade. (1954 Code, §167)

3-3E-4: **INSPECTION:** It shall be the duty of the Village Marshal and the District Fire Marshal to see that inspections as provided for in Chapter 3 of this Title shall be made of all circus performances and of the premises used. (1954 Code, §165)

3-3E-5: **CHEATING:** It shall be unlawful for any person to cheat, shortchange or otherwise defraud any person attending or about to attend a circus performance within the Village. (1954 Code, §166)

3-3E-6: **PENALTY:** Any person violating any of the provisions of this Article shall be fined not less than fifteen dollars (\$15.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §168)

CHAPTER 4
LIQUOR CONTROL

SECTION:

- 3-4- 1: Definitions
- 3-4- 2: License Required; Record of Licenses Issued
- 3-4- 3: Application for License
- 3-4- 4: Restrictions on Licenses
- 3-4- 5: Terms of Licenses
- 3-4- 6: License Classifications, Fees and Number Issued
- 3-4- 7: Disposition of Fees
- 3-4- 8: Transfer of License
- 3-4- 9: Renewal of License
- 3-4-10: Location, Restricted Areas
- 3-4-11: Closing Hours, Times
- 3-4-12: Minors, Restrictions
- 3-4-13: Sale to Intoxicated Persons, Habitual Drunkards
- 3-4-14: Premises Requirements
- 3-4-15: Employees
- 3-4-16: Dancing on Premises
- 3-4-17: Peddling
- 3-4-18: Revocation of License
- 3-4-19: Penalty

3-4-1: **DEFINITIONS:** Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

ALCOHOLIC LIQUOR Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (0.5%) of alcohol by volume, which is for beverage purposes.

BEER The beverage obtained by alcoholic fermentation of any infusion or concoction of barley, or other

Beer (cont.)

grain, malt and hops in water and includes, among other things, beer, ale, stout, lager beer, porter and the like, containing not more than three and two-tenths percent (3.2%) of alcohol by weight.

CLUB

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

HOTEL

Every building or other structure kept, used, maintained, advertised and held out to the public as a place where food is actually served and consumed, and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty five (25) or more rooms are used for

Hotel (cont.) sleeping accommodations of such guests, and having one or more public dining rooms where meals are served to such guests, and sleeping accommodations and dining room being conducted in the same building or buildings in connection therewith, and such buildings or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

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

RETAIL SALE The sale for use or consumption, and not for resale. (1954 Code, §304)

3-4-2: LICENSE REQUIRED; RECORD OF LICENSES ISSUED: It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having obtained a retail liquor license, or in violation of the terms of such license. (1954 Code, §305; amd. Ord. 452, 7-13-82)

The Village President shall keep or cause to be kept a complete record of all such licenses issued by him. (1954 Code, §312)

3-4-3: APPLICATION FOR LICENSE: Applications for such licenses shall be made to the Village President in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- A. The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.

- B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
- C. The character of business of the applicant; and in case of a corporation, the objects for which it was formed.
- D. The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- E. The amount of goods, wares and merchandise on hand at the time application is made.
- F. The location and description of the premises or place of business which is to be operated under such license.
- G. A statement whether the applicant has made application for a similar or other license on premises other than those described in this application, and the disposition of such application.
- H. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or the ordinances of the Village.
- I. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reason therefor.
- J. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the Village in the conduct of his place of business. (1954 Code, §306)

3-4-4: **RESTRICTIONS ON LICENSES:** No such license shall be issued to the following:

- A. A person who is not a resident of the Village.
- B. A person who is not of good character and reputation in the community in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under the laws of the State of Illinois.
- E. A person who has been convicted of being the keeper of 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 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.
- I. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license.
- J. A corporation, if any 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 political subdivision.
- K. A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of the licensee.
- L. A person who has been convicted of a violation of any State or Federal law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for such violation.
- M. A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
- N. Any law enforcing public official, any Village President, or member of the Board of Trustees; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- O. A person not eligible for a State retail liquor dealer's license. (1954 Code, §307)

3-4-5: **TERMS OF LICENSES:** Each such license shall terminate on the last day of the last month of the term for which such license is issued following such issuance. The term of each license shall be for any number of months, not exceeding twelve (12) months and not less than three (3) months, which term shall be finally determined in each case by the Board of Trustees. The license fee to be paid shall be an amount computed at the

monthly rate fixed from time to time by ordinance for the number of months in the term so determined for each license to be paid to the Village Clerk, upon the filing of the application, and the same shall not be prorated for less than such term in any case.¹ (Ord. 412, 3-21-55)

3-4-6 LICENSE CLASSIFICATIONS, FEES AND NUMBER ISSUED:
Licenses as issued by the Village under this Chapter shall be in two (2) classes as follows:

A. Class A, General:

1. Description: A Class A license shall permit the retail sale of alcoholic liquor for consumption on or off the premises where the sale is made.

2. Fees: License fees shall be as follows:

a. The annual fee for a Class A license to sell alcoholic liquor in the form of light wines and beer and the like shall be five hundred dollars (\$500.00), payable one-fourth (¼) of said amount every three (3) months.

b. The annual fee for a Class A license to sell general alcoholic liquor other than in the form of light wines and beer and the like shall be eight hundred dollars (\$800.00), payable one-fourth (¼) of said amount every three (3) months.

c. The annual fee for a Class A license to sell general alcoholic liquor, including but not limited to light wines, beer and whiskeys shall be one thousand forty dollars (\$1,040.00), payable one-fourth (¼) of said amount every three (3) months.

3. Number Issued: The number of Class A licenses issued shall be limited to three (3).

B. Class B, Beer:

1. Description: A Class B license shall permit the retail sale of beer in sealed containers for consumption only off the premises where the sale is made.

2. Fee: The annual fee for a Class B license to sell beer only shall be five hundred dollars (\$500.00), payable one-fourth (¼) of said amount every three (3) months.

3. Number Issued: The number of Class B licenses issued shall be limited to one. (Ord. 452, 7-13-82; amd. Ord. 568, 8-6-85)

¹ See Section 3-4-6 of this Chapter.

3-4-7: **DISPOSITION OF FEES:** All such fees shall be paid to the Village President, at the time application is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Corporate Fund or in such other fund as shall have been designated by the Board of Trustees by proper action. (1954 Code, §312)

3-4-8: **TRANSFER OF LICENSE:** A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as is 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; provided, that executors or administrators of the estate of any deceased licensee, and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this Section. (1954 Code, §314)

3-4-9: **RENEWAL OF LICENSE:** Any licensee may renew his license at the expiration thereof; provided, that he is then qualified to receive a license, and the premises for which such renewal license is sought are suitable for the purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within his jurisdiction. (1954 Code, §315)

3-4-10: **LOCATION, RESTRICTED AREAS:**

A. A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon written permission to make such change issued by the Village President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinances of the Village. (1954 Code, §316)

- B. **Restricted Areas:** No license for the sale of alcoholic liquor shall be issued to any person for the purpose of operating the business of or as a dealer in alcoholic liquors in any private dwelling house, flat or apartment house, nor on any premises located within one hundred feet (100') of any school, church, hospital, home for aged or indigent persons or for veterans, their wives or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within residential districts, nor within one hundred feet (100') of any mortuary or undertaking establishment. (1954 Code, §320)

3-4-11: CLOSING HOURS, TIMES:

- A. It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. on weekdays, and between the hours of twelve o'clock (12:00) midnight Saturday and six o'clock (6:00) A.M. on Monday.
- B. Upon request made ten (10) days in advance, the Village President may, in writing, permit any licensee to keep his premises open for business and to sell such liquor up to two o'clock (2:00) A.M. on any weekday.
- C. It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants, hotels and clubs, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours. (1954 Code, §321)
- D. No person shall sell at retail any alcoholic liquor on the day of any National, State, County or Municipal election, including primary elections, during the hours the polls are open, within the political area in which such election is being held. (1954 Code, §324)

3-4-12: MINORS, RESTRICTIONS:

- A. **Obtaining Liquor by Minor:** It shall be unlawful for any female person under the age of eighteen (18) years or for any male person under the age of twenty one (21) years to purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.

- B. **Misrepresenting Age:** It shall be unlawful for any female under the age of eighteen (18) years or for any male person under the age of twenty one (21) years to misrepresent his age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where such liquor is sold. (1954 Code, §322)
- C. **Age Exception, Beer and/or Wine:** The provisions of this Section shall not apply to a minor nineteen (19) years of age or older concerning misrepresentation of age to obtain beer and/or wine, nor concerning the consumption, purchase or obtaining of beer and/or wine on or off the premises. (Ord. 509, 10-1-73, eff. 10-12-73)
- D. **Warning Card Required, Place of Business:** In every tavern or other place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk and which shall read as follows:

“WARNING TO MINORS

You are subject to a fine up to \$200.00 under the ordinances of the Village of Roseville if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

- E. **Licensee Permitting Minor on Premises:** It shall be unlawful for any holder of a retail liquor dealer's license, or his agent or employee, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; or to any licensed premises which derives its principal business from the sale or service of other commodities other than alcoholic liquor. In addition to all other fines and penalties, the Village President may revoke the retail liquor dealer's license for any violation of this subsection.
- F. **Parents' Responsibility:** It shall be unlawful for any parent or guardian to permit any minor child of which he may be the parent or guardian to violate any of the provisions of this Section.
- G. **Sale to Minor Prohibited:** It shall be unlawful to sell, give or deliver alcoholic liquor to any minor. (1954 Code, §322)

3-4-13: **SALE TO INTOXICATED PERSONS, HABITUAL DRUNKARDS:** It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be an habitual drunkard, spendthrift or insane, feeble-minded or distracted person. (1954 Code, §323)

3-4-14: PREMISES REQUIREMENTS:

- A. **Sanitary Conditions:** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (1954 Code, §318)
- B. **View From Street:** No premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel or club) shall be permitted to have any screen, blind, curtain, partition, article or thing in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times. No booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be wilfully obscured by the licensee or by him wilfully permitted to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this Section, the Village President shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (1954 Code, §325)

3-4-15: EMPLOYEES: It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease to work in or about any premises or to be engaged in any way in the handling, preparation or distribution of such liquor. (1954 Code, §319)

3-4-16: DANCING ON PREMISES: No public entertainment or dancing by patrons of any alcoholic liquor dealer's establishment shall be permitted. (1954 Code, §311)

3-4-17: PEDDLING: It shall be unlawful to peddle alcoholic liquor in the Village. (1954 Code, §317)

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3-4-18: **REVOCAION OF LICENSE:** The Village President 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 alcoholic liquor. (1954 Code, §326)

3-4-19: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §327)

CHAPTER 5
FOOD DEALERS

SECTION:

- 3-5-1: Definitions
- 3-5-2: License Required
- 3-5-3: Application for License
- 3-5-4: Inspections
- 3-5-5: Samples
- 3-5-6: Health and Sanitation Requirements
- 3-5-7: Food Deliveries
- 3-5-8: Revocation of License
- 3-5-9: Penalty

3-5-1: **DEFINITIONS:**

- FOOD Any food or beverage intended for human consumption.

- FOOD DEALER Every person, firm or corporation engaged in conducting or operating any of the following businesses:
 - Restaurants and lunch rooms.

 - Fruit store or establishment for the retail sale of fresh fruit and berries.

 - Grocery store or establishment for the sale at retail of butter, cheese, vegetables or other provisions.

 - Ice cream parlors.

 - Meat market or establishment for retail sale of fresh meat, poultry or fish.

Food Dealer (cont.)

Bakeries, or any establishment for the mixing, compounding or baking for sale, or purpose of a restaurant, any bread or breadstuffs, or any food product of which flour or meal is the principal ingredient; provided, that places where such foodstuffs are baked are in restaurant kitchens for consumption in such restaurant only, or in dwellings where such foodstuffs are baked on ordinary stoves or ranges for consumption on such premises only, shall not be considered as bakeries. (1954 Code, §285)

3-5-2: **LICENSE REQUIRED:** It shall be unlawful for any food dealer to engage or do business in the Village without having first secured a license therefor. Applications for such licenses shall be made in compliance with the general provisions of this Code relating thereto, and shall state the kind of food intended to be sold or handled. (1954 Code, §286)

3-5-3: **APPLICATION FOR LICENSE:** All applications for licenses to conduct a business connected with the storage, handling, sale or preparation of food and drink intended for human consumption shall be referred by the Village Clerk to the Board of Health for investigation before a license shall be issued. The inspector shall inspect, or cause to be inspected, the premises used or intended to be used, and shall report thereon, recommending or advising against the issuance of the license. (1954 Code, §293)

3-5-4: **INSPECTIONS:** The Board of Health shall inspect, or cause to be inspected, every place, building or establishment used for the storage, handling, sale or preparation of food or drink intended for human consumption. (1954 Code, §291)

3-5-5: **SAMPLES:** It shall be the duty of each person engaged in the sale, storage or preparation of food or drink intended for human consumption to give the Board of Health such samples of each such food or drink as may be necessary for the purpose of making an analysis of the same to determine whether it is clean and wholesome. (1954 Code, §292)

3-5-6: **HEALTH AND SANITATION REQUIREMENTS:**

A. Unwholesome, Adulterated Food:

- A) 1. Unwholesome Food: No person shall sell, offer for sale or keep for the purpose of selling or offering for sale any food of any kind which is spoiled or tainted or is unfit for human consumption for any reason. All tainted or unwholesome food intended for human consumption may be condemned by the Board of Health, and shall thereupon be seized and destroyed by the Board of Health or any police officer in the Village. (1954 Code, §288)
2. Adulterations: It shall be unlawful to sell, offer for sale or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way, or which does not comply with the State Statutes governing the same.¹ (1954 Code, §289)
- B. Condition of Premises:
1. Sanitary Regulations: Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind thereon for more than twenty four (24) hours; and it shall be unlawful to permit any decaying animal or plant matter or waste to remain on such premises at any time. (1954 Code, §290)
2. Flies and Vermin: Premises used for the storage of food intended for human consumption shall be kept free from flies and vermin of all kinds. (1954 Code, §294)
- C. Employees: All persons engaged in handling or coming in contact with food intended for human consumption shall keep themselves and their clothes clean. (1954 Code, §295)

3-5-7: **FOOD DELIVERIES:**

- A. License Required; Fee: It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by human power, for the storage of or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products, beverages or milk, or any other provisions intended for human consumption, for the purpose of delivering any such foodstuffs to any place in the Village for use or consumption in the Village for such purposes, unless a license for such vehicle is first secured and the provisions of this Section are fully complied with. The annual fee for such license shall be ten dollars (\$10.00) per vehicle. (1954 Code, §§297, 299)

1. S.H.A. ch. 56 ½.

- B. **Application for License:** Application for such license shall be made to the Village Clerk and shall state the name and address of the owner of the vehicle, the names of the persons from whom such deliveries are made, and the nature of the goods carried. The Village Clerk shall issue such licenses and shall give to the Health Officer a list of all such licenses issued. (1954 Code, §298)
- C. **Inspection:** It shall be the duty of the Health Officer to make such inspections as may be necessary to insure compliance with the provisions of this Section. (1954 Code, §302)
- D. **Exemptions:** No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the Village; but all provisions of this Section other than that providing for the payment of a fee shall be complied with in connection with such vehicle. (1954 Code, §300)
- E. **Sanitation Requirements:** All such vehicles shall be kept in a clean and sanitary condition, and shall be thoroughly cleaned each day that they are used. It shall be unlawful to permit stale food, decaying matter or any other waste or material to accumulate in or on any such vehicle while it is so used.

If unwrapped foodstuffs are transported in any vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects. (1954 Code, §301)
- F. **Penalty:** Any person violating any provision of this Section shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §303)

3-5-8: REVOCATION OF LICENSE: Any food dealer's license may be revoked by the Village President and Board of Trustees for repeated violation of the provisions of this Chapter, or for any violation of any other ordinance provision, relating to the conduct of the business, the condition of the premises, the article sold or to the license required. (1954 Code, §287)

3-5-9: PENALTY: Unless otherwise provided, any person violating any of the provisions of this Chapter shall be subject to a fine of not

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less than one dollar (\$1.00) nor more than twenty five dollars (\$25.00) for each offense, and a separate and distinct offense shall be deemed committed on each and every day during or on which a violation occurs or continues. (1954 Code, §296)

CHAPTER 6

PEDDLERS, ITINERANT MERCHANTS

SECTION:

- 3-6-1: License Required
- 3-6-2: Fees
- 3-6-3: Application for License
- 3-6-4: Exemptions
- 3-6-5: Fraud
- 3-6-6: Itinerant Merchants
- 3-6-7: Consent or Invitation Required
- 3-6-8: Penalty

3-6-1: **LICENSE REQUIRED:** It shall be unlawful for any person to engage in the business of peddler or hawker in the Village without first having obtained a license as herein provided. (1954 Code, §238)

3-6-2: **FEES:**

A. Using Vehicle: The fee for a peddler or hawker using a cart, automobile or any other vehicle shall be as follows for each such cart or other vehicle:

Yearly license, \$20.00
Monthly license, \$10.00
Daily license, \$2.00

B. Not Using Vehicle: The fee for peddlers and hawkers not using any vehicle shall be as follows:

Yearly license, \$20.00
Monthly license, \$10.00
Daily license, \$2.00
(1954 Code, §239)

3-6-3: **APPLICATION FOR LICENSE:** Applications for peddlers' and hawkers' licenses shall be made to the Village Clerk, and shall state thereon the number of vehicles, if any, intended to be operated; the kind of article or merchandise to be peddled; and a permanent address of the peddler. No license shall be issued without the payment of the fee provided for in the preceding Section. (1954 Code, §241)

3-6-4: **EXEMPTIONS:** No license fee shall be required of any ex-soldier, sailor or marine; nor from any farmer peddling or selling the produce of his own farm; nor from any other person from whom the Village is prohibited by State or Federal law from requiring a license fee. (1954 Code, §242)

3-6-5: **FRAUD:** Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, either through himself or through an employee, while acting as a peddler in the Village; or who shall barter, sell or peddle any goods, wares or merchandise other than those specified in his application for a license, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and the Village President may revoke his license for such offense. (1954 Code, §242)

3-6-6: **ITINERANT MERCHANTS:**

A. License Required; Fees: It shall be unlawful to do business in the Village as an itinerant merchant without having first secured a license therefor as is herein provided. For the purpose of this Section any merchant engaging or intending to engage in business as a merchant in the Village for a period of time not exceeding one hundred (100) days shall be considered to be an itinerant merchant; provided, that peddlers who are licensed as required by this Chapter shall not be considered itinerant merchants. The fees for such licenses shall not exceed forty dollars (\$40.00) for one month, and five dollars (\$5.00) for one day. (1954 Code, §§215, 217)

B. Application for License: Every application for such a license shall set forth the commodities intended to be sold, and the place intended to be occupied or used for the business. (1954 Code, §216)

3-6-7: **CONSENT OR INVITATION REQUIRED:** It shall be unlawful for any person to go upon the premises of another for the purpose of soliciting orders, selling or peddling without the consent or invitation of the owner or occupant. (1954 Code, §580)

3-6-8

3-6-8

3-6-8: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense, and each day on which a violation occurs shall be considered a separate and distinct offense. (1954 Code, §243)

CHAPTER 7
TAG DAYS

SECTION:

- 3-7-1: Permit Required
- 3-7-2: Application for Permit
- 3-7-3: Penalty

3-7-1: **PERMIT REQUIRED:** It shall be unlawful for any person to go from house to house soliciting funds or subscriptions, or to publicly solicit, either in person or by agent, upon the public streets, sidewalks or any other public place in the Village, subscriptions for charitable, religious, educational or other organizations or purposes, whether presents, gifts of money or promises are sought, without having first having secured a permit therefor. (1954 Code, §526)

3-7-2: **APPLICATION FOR PERMIT:** Applications for such permits shall be made to the Village Clerk and shall be referred to the Village President and Board of Trustees; and no such permit shall be issued except upon order of the President and Board of Trustees. (1954 Code, §527)

3-7-3: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense. (1954 Code, §528)

CHAPTER 8
AUCTIONEERS

SECTION:

- 3-8-1: License Required; Fee
- 3-8-2: Inspections
- 3-8-3: Conduct at Auctions
- 3-8-4: Fraudulent Statements
- 3-8-5: Penalty

3-8-1: **LICENSE REQUIRED; FEE:** It shall be unlawful for any person to engage in the business of auctioneer, or to hold an auction in the Village without first having obtained a license therefor. The annual fee for engaging in the business of auctioneer shall not exceed one hundred dollars (\$100.00), and the fee for holding a single auction by one who has no annual license shall not exceed twenty five dollars (\$25.00) per day. (1954 Code, §5202, 203)

3-8-2: **INSPECTIONS:** Every article offered for sale at a public auction shall be open to the inspection of any person wishing to purchase such article at some time before or during the bidding. (1954 Code, §206)

3-8-3: **CONDUCT AT AUCTIONS:** All auctions shall be conducted in an orderly manner, and it shall be unlawful to create or permit any disturbance or disorderly conduct at any auction. (1954 Code, §204)

3-8-4: **FRAUDULENT STATEMENTS:** It shall be unlawful for any person selling goods at auction to make any fraudulent or untrue statements concerning the goods or articles being sold. (1954 Code, §205)

3-8-5

3-8-5

3-8-5: **PENALTY:** Any person violating any of the provisions of this Chapter shall be fined not less than two dollars (\$2.00) nor more than twenty dollars (\$20.00) for each offense. (1954 Code, §207)

CHAPTER 9
OUTDOOR ADVERTISERS

SECTION:

- 3-9-1: Definition
- 3-9-2: License Required; Fee
- 3-9-3: Application for License
- 3-9-4: General Requirements and Restrictions
- 3-9-5: Exemptions
- 3-9-6: Penalty

3-9-1: **DEFINITION:** The term "outdoor advertiser" as used in this Chapter is hereby defined to mean any person engaged in the business of placing, posting or painting any advertisements, notices or displays or any public address system, whether stationary or mobile, in or on any place for the purpose of outdoor advertising so that the resultant display or sound is visible or audible from any street, alley, sidewalk or other public place in the Municipality. (1954 Code, §225)

3-9-2: **LICENSE REQUIRED; FEE:** It shall be unlawful for any outdoor advertiser to do business as such in the Municipality without having first secured a license therefor as is herein required. Provided, that no license issued under this Chapter shall be construed so as to permit the use of any structures, natural or artificial, which are located in any public street, sidewalk, alley or other place for advertising purposes. (1954 Code, §226)

The annual fee for such license shall be one dollar (\$1.00) per board, or two dollars (\$2.00) per public address system. (1954 Code, §228)

3-9-3: **APPLICATION FOR LICENSE:** Applications for such licenses shall be accompanied by a list of all places, including billboards

or natural structures, to be used, on which it is intended to place signs or advertisements. This list shall be added to from time to time by the licensee as the right to post or place advertisements or signs on additional places is acquired. (1954 Code, §227)

3-9-4: GENERAL REQUIREMENTS AND RESTRICTIONS:

- A. **Use of Billboards:** No person shall post or maintain any advertisement or sign on any billboard or signboard which does not fully conform to the ordinances of the Village. (1954 Code, §229)
- B. **Consent of Owner:** It shall be unlawful to post any advertisement on any premises without the consent of the owner or occupant of such premises. Such consents must be in writing and be filed with the Village Clerk. (1954 Code, §230)
- C. **Refuse Accumulations:** It shall be unlawful for any person engaged in the business of outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the Village except by placing it in properly established refuse receptacles. It shall be unlawful to permit any loose or flapping combustible materials to hang from or be attached to any billboard, signboard or other place used for display or advertising purposes. All refuse resulting from the operation of the business must be carefully gathered up and properly disposed of. (1954 Code, §231)
- D. **Weeds at Base of Billboards:** It shall be the duty of every outdoor advertiser to keep all grass and weeds, and other growths, excepting trees or ornamental shrubbery, cut down so that the same shall not grow to a greater height than ten inches (10") within six feet (6') of any billboard or signboard used by him; provided, that this obligation shall extend only to property controlled by the advertiser. (1954 Code, §232)
- E. **Unlawful Advertising:** It shall be unlawful for any outdoor advertiser to post, display or announce any advertisement of an obscene or immoral character or any advertisement tending to promote or cause a riot or breach of the peace, or any advertisement for an unlawful gathering, or advertisements for unlawful sales. (1954 Code, §233)
- F. **Disfiguring Signs:** It shall be unlawful to mutilate or disfigure any lawful sign or advertisement in the Village. (1954 Code, §234)
- G. **Name of Advertiser:** It shall be unlawful for any outdoor advertiser to carry on his business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by him, or in any notice, placard or advertisement posted by him, in such lettering as to be visible from a distance of at least five feet (5') from the notice or advertisement. (1954 Code, §235)

3-9-5

3-9-6

3-9-5: **EXEMPTIONS:** The provisions of this Chapter shall not be construed to apply to the posting of signs or notices by order of any court or by any public officer in the performance of his duties. (1954 Code, §236)

3-9-6: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §237)

CHAPTER 10
FILLING STATIONS

SECTION:

- 3-10- 1: Definition
- 3-10- 2: License Required
- 3-10- 3: Application for License
- 3-10- 4: General Regulations; Inspections
- 3-10- 5: Location; Frontage Consents
- 3-10- 6: Nonbusiness Filling Stations
- 3-10- 7: Bulk Sales Prohibited
- 3-10- 8: Storage Tank and Fill Pipe Requirements
- 3-10- 9: Operation and Premises Requirements
- 3-10-10: Penalty

3-10-1: **DEFINITION:** The term "filling station" as used in this Chapter shall be held to mean and is hereby defined as meaning any building, structure or enclosure, premises or other place within the Village where containers or tanks, either portable or stationary, and containing either carbon bisulphate, gasoline, naphtha, benzine, hydrocarbon (gas drips) liquefied petroleum gas, acetone, kerosene, turpentine, or other inflammable liquids having a flash point below one hundred sixty five degrees (165°) Fahrenheit, are kept or located for the purpose of selling, offering for sale or distributing any such liquids from such containers or tanks; provided, however, that the provisions of this Chapter shall not apply to any place where such inflammable liquids are kept or sold for medicinal purposes only. (1954 Code, §244)

3-10-2: **LICENSE REQUIRED:** No person shall manage, conduct, operate or carry on the business of a filling station without first having obtained a license therefor, as hereinafter provided. (1954 Code, §245)

3-10-3: APPLICATION FOR LICENSE: The application for such license for the business of managing, conducting or carrying on a filling station shall conform to the general provisions of this Code relating to applications for licenses and shall specify the location of the building, structure, premises, enclosure or other place in which it is proposed to keep such filling station, and the capacities in gallons of the containers or tanks. Every such application shall be made to the Village Clerk. (1954 Code, §246)

3-10-4: GENERAL REGULATIONS; INSPECTIONS: Each filling station shall be conducted and maintained in accordance with the provisions of this Code, and shall be inspected at least twice every year by the Village Marshal or some person duly authorized by him to make such inspection. It shall be the duty of the person making such inspection to see that the premises are maintained in compliance with this and with other ordinances of the Village, to see that there is no dangerous accumulation of waste or other combustible material on the premises, and to report to the Village President or Board of Trustees any violation of ordinances which may be discovered during such inspections. (1954 Code, §247)

3-10-5: LOCATION; FRONTAGE CONSENTS: No person shall locate, build, construct, operate or maintain any filling station in any block in the Village where a majority of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without having first secured the written consent of the owners of a majority of the frontage abutting on such street on both sides within such block.

The term "block", as used in this Section, shall be construed to mean and include that portion of the street between the two (2) intersections with other public streets nearest the specified location on each side; provided, that if, on either or both sides of such location, there is no such intersection within three hundred feet (300') of the center of the specified location, the block shall be considered as terminating at a point three hundred feet (300') from such center. The term "street", as used in this Section, shall be construed to mean and include such highways as have been dedicated by either common law or statutory dedication as public streets and are actually in use as such; and the term "street" shall not be construed to include or mean merely service highways which are commonly known as alleys. (1954 Code, §248)

3-10-6: NONBUSINESS FILLING STATIONS: Any person maintaining or operating any storage tank for gasoline for the use of automobiles for the owner, lessee, employee or agent of such person shall comply with all of the provisions of this Chapter other than the requirement for the payment of a fee. (1954 Code, §249)

3-10-7

3-10-8

3-10-7: **BULK SALES PROHIBITED:** No motor fuels shall be dispensed at any service station except into the fuel tanks of motor vehicles, when such tanks are connected with the carburetion system of such vehicles; provided however, that individual sales up to five (5) gallons may be made in metal receptacles when painted red and labeled in full conformity with the Illinois Red Can Gasoline Law,¹ such individual sales to be limited to five (5) gallons to any one person. (1954 Code, §250)

3-10-8: **STORAGE TANK AND FILL PIPE REQUIREMENTS:**

A. Storage Underground and Limited: Storage shall be underground and the combined capacity of all storage tanks shall not exceed twelve thousand (12,000) gallons. (1954 Code, §251)

B. Setting of Tanks: Tanks shall be buried so that their tops will not be less than two feet (2') below the surface of the ground or beneath twelve inches (12'') of earth and a slab of concrete reinforced, not less than five inches (5'') in thickness and capable of sustaining a load of two hundred fifty (250) pounds per square foot. The slab shall be set on a firm, well tamped earth foundation and shall extend at least one foot (1') in all directions, beyond the outline of the tank.

1. Tops of tanks shall be below the level of any piping to which tanks may be connected.

2. Tanks shall be so located that no heavy trucks or other vehicles pass over them unless they are adequately protected by a reinforced concrete slab.

3. Where soil conditions require, a firm foundation shall be provided.

4. Tanks shall not be installed under any building or structure. (1954 Code, §252)

C. Clearance Required:

1. To Basements and the Like:

Individual tanks of a capacity up to 2,000 gallons shall be buried so that tops of tanks shall be lower than all floors, basements, cellars or pits of buildings within 10 feet thereto, on or off the property, or tanks shall maintain a clearance of 10 feet thereto. For individual tanks of a capacity more than 2,000 gallons and up to 6,000 gallons, this distance shall be 20 feet. For individual tanks with a capacity of more than 6,000 and up to 12,000 gallons, this distance shall be 25 feet.

1. S.H.A. ch. 127½, §151.

C) 2. To Sewers and the Like:

Individual tanks of a capacity up to 2,000 gallons shall be buried so that the tops of tanks shall be lower than the bottom level of all sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns within 10 feet, on or off the property, or tanks shall maintain a full clearance of 10 feet thereto. For individual tanks with a capacity of more than 2,000 gallons and up to 6,000 gallons, this distance shall be 20 feet. For individual tanks of a capacity of more than 6,000 gallons and up to 12,000 gallons, this distance shall be 25 feet. The term "sewer" includes the sewer line out of the station building; provided however, that these clearances shall not be required to a sewer line out of the service station if such sewer line is constructed throughout of cast iron with leaded joints.

3. To Property Lines:

Individual tanks of a capacity up to 2,000 gallons shall maintain a 10 foot clearance to property lines. For individual tanks of a capacity of more than 2,000 gallons and up to 6,000 gallons, this distance shall be 20 feet. For individual tanks of a capacity more than 6,000 gallons and up to 12,000 gallons, this distance shall be 25 feet. Provided however, that these clearances on the side adjacent to a public street, alley or highway may be waived by consent of the authorities having immediate jurisdiction over the public street, alley or highway, if it can be shown that the required sewer clearance can be maintained.

4. To Special Classes of Property:

Tanks and pumps shall maintain a clearance of not less than 85 feet to any schoolhouse, hospital or church. The distance shall be measured from near points of tanks and pumps to near points of buildings. (1954 Code, §253)

D. Material and Construction of Tanks: Tanks shall bear the label of Underwriters Laboratories or meet equivalent specifications.

1. Tanks shall be thoroughly coated on the outside with tar, asphaltum or other suitable rust-resisting material.

2. Tanks shall not be surrounded or covered by cinders or other material of corrosive effect. If the soil contains corrosive material, special protection must be provided. (1954 Code, §254)

- E. Venting of Tanks: Each tank shall be provided with a vent pipe connected with the top of the tank and carried up to the outer air. The pipe shall be arranged for proper drainage to the storage tank and its lower end shall not extend through the top of the tank for a distance of more than one inch (1''); it shall have no traps or pockets.
1. The upper end of the pipe shall be provided with a gooseneck or T attachment, or weatherproof hood.
 2. The vent pipe shall be of sufficient cross-sectional area to permit escape of air and gas during the filling operation and shall in no case be less than one inch (1'') in diameter. If a power pump is used in filling the storage tank, and a tight connection is made to the fill pipe, the vent pipe shall not be smaller than the fill pipe.
 3. The vent pipe shall terminate outside of a building not less than twelve feet (12') above the top of the fill pipe, and not less than four feet (4'), measuring vertically and horizontally, from any window or other building opening, and not less than fifteen feet (15') measured horizontally from any opening into the basement, cellar or pit of any building, and in a location which will not permit pocketing of gas. If a right connection is made in the filling line, the terminus of the vent pipe shall be carried to a point one foot (1') above the level of the highest reservoir from which the tank may be filled.
 4. The vent pipe from two (2) or more tanks of the same class of liquid may be connected to one upright or main header. Area of the header shall equal the combined area of the pipes connected to it. Connection of the header shall be not less than one foot (1') above the level of the top of the highest reservoir from which the tank may be filled. (1954 Code, §255)
- F. Fill Pipe: The fill pipes shall be carried to a location outside of any building, as remote as possible from any outside doorway or other opening into any building and in no case closer than five feet (5') from any such opening.
1. Location shall be in a place where there is a minimum danger of breakage from trucks or other vehicles.
 2. Each fill pipe shall be closed by a screw cap or other tight fitting cap, preferably of a type which can be locked. The cap should be locked at all times when filling or gauging process is not going on. (1954 Code, §256)
- G. Piping: Piping shall conform to the requirements set out in the rules under general storage in the Code. (1954 Code, §258)

3-10-9: OPERATION AND PREMISES REQUIREMENTS:**A. Unloading Operations; Pumps:**

1. The unloading hose from a tank truck into an underground tank shall be metallic lined or its equivalent and shall be equipped with a nonferrous nozzle or tight connection metal nipple.

a. The tank truck shall be electrically grounded by means of its drag chain before unloading operations start and during the entire unloading operations.

b. If the underground tank is supplied through permanent pipe connections to an aboveground, general storage tank, filling may be by power-driven pump or gravity.

2. Liquids shall be withdrawn from tanks by means of approved pumps, equipped with metallic lined hose and nonferrous discharge nozzle.

a. No pumps shall be located within a building.

b. Wiring of electrical pumps and all electrical equipment in connection therewith shall conform to article 500 (formerly article 32), of the National Electrical Code.¹

c. Devices which discharge by gravity shall be so designed that it is impossible to retain in the gauging compartment materially more than ten (10) gallons of liquid, and so that it is not possible to lock the device without draining the liquid.

d. Systems which employ continuous air pressure on the storage tank in connection with gauging or venting devices are prohibited. (1954 Code, §257)

B. Building: No basement or excavation shall be permitted under any service station building.

1. The floor level shall be above grade so as to prevent flow of liquids or vapors into the building.

2. Floors shall be of concrete. (1954 Code, §259)

C. Inflammable Liquids Within Buildings Prohibited, Exception:

1. No gasoline, naphtha or other liquids of Class 1, as defined in this Code, shall be kept inside the service station.

1. See Section 9-3-1 of this Code.

- C) 2. No alcohol or other inflammable anti-freeze solution shall be kept inside the service station except in the original sealed containers. No transfer of such liquids from these receptacles shall be made inside the service station. (1954 Code, §260)
- D. Greasing Pits: Every greasing pit installed in a building or enclosed by three (3) or more walls shall be ventilated by a vent duct not less than six inches (6'') in diameter (or equivalent cross-sectional area if a noncircular duct is used). The duct shall start within four inches (4'') of the floor and shall extend on and upward diagonally or by any easy bend over to the sidewall, thence straight up through the roof to a height sufficient to draw off gasoline vapors which may accumulate at the bottom of the pit. Abrupt bends must be avoided and all joints must be tight. The floor of the pit should pitch slightly toward the corner where a duct is located, to facilitate flow of gases to the duct.
1. Gasoline or naphtha shall never be used to clean out any pit, whether the pit is located within a building or enclosure, or outside in the open.
 2. No sewer connection shall be permitted from any greasing pit.
 3. If electrically lighted, globes shall be of vaporproof construction and wiring shall be in conduit. (1954 Code, §261)
- E. Washing and Greasing Rooms: If sewer connection is made, an adequate grease trap shall be provided to intercept grease and oils. Trap shall be cleaned out at least every thirty (30) days. (1954 Code, §262)
- F. Self-Service Prohibited: No person other than the service station owner or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station. (1954 Code, §263)
- G. Care and Attendance:
1. The fuel tank of no motor vehicle shall be serviced until the motor and ignition have been shut off.
 2. No smoking shall be permitted on premises at any time.
 3. No open lights or flames shall be permitted except within a stove within the station building.
 4. Premises must be kept neat and clean, free from rubbish or trash.
 5. Cleaning with gasoline, naphtha or other highly inflammable liquids or Classes I and II (as defined in this Code under Inflammable Liquids) shall not be permitted in or around service stations. (1954 Code, §264)

- H. Fire Extinguishers: Each service station shall be equipped with at least one chemical fire extinguisher suitable for oil or gasoline fires. (1954 Code, §266)
- I. Approval of Plans: Drawings or blueprints made to scale shall be submitted in triplicate to the Village President and Board of Trustees and shall be approved by them before any new construction, addition or remodeling is undertaken. Drawings shall carry the name of the person proposing the installation, the location, and shall, in addition, show the following:
1. The plot to be utilized and its immediate surroundings on all sides; all property lines to be designated and adjacent streets and highway to be named.
 2. The complete installation as proposed, including tanks and their capacity, pumps, buildings, drives and all equipment.
 3. Clearance from tanks to property lines.
 4. Type of construction of service station building or buildings, with a clear showing that there will be no basement, cellar or excavation under any portion.
 5. Location of basements, cellar or pits of other buildings on the property or on adjacent property, and location of tanks with references thereto as is provided in this Chapter. If a building has no basement, cellar or pit, make note to that effect.
 6. Location of sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns (whether on the property, adjacent property or in adjoining streets, highways or alleys), and location of tanks with reference thereto.

If there is no sewer, manhole or catch basin in a street or alley, or no sewer, manhole or cesspool, no septic tank, well or cistern on the property, make notation to that effect in the proper place.
 7. Location of vent pipe outlets and location of fill pipe.
 8. Ventilation of greasing pit if greasing pit is located within a building or enclosure.
 9. Drawings shall be accompanied by an application for approval made out in triplicate on blanks furnished by the Village Clerk. (1954 Code, §266)

3-10-10

3-10-10

3-10-10: **PENALTY:** Any person violating any of the provisions of this Chapter 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 of this Chapter shall occur shall constitute a separate and distinct offense. (1954 Code, §267)

CHAPTER 11

TRAILER CAMPS

SECTION:

- 3-11-1: License Required; Fees
- 3-11-2: Application for License; Plans
- 3-11-3: Frontage Consents
- 3-11-4: Trailer Camp Requirements
- 3-11-5: Automobile Trailer Restrictions
- 3-11-6: Penalty

3-11-1: **LICENSE REQUIRED; FEES:** It shall be unlawful for any person to establish or operate within the limits of the Village any automobile trailer camp unless such person shall first obtain a license therefor. (1954 Code, §274)

Each applicant for a license shall accompany said application with a license fee of twenty dollars (\$20.00) for camps capable of accommodating ten (10) house-car trailers or automobile trailers or less and an additional fee of two dollars (\$2.00) for each unit capacity in excess of ten (10). Such license shall expire at the end of the calendar year. The fee for the annual license thereafter shall be based on the same rate as the initial license fee. The fee for the transfer of a license shall be five dollars (\$5.00). (1954 Code, §276)

3-11-2: **APPLICATION FOR LICENSE; PLANS:** Each applicant for a license to maintain an automobile trailer camp shall file a written application with the Village Clerk stating the name and address of the applicant, name and address of the owner or manager of said camp, location of the campground, and the maximum number of house-cars or automobile trailers the camp will accommodate. This application shall be accompanied by plans of the camp showing the proposed or existing location of all buildings, toilet, bath and washbasin facilities, slop sinks, water faucets, sewer connections, driveways and other improvements. (1954 Code, §275)

3-11-3: FRONTAGE CONSENTS: No person shall establish any trailer camp on any lot in any block in which more than one-half ($\frac{1}{2}$) of the buildings are dwelling houses and apartments unless a majority of the property owners on both sides of the block within two hundred feet (200') of any part of such lot consent thereto in writing in the manner provided in Section 3-1-9 of this Code. (1954 Code, §277)

3-11-4: TRAILER CAMP REQUIREMENTS:

- A. **Water Supply:** An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of trailer camps. Said water shall be obtained from faucets only, conveniently located in the trailer camp. No common drinking cups shall be permitted. A water meter shall be installed in each camp. (1954 Code, §278)
- B. **Toilet Facilities; Garbage Containers:** Each trailer camp shall provide toilets, baths or showers, slop sinks and garbage containers, which shall comply with the provisions of this Code relating thereto.¹ (1954 Code, §279)
- C. **Fixtures Connected With Sewer:** It shall be unlawful to permit any waste paper or material from toilets, showers, bathtubs, washbasins or other plumbing fixtures in the camp or house-car or automobile trailer to be deposited upon the surface of the ground and all such fixtures, when in use, must be connected to the Village sewer system by means of rigid pipe. Hose connections are not permitted. (1954 Code, §280)
- D. **Removal of Garbage:** It shall be the duty of the owner, his agent or caretaker to provide for the collection and removal of garbage or other waste material and to otherwise maintain the camp in a clean and sanitary condition. (1954 Code, §281)
- E. **Lights:** The camp shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors. (1954 Code, §282)

3-11-5: AUTOMOBILE TRAILER RESTRICTIONS:

- A. **Placement in Trailer Camps:** It shall be unlawful for any person to maintain any house-car or automobile trailer used for human habitation upon any plot of ground in the Village, except in duly licensed trailer camps.

1. See Section 7-2-2 of this Code.

- B. **Removal of Wheels Prohibited:** It shall be unlawful for any person to remove the wheels or other transporting device from any house-car or automobile trailer or otherwise to affix said car trailer permanently to the ground so as to prevent ready removal of any such car trailer, unless a permit so to do is obtained from the Village President and Board of Trustees. Any such alteration shall be construed as converting the house-car or automobile trailer into a building and subject to the requirements of the sanitary and building regulations of the Village. (1954 Code, §273)
- C. **Storage on Premises:** Nothing in this Chapter shall be deemed to prohibit the storage of any house-car or automobile trailer on the home premises of its owner for any length of time when said trailer is not used for living or sleeping purposes. (1954 Code, §283)

3-11-6: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §284)

CHAPTER 12

FACTORIES AND SLAUGHTERHOUSES

SECTION:

- 3-12-1: License Required; Fee
- 3-12-2: Application for License
- 3-12-3: Frontage Consents
- 3-12-4: Zoning
- 3-12-5: Penalty

3-12-1: **LICENSE REQUIRED; FEE:** It shall be unlawful to maintain or operate any rendery, tallows chandlery, soap factory, glue factory, tannery, packing plant or slaughterhouse within the Village limits or within one mile thereof, without first securing a license therefor as is herein provided. The annual fee for such license shall be fifty dollars (\$50.00). (1954 Code, §§209, 211)

3-12-2: **APPLICATION FOR LICENSE:** Applications for such licenses shall be made to the Village Clerk in writing, subject to the provisions of Chapter 1 of this Title. (1954 Code, §210)

3-12-3: **FRONTAGE CONSENTS:** No person shall locate, build, construct, operate or maintain any establishment named in Section 3-12-1 of this Chapter in any block in the Village where a majority of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without first securing the written consent of the owners of a majority of the frontage abutting on such street on both sides within such block in the manner provided in Section 3-1-9 of this Code. (1954 Code, §212)

3-12-4: **ZONING:** The provisions of this Chapter shall not be construed to permit the establishment of any factory or place of business in any location where such factory or place of business is prohibited by zoning regulations. (1954 Code, §213)

3-12-5

3-12-5

3-12-5: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §214)

CHAPTER 13
JUNK DEALERS

SECTION:

- 3-13-1: License Required; Fee
- 3-13-2: Application for License
- 3-13-3: Stolen Goods
- 3-13-4: Identify Vehicles
- 3-13-5: Penalty

3-13-1: **LICENSE REQUIRED; FEE:** It shall be unlawful to operate or carry on the business of junk dealer or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper or empty bottles, without having obtained a license therefor, as is hereinafter provided. (1954 Code, §219)

The fee to be paid for such license shall not exceed:

For an annual license, \$10.00; and an additional fee of \$10.00 for each wagon used in the conduct of such business; provided, that a junk dealer not maintaining a store or yard in the Village shall pay \$10.00 per vehicle used. (1954 Code, §221)

3-13-2: **APPLICATION FOR LICENSE:** Applications for such licenses shall be made in conformance with the provisions of Chapter 1 of this Title. (1954 Code, §220)

3-13-3: **STOLEN GOODS:** Every keeper of a junk shop who shall receive or be in possession of goods, articles or things of value which may have been lost or stolen shall, upon demand, produce such article or thing to any member of the Police Department for examination. (1954 Code, §222)

3-13-4

3-13-5

3-13-4: **IDENTIFY VEHICLES:** Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof. (1954 Code, §223)

3-13-5: **PENALTY:** Any person violating any provisions of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1954 Code, §224)

CHAPTER 14
SANITARY VEHICLES

SECTION:

- 3-14-1: License Required; Fee; Term
- 3-14-2: Granting of Licenses
- 3-14-3: Transfer of License
- 3-14-4: Inspections
- 3-14-5: Agents, Servants or Employees
- 3-14-6: Revocation of License
- 3-14-7: Penalty

3-14-1: **LICENSE REQUIRED; FEE; TERM:** No person shall hire out, keep or use for hire, or cause to be kept or used for hire, or use, cause, permit or suffer to be used any vehicle for the storage, carrying or transportation of ashes, offal, garbage,¹ materials from any sewer, septic tank, cesspool or privy, or any other offensive matter without a license to do so. (1954 Code, §352-A)

A yearly license fee in the sum of twelve dollars (\$12.00) shall be paid to the Village Treasurer before such license is issued, or a proportionate sum, being no less than one-quarter (¼) of the yearly fee, when such license is issued for the unexpired part of a year. (1954 Code, §352-K)

No license granted hereunder shall extend longer than the first Monday of May next after the same is issued. (1954 Code, §352-G)

3-14-2: **GRANTING OF LICENSES:**

- A. Character of Applicant; Vehicle Requirements: Such license shall be granted only to persons of good moral and reliable character who are and continue to be possessed of vehicles, facilities and other equipment which is sufficiently adequate and efficient regularly to comply with all

1. See Title 7, Chapter 2 of this Code.

- A) provisions of this Municipal Code and all Statutes of the State; and to remove and prevent the deposit of such matter in streets, alleys and Municipal property when hired by property owners, occupants or others so to do. Such vehicles shall be so constructed as to prevent the escape of noxious odors or of any part of such matter during its transportation in such vehicle, by dripping, dropping, falling, blowing about or otherwise. (1954 Code, §352-B)
- B. Partnerships: Such licenses may be granted to two (2) or more persons doing business as a partnership, in which case each partner shall become alike bound in all obligations and duties imposed by this Chapter. (1954 Code, §352-H)
- C. Village President to Grant Licenses: Such license shall be granted by the President of the Village Board and attested by the Village Clerk and it shall be the duty of the President to grant all such applications where they are in accordance with the law and Village ordinances. (1954 Code, §352-D)

3-14-3: **TRANSFER OF LICENSE:** No such license shall be transferable without the permission of the Village Board. (1954 Code, §352-J)

3-14-4: **INSPECTIONS:** It shall be the duty of the Village President to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Chapter. (1954 Code, §352-C)

3-14-5: **AGENTS, SERVANTS OR EMPLOYEES:** All persons, whether acting as agent, servant, employee or otherwise, in the doing of any business for which this license is required, who shall knowingly engage therein, or do any such acts, unless their principal has a license therefor duly granted, shall be deemed equally guilty as the principal or employer of such persons and subject to the penalties provided in this Chapter. (1954 Code, §352-F)

3-14-6: **REVOCAION OF LICENSE:**

- A. Violation of Provisions: All licenses issued hereunder shall be subject to all Statutes, ordinances and regulations which may be in force during the period of the license, or any portions thereof, and a violation of the provisions thereof by any licensed person shall, in addition to the penalties which may be provided for such violation, or if the licensed

3-14-6

3-14-7

- A) person conducts his business in a disorderly or offensive manner, subject him to revocation of his license by the Village President. (1954 Code, §352-E)

- B. **Appeal of Revocation:** The Village President shall have the power to revoke for cause any such license; provided, that the person whose license is revoked may appeal to the Village Board at its next regular or special meeting when, if a majority of all elected members of the said Board shall so decide, said license shall become again valid and in full force. (1954 Code, §352-I)

3-14-7: **PENALTY:** Any person who shall violate any provision of this Chapter, or any section or clause thereof, or who shall neglect or fail to comply with any or all of the requirements thereof shall, on conviction thereof, pay a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and shall forfeit his license, if any. (1954 Code, §352-L)

