

**CHAPTER 4 - BUSINESS CODE**

**Article I - Administration**

**4-1-1 Applications**

(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

(B) Each application shall contain:

- (1) The name of the applicant;
- (2) The permit or license desired;
- (3) The location to be used, if any;
- (4) Zoning district, if any;
- (5) The time covered; and
- (6) The fee to be paid.

(C) Each application shall also contain the number the Certificates of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

**4-1-2 Persons Subject to License**

Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this Municipality.

**4-1-3 Term and Form of License**

Every license shall be signed and granted for no longer than a one year term, and all licenses, unless otherwise provided by ordinance, shall expire on the December 31<sup>st</sup> of each year. There will be no pro-rated fee for licenses obtained after January 1<sup>st</sup> of the year. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

**4-1-4 Investigations**

(A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk, within forty-eight (48) hours shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

(B) The official(s) to whom the application has been referred shall make a report thereon,

favorable or otherwise within ten (10) days after receiving such application or a copy thereof

(C) The Chief of Police or the County Health Department shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. [If a Zoning Code is in effect, the Zoning Administrator shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations.] All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the Mayor that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained with the application and the related investigative reports, the Mayor shall determine that the matters concerning the application are unsatisfactory, he may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(G) If, after due consideration of the information contained within the application and the related investigative reports, the Mayor shall determine that the application is satisfactory, he shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

#### **4-1-5 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 Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

#### **4-1-6 Termination of Licenses**

All annual licenses shall be operative and the license year for this municipality shall commence on May 1st of each year and shall terminate on April 30th of the following year, where no provision to the contrary is made. The Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if annual), three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse

the licensee from the obligation to obtain a new licensee or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

**4-1-7 Building and Premises**

No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. 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 this Code and/or other applicable regulations of this Municipality.

**4-1-8 Change of Location**

The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with.

**4-1-9 Location**

No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than one (1) location in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

**4-1-10 Nuisances Prohibited**

No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health. [The County Health Department should be consulted.]

**4-1-11 Unsafe or Unhealthful Business**

- (A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.
- (B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

**4-1-12 Refuse Disposal**

- (A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle of not less than twenty (20), nor more than thirty-two (32) gallons capacity, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

**(B) Duty to Provide Refuse Containers.** The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections. All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

**(C) Refuse Removal.** It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.

**(D) Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, café, or retail food establishment where more than thirty-two (32) gallons of refuse, is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

#### **4-1-13 Working Conditions - Health Requirements**

No owner, lessee, manager, or Department Head of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

#### **4-1-14 Sanitation**

All such places of employment shall be kept in a clean condition, free from effluvia or a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

#### **4-1-15 Heat Required**

**(A)** It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than sixty-two degrees Fahrenheit (62°F.) without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than sixty-two degrees Fahrenheit (62°F.) is necessary or expedient for the work or manufacturing processes of such business.

**(B)** It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than sixty-two degrees Fahrenheit (62°F.), without such undue restriction of ventilation as to interfere with proper sanitary conditions therein between the hours of 8:00 A.M. and 6:00 P.M. from October 1st of each year until June 1st of the succeeding year [Sundays and legal holidays excepted].

**4-1-16 Inspection**

The Mayor or the Chief of Police or their designated representative shall visit or cause to be visited all places of employment in the Municipality as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or regulation reasonably necessary to assure compliance with the provisions of any ordinance or regulation of this Municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this Municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this Municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this Municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this Municipality after having first presented a warrant authorizing such entry.

**4-1-17 Suspension, Revocation of License or Permit**

(A) **Nuisance.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

(B) **Hearing.** Within eight (8) days after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(C) **Revocation of Licenses and Permits** issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in Subsections 4-1-17(B) and 4-1-17(D) of this Section for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (2) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor

involving moral turpitude;

(4) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;

(5) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in Section 4-1-16. Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable Code regulations of this Municipality.

**(D) Hearing Notice** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing.

**(E) Counsel.** At the hearing, the Attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

#### **4-1-18 Appeal**

Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in this Section or in connection with the revocation of a license or permit as provided in Section 4-1-17 shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 4-1-17 hereof. The decision of the City Council on such appeal shall be final.

#### **4-1-19 License To Be Posted**

It shall be the duty of every person conducting a licensed business in this Municipality to keep his license posted in a prominent place on the premises used for such business at all times.

#### **4-1-20 Business Vehicle Sticker**

Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

**Article II - Solicitors**

**4-2-1 Definitions**

For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

**“REGISTERED SOLICITOR”** shall mean and include any person who has obtained a valid Certificate of Registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**“RESIDENCE”** shall mean and include every separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

**“SOLICITING”** shall mean and include any one (1) or more of the following activities:

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

**4-2-2 Certificate of Registration**

Every person desiring to engage in soliciting as herein defined from persons within this Municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this Municipality which have been in existence for six (6) months or longer shall be exempt from the provisions of this Article.

**4-2-3 Application for Certificate of Registration**

Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police or other office assigned to perform this duty by the Mayor of the City and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

- (A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
- (B) Address of place of residence during the past three (3) years if other than present address.
- (C) Age of applicant and marital status; and if married, the name of spouse.
- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past three (3) years if other than the present employer.

- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H) Period of time for which the Certificate is applied.
- (I) The date or approximately date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?
- (L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
- (M) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.
- (N) Also, such additional information as the Chief of Police may deem necessary to process the application. All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police or other assigned municipal officer, shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and date pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

#### **4-2-4 Issuance and Revocation of Certificate**

The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate or Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate or Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the

Chief of Police to the holder of the Certificate in person or by United States Postal Service certified with return receipt, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void. The Certificate of Registration shall state the expiration date thereof.

**4-2-5 Policy on Soliciting**

It is declared to be the policy of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

**4-2-6 Notice Regulating Soliciting**

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B) A weatherproof card, approximately three inches by four inches (3” x 4”) in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

**“ONLY REGISTERED SOLICITORS INVITED”**

OR

**“NO SOLICITORS INVITED”**

(C) The letters shall be at least one-third (1/3) inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same, at the cost thereof.

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

**4-2-7 Compliance by Solicitors**

It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in Section 4-2-6 if any is attached and be governed by the statement contained on the notice.

If the notice states “ONLY REGISTERED SOLICITORS INVITED,” then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, “NO SOLICITORS INVITED,” then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the

occupant.

**4-2-8 Uninvited Soliciting Prohibited**

It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 4-2-6.

**4-2-9 Time Limit on Soliciting**

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 10:00 A.M. or after 5:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday.

**4-2-10 Solicitation on Public Highways.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

- (A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963, as amended.
  - (1) The term "Charitable or Beneficent Organization" shall denote an organization which in the opinion of the City Council exists for the accomplishment of altruistic, religious, charitable, humanitarian, education or socially beneficial works.
  - (2) The term "Road-Block" shall denote a fund raising activity wherein a charitable or beneficent organization, with the approval of the City Council, stations members or volunteers at various designated intersections within the City for the purposes of soliciting contributions.
- (B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.
- (C) It shall be unlawful for any organization to conduct a road-block without first obtaining a permit from the City Council for such road-block.
- (D) Only charitable or beneficent organizations as herein defined, having their principal place of business or chapters located within the geographic limits of the City shall be permitted to apply for a permit to conduct a road-block within the City.
- (E) Any organization desiring to apply for such a permit to conduct a road-block shall complete such application as may be required by the City Clerk, and shall post proof of insurance and registration of charitable organization with the Attorney General.
- (F) Should an organization be granted a permit for a road-block, it shall furnish all of its members or volunteers who will be engaged in the actual activity of soliciting for

contributions with a badge, sign or article of clothing which clearly identifies in readily visible print, the organization for which the member or volunteer is soliciting.

(G) Any person so engaged in such solicitation shall be at least sixteen (16) years of age and shall wear a high visibility vest.

(H) Any permit for a road-block shall be granted for two (2) days only. Permits for road-blocks shall not be permitted to include multiple days and only during daylight hours.

(I) The City Council may deny permission to any organization to conduct a road-block in the even the City Council deems that the purposes of the organization are not in compliance with the limitations herein set forth.

(2011-08; adopted 8/10/2011) and (amended by 2011-08; adopted 8/10/2011)  
(626 ILCS 5/11-1006)

**4-2-11 Fees**

Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) Daily License: \$10.00 per person per day.

(B) Annual License: \$50.00 per person per year.

(65 ILCS Sec. 5/11-42-5)

**Article III - Peddlers**

**4-3-1 License Required**

It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

**4-3-2 Definition**

“**Peddle**” shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this Municipality or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall ‘peddle’ be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

**4-3-3 Applications**

A person desiring a license may obtain the same by making application with the Clerk and providing the following information:

- (A) Name and physical description of applicant.
- (B) Permanent home and address and local address if operating from such an address.
- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant’s criminal record other than a traffic record.
- (H) The last three (3) municipalities where the applicant carried on business immediately preceding the date of application to this Municipality and the address from which such business was conducted in those municipalities.

**4-3-4 Investigation of Applicants**

Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

**4-3-5 Hours**

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to 10:00 A.M. or after 5:00 P.M. of any weekday or at any time on a Sunday or on a State or National holiday.

**4-3-6 Fraud**

No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this Municipality, or shall barter, sell or peddle any goods or merchandise or

wares other than those specified in his application for a license.

**4-3-7 Photographs**

Two (2) photographs of the applicant and such of its employees as will be used in the peddling or merchandising, taken within sixty (60) days immediately prior to the filing of the application, which pictures shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

**4-3-8 Unwanted Peddling**

Nothing contained in this Chapter, nor shall the issuance of any license hereunder entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

**4-3-9 Peddlers as Nuisance**

The practice of going in and upon private residences, business establishments or offices in the Municipality by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

**4-3-10 Duty of Police to Abate**

The Police Department of this Municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in Section 4-3-9.

**4-3-11 Exclusionary Provision**

The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed.

**4-3-12 Fees**

The license fees per person to be charged for licenses to peddle in this Municipality, each payable in advance, are hereby fixed and established as follows:

**(A) Daily License:** \$10.00 per person per day

**(B) Annual License:** \$50.00 per person per year

(65 ILCS Sec. 5/11-42-5)

**Article IV - Coin-Operated Machines**

**4-4-1 Definitions**

Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

**“COIN-OPERATED AMUSEMENT DEVICE”** means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pin-ball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

**“OPERATOR”** is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

**“PROPRIETOR”** is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use of play or on exhibition for the purpose of use or play.

**4-4-2 License Required**

No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this Municipality without having first obtained the proper license therefor.

**4-4-3 Application**

Application for license shall be verified by oath or affidavit and contain the following information:

- (A) The name, age and address of the applicant in the case of an individual and, in the case of a co-partnership, of the persons entitled to share in the profits thereof; and in the case of a corporation, the date of incorporation, and the objects for which it was organized. The names and addresses of the officers and directors; and if a majority in interest of the stock of such corporation is owned by one person or his nominee(s), the name and address of such person(s).
- (B) The citizenship of the applicant, his place of birth; or if a naturalized citizen, the time and place of his naturalization.
- (C) The address of the place where the applicant proposes to operate.
- (D) A statement whether the applicant has made a similar application for a similar license on premises other than those described in the application and the disposition of such other application.
- (E) A statement that the applicant has never been convicted of a felony and is not disqualified to receive the license under this Section.

**4-4-4 Prohibited Licensees**

No license under this Section shall be issued to:

- (A) Any person who is not of good character and reputation in the community.
- (B) Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.
- (C) Any person whose license issued under this Chapter has been revoked for cause.
- (D) Any partnership, unless all of the members of the partnership are qualified to obtain such license.
- (E) Any 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 for any reason other than citizenship or residency within this Municipality.
- (F) Any person whose place of business is conducted by a manager or agent unless the manager or agent is of legal age and possesses the same qualifications required of the licensee.
- (G) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

**4-4-5 Fees**

The annual fee for such license shall be Twenty-Five Dollars (\$25.00) per year or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

- (A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.
- (B) The license period shall be for the fiscal year of the Municipality, and all applications for renewal shall be made to the Clerk not more than thirty (30) days, but no less than fifteen (15) days prior to the expiration of such license. (Ord. No. 91-01; adopted 1/9/1991)

**4-4-6 Non-Assignability of License**

The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

**4-4-7 Placement; Gambling Prohibited**

- (A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.
- (B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.
- (C) Prizes and Awards Prohibited. It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

**4-4-8 Display of License**

Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

**4-4-9 Right of Entry**

The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

**4-4-10 Closing Hours**

No establishment operating under a license issued under this Article shall be open for use of any such devices between the hours of 12:00 Midnight and 6:00 A.M. on any day or between 12:00 Midnight Saturday and 12:00 Noon the following Sunday.  
(65 ILCS Sec. 5/11-55-1)

**ARTICLE V  
JUNK DEALERS**

**4-5-1 Definitions**

“**JUNK**” as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than one (1) gross, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one (1) or more of the materials or articles herein mentioned.

“**JUNK DEALER**” as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this Section defined as “junk”.

“**JUNK YARD**” as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this Section defined as “junk”.

(Also see Chapter 12 Motor Vehicle Code, Article IV and Chapter 13 Nuisances, Articles I and III)

**4-5-2 Physical Requirements**

The minimum physical requirements at all times for each junk yard shall be as follows:

(A) The premises where the junk yard is located shall not have more than two (2) entrances thereto and two (2) exits therefrom, each of which shall not exceed fifteen (15) feet in width at the perimeter of the premises.

(B) The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of seven (7) feet measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

(C) The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting one (1) sign of the licensee thereon not exceeding one hundred (100) square feet in size.

(D) The public streets and alleys adjacent to the junk yard shall not have junk thereon.

**4-5-3 License Required**

It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

**4-5-4 Application**

Before any license under the provisions of this Section is used, any person desiring to operate a junk yard in this City shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of seven (7) feet, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and the residence addresses of the president and secretary shall be stated in the application.

**4-5-5 Disqualification**

Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A) Not a person of good character.
- (B) Falsification of an application for a license hereunder.
- (C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding twenty-four (24) months.
- (D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in Section 4-5-2.

**4-5-6 License**

Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of thirty (30) days; that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this Section and all amendments thereto.

**4-5-7 License Fee**

The annual license fee for each junk yard shall be Two Hundred Dollars (\$200.00) payable in advance with the filing of the application for license, and shall not be subject to pro rata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only one (1) annual license fee shall be

payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels or land which are situated on directly is not located in the City, but the operator carries on the business of buying or collecting or opposite sides of an abut upon each side of a public street or alley. Where such place of business bartering for the items heretofore enumerated within the City, the annual fee shall be Two Hundred Dollars (\$200.00) for each junk dealer. The fee is payable as provided in this Code.

**4-5-8 Minors**

No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians. (65 ILCS Sec. 5/11-42-3)

**ARTICLE VI  
RAFFLE CODE**

**4-6-1 Definitions**

Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

“**NET PROCEEDS**” means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

“**RAFFLE**” means a form of lottery, as defined in Section 28-2, subparagraph (b) of the Criminal Code of 1961, conducted by an organization licensed under this Article in which:

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

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

The definitions contained in Section 15/2, of Chapter 230; (Ill. Comp. Stat.) are hereby adopted by reference as if fully set out herein. (See 230 ILCS Sec. 15/1)

**4-6-2 Administration**

The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff, the City Attorney, the City Clerk, and the Chief of Police. (See 230 ILCS Sec. 15/2)

**4-6-3 License Required**

No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this City without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the Illinois Compiled Statutes. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans’ organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. (See 230 ILCS Sec. 15/2)

(A) The above mentioned types of organizations shall be defined pursuant to the Illinois Compiled Statutes and incorporated herein;

(B) No person or organization shall be issued more than one (1) license in a period of one (1) week;

(C) The manager of a raffle game shall give a fidelity bond in the sum of One Thousand

Dollars (\$1,000.00) in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by majority vote of the members of the licensed organization. The terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation.

(D) Any license issued under this Code shall be nontransferable.

#### **4-6-4 Applications for License.**

The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the City upon the conditions and in the manner provided by this Code and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk with the seal of his office affixed thereto.

Prior to the issuance of a license, the applicant shall submit to the City Clerk an application, in triplicate, in writing and under oath stating the following:

- (A) The name and address of the organization;
- (B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (C) The length of time the organization has continually existed immediately before making application for a license;
- (D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;
- (F) The amount that the organization plans to charge for each raffle chance issued or sold;
- (G) The time and location where the raffle is to be held;
- (H) The purpose for which the proceeds of the raffle will be used;
- (I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;
- (J) The last date which the applicant has applied for a raffle license;
- (K) The area in which the organization plans to sell or issue its raffle chances;
- (L) Whether or not the applicant has ever been convicted of a felony.

#### **4-6-5 Application: Issuance.**

All licenses issued by the Mayor or City Clerk are subject to the following restrictions:

- (A) No person, firm or corporation shall conduct raffles or changes without having first obtained a license therefor pursuant to this Code.
- (B) The license and application for a license shall specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.
- (C) The application shall contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the

secretary of that organization.

(D) The Mayor shall act upon a license application within thirty (30) days from the date of application.

(E) The application for license shall be prepared in accordance with this Code.

(F) A license authorizes the licensee to conduct raffles as defined in this Code. (230 ILCS Sec. 15/3)

#### **4-6-6 Prohibited Licensees**

The following are ineligible for any raffle license:

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

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

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

(D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

(E) Any organization in which a person defined in paragraphs (A), (B) or (C) above is an officer, director or employee, whether compensated or not;

(F) Any organization in which a person defined in paragraphs (A), (B) or (C) above is to participate in the management or operation of a raffle as defined by this Code. (230 ILCS Sec. 15/3)

#### **4-6-7 Restrictions on the Conduct of Raffles**

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

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

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

(D) A licensee may enter a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;

(E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(G) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the governing body of any county or municipality under the provisions of this Code. (See 230 ILCS Sec. 15/4)

#### **4-6-8 Records**

(A) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from the gross receipts for each single

gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

**(B)** Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

**(C)** Each organization licensed to conduct raffles shall report monthly to its membership and to the City its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized as required by this Section.

**(D)** Records required by this section shall be preserved for three (3) years, and the organization shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (230 ILCS Sec. 16/5)

#### **4-6-9 Term and Fees**

**(A)** The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed Twenty-Five Thousand Dollars (\$25,000.00);

**(B)** The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed Fifteen Thousand Dollars (\$15,000.00);

**(C)** The maximum price which may be charged for each raffle chance issued or sold shall not exceed Twenty-Five Dollars (\$25.00);

**(D)** The maximum number of days during which chances may be issued or sold shall not exceed one hundred twenty (120) days;

**(E)** Licenses issued pursuant to this Article shall be valid for one (1) raffle and may be suspended or revoked for any violation of this Article.

#### **4-6-10 Limited Construction**

Nothing in this Code shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein. Political committees are required by Chapter 230, Sec. 15/8.1 to secure raffle licenses from the State Board of Elections. (230 ILCS Sec. 15/2) (Ord. No. 520; 01-18-93)

**BUSINESS LICENSE APPLICATION**

APPLICATION NO. \_\_\_\_\_  
ANNUAL LICENSE FEE DUE MAY 1ST: \$ \_\_\_\_\_

(PLEASE TYPE OR PRINT)

1. Applicant's Name: \_\_\_\_\_
2. Applicant's Phone Number: \_\_\_\_\_
3. Applicant' Address \_\_\_\_\_
  
4. Length of resident at above address \_\_\_\_\_ year's \_\_\_\_\_ months
5. Applicant's Date of Birth \_\_\_/\_\_\_/\_\_\_ Social Security No. \_\_\_\_\_
6. Marital Status \_\_\_\_\_ Name of Spouse \_\_\_\_\_
7. Citizenship of Applicant \_\_\_\_\_
8. Business Name \_\_\_\_\_  
Phone Number \_\_\_\_\_
9. Business Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
10. Length of Employment \_\_\_\_\_ years \_\_\_\_\_ months
11. All residences and addresses for the last three (3) years if different than above:  
a. \_\_\_\_\_  
b. \_\_\_\_\_
12. Name and Address of employers during the last three (3) years if different than above:  
\_\_\_\_\_
13. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:  
a. \_\_\_\_\_  
b. \_\_\_\_\_
14. A description of the subject matter that will be used in the applicant's business: \_\_\_\_\_
15. Has the applicant ever had a license in this municipality? [ ] Yes [ ] No  
If so, when \_\_\_\_\_
16. Has a license issued to this applicant ever been revoked? [ ] Yes [ ] No  
If "yes", explain: \_\_\_\_\_
17. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.? [ ] Yes [ ] No If "yes", explain: \_\_\_\_\_
  
18. Has the applicant ever been convicted of the commission of a felony? [ ] Yes [ ] No  
If "yes", explain: \_\_\_\_\_

- 19. LICENSE DATA:   Term of License  
                          Fee for License \$  
                          Sales Tax Number  
                          License Classification
  
- 20. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS  
(PERMANENT):  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICIAL BUSINESS LICENSE**

STATE OF ILLINOIS )  
COUNTY OF MACOUPIN ) ss.  
CITY OF BUNKER HILL )

ILLINOIS SALES TAX NUMBER \_\_\_\_\_

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

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

Given under the hand of the Mayor of the City of Bunker Hill, County of  
Macoupin, Illinois and the seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
CITY OF BUNKER HILL

COUNTERSIGNED:

\_\_\_\_\_  
CITY CLERK  
CITY OF BUNKER HILL

(SEAL)

**APPLICATION FOR RAFFLE LICENSE**

Organization Name:  
Address:  
Type of Organization:  
Length of Existence of Organization:

If organization is incorporated, what is the date and state of incorporation?

Date: \_\_\_\_\_ State: \_\_\_\_\_

List the organization’s presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle.

PRESIDENT: \_\_\_\_\_ Birth Date: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

SECRETARY: \_\_\_\_\_ Birth Date: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

RAFFLE MANAGER: \_\_\_\_\_ Birth Date: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

List any other members responsible for the conduct and operation of the raffle on the back of this page. List name, date of birth, address, social security number, and phone number.

\_\_\_\_\_ This request is for a single raffle license.  
\_\_\_\_\_ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$

Maximum retail value of each prize to be awarded in the raffle: \$ \_\_\_\_\_

The maximum price charged for each raffle chance issued: \$ \_\_\_\_\_

The area or areas in which raffle chances will be sold or issued: \_\_\_\_\_

Time period during which raffle chances will be issued or sold: \_\_\_\_\_

The date, time and location at which winning chances will be determined:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Address: \_\_\_\_\_

If multiple raffles license is requested, list on a separate sheet, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

**THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE CITY COUNCIL.**

**APPLICATION FOR RAFFLE LICENSE**

**SWORN STATEMENT**

The following officers attest to the not-for-profit character of the applicant organization.

\_\_\_\_\_  
(NAME OF ORGANIZATION)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRESIDING OFFICER

STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF MACOUPIN    )

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
NOTARY PUBLIC

**SINGLE RAFFLE LICENSE**

License No.: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Area or areas in which raffle chances may be sold or issued:

Period of time during which raffle chances may be sold:

Maximum price charged for each raffle chance issued or sold: \$ \_\_\_\_\_

Date, time and location at which winning chance will be determined:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.

WITNESS the hand of the Mayor of the City of Bunker Hill and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
CITY OF BUNKER HILL

\_\_\_\_\_  
CITY CLERK  
CITY OF BUNKER HILL

(SEAL)

**MULTIPLE RAFFLE LICENSE**

License No.: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Area or areas in which raffle chances may be sold or issued:

Period of time during which raffle chances may be sold:

Maximum price charged for each raffle chance issued or sold: \$ \_\_\_\_\_

Date, time and location at which winning chance will be determined:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

This is a license for multiple raffles to be held within the maximum period of one (1) year from date of this license. The date, time and location of each raffle is as set forth on Exhibit 1, attached hereto and hereby incorporated by reference.

THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.

WITNESS the hand of the Mayor of the City of Bunker Hill and the Corporate

Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
CITY OF BUNKER HILL

\_\_\_\_\_  
CITY CLERK  
CITY OF BUNKER HILL

(SEAL)

WITNESS the hand of the Mayor of the City of Bunker Hill and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
CITY OF BUNKER HILL

\_\_\_\_\_  
CITY CLERK  
CITY OF BUNKER HILL

(SEAL)

**EXHIBIT 1**

The following is the date, time and location at which winning chances will be determined for multiple raffles to be held within a maximum period of one (1) year from the date of issuance of this license.

|             |             |                 |
|-------------|-------------|-----------------|
| Date: _____ | Time: _____ | Location: _____ |
| Date: _____ | Time: _____ | Location: _____ |
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**APPLICANT/FIELD CHECK**

**INFORMATION CARD**

|   |  |
|---|--|
|   |  |
| Name  | Location                      Date                      Time |
| Residence Address                             | D.L. #   |
| Business Address                              | Vehicle      Color      Yr.      Body      License      Info |
| Occupation                                    | Vehicle Modifications:                                       |
| Social Security Number                        |  |
| Race      Sex      Height                     | Action Leading to Check:                                     |
| WeightEyes      Hair                          |  |
| Complexion                      Date of Birth |  |
| Unusual Features:                             |  |
|   | Comments:  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
| Hat      Coat                                 | Associates:  |
| Cap      Jacket                               |  |
| Blouse Dress                                  |  |
| Shirt      Sweater                            |  |
| Skirt      Trousers                           |  |

**ARTICLE VII – ADULT USE LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES**

**4-7-1 PURPOSE AND FINDINGS**

**(A) Purpose.** It is the purpose of this Code to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Code to restrict or deny access by adults to sexually oriented materials protected by the **First Amendment**, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Code to condone or legitimize the distribution of obscene material.

**(B) Findings** Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap’s A.M., TDA “Kandyland”*, 529 U.S. 277 (2000), and *City of Los Angeles v. Alameda Books, Inc.* 121 S. Ct. 1223 (2001) and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General’s Working Group On The Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board finds:

- (1)** Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (2)** Certain employees of sexually oriented businesses defined in this Code as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (3)** Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- (4)** Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (5)** Persons frequent certain adult theatres, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6)** At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis,

gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States — 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.

(8) As of 2003, there have been 30,139 reported cases of AIDS in the State of Illinois. (The Henry J. Kaiser Family Foundation as seen at [www.statehealthfacts.kff.org](http://www.statehealthfacts.kff.org))

(9) Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the State of Illinois.

(10) The number of cases of early (less than **one (1) year**) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.

(16) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, full in possession and control of the premises and activities occurring therein.

- (19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres.
- (20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
- (22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Code is designed to prevent or who are likely to be witnesses to such activity.
- (23) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Code.
- (24) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
- (25) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this Code.

**4-7-2 DEFINITIONS.** For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

**“Enforcement Officer”** means the Mayor of the City of Bunker Hill, Illinois.

**“Adult Arcade”** means any place to which the public is permitted or invited and wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or specified “anatomical areas”.

**“Adult Bookstore or Adult Video Store”** means a commercial establishment which, as one of its “principal purpose(s)”, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, photographs, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations or films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public

as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's principal purpose is to purvey such material.

**"principal purpose"** means that the commercial establishment has a substantial portion of its displayed merchandise which consist of said items or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items or has a substantial portion of the retail value of its displayed merchandise which consist of said items , or derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items or maintains a substantial section of its interior business space for the sale or rental of said items.

**"Adult Entertainment Cabaret"** means a public or private establishment, nightclub, bar, juice bar, restaurant, bottle club or similar commercial establishment which Regularly features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows featuring persons who appear semi-nude.

**"Adult Motel"** means a motel, hotel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television or offers a sleeping room for rent for a period of time that is less than ten ours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

**"Adult Motion Picture Theater"** A building, commercial establishment or area where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly show to more than five persons for any form of consideration.

**"Municipality – Body"** means the City Council of the City of Bunker Hill, Illinois.

**"Characterized by"** means describing the essential character or quality of an item. As applied in this Article, no business shall be classified as a sexually oriented business by virtue of showing, selling or renting material rated NC-17 or R by the Motion Picture Association of America.

**"Municipality – Type"** means City of Bunker Hill, Illinois.

**"Employ, Employee and Employment"** describes and pertains to any person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

**"Establish or Establishment"** shall mean and include any of the following: the opening or commencement of any sexually oriented business as a new business; the conversion of an existing business, whether or not a sexually oriented business to any sexually oriented

business; the addition of any sexually oriented business to any other existing sexually oriented business.

**“Hearing Body”** shall mean the City Council of the City of Bunker Hill, Illinois.

**“Influential Interest”** means any of the following: the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business; ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business; holding an office (e.g. president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

**“Licensed Day-Care Center”** means a facility licensed by the State of Illinois, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than twelve children under fourteen years of age, where such children are not related by blood, marriage or adoption of the owner or operator of the facility, for less than twenty-four hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

**“Licensee”** shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an “employee”, it shall mean the person in whose name the sexually oriented business employee license has been issued.

**“Nudity or State of Nudity”** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn “thong” type bikini bottom.

**“Operate or Cause to Operate”** shall mean to cause to function or to put or keep in a state of doing business. “Operator” means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.

**“Person”** shall mean individual, proprietorship, partnership, corporation, association or other legal entity.

**“Premises”** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, parking lots/garages adjacent thereto, under the ownership, control or supervision of the licensee, as described in the application for business license pursuant to **Section 4-7-3** of this Article.

**“Regularly”** means and refers to the consistent and repeated doing of the act so described.

**“Semi-Nude or State of Semi-Nudity”** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the

cleavage of the human female breasts exhibited by a dress, blouse, shirt, leotard or similar wearing apparel provide the areola is not exposed in whole or in part.

**“Semi-Nude Model Studio”** means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated by a college, junior college or university, whether supported entirely or partly by taxation or by private means, so long as credits at the private institution are transferrable to an accredited college, junior college or university supported entirely or partly by taxation or in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing and where in order to participate in a class a student must enroll at least three days in advance of the class.

**“Sexual Device”** means any three dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps and physical representation of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

**“Sexual Device Shop”** means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

**“Sexual Encounter Center”** shall mean a business or commercial enterprise that as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

**“Sexual Oriented Business”** means an “adult bookstore”, “adult video store”, “adult cabaret”, “adult motel”, “adult motion picture theater”, “semi-nude model studio” or “sexual encounter center”.

**“Specified Anatomical Areas”** means and includes less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola and the human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**“Specified Sexual Activities”** means any of the following: human genitals in the state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; And fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts, or excretory functions as a part of or in connection with any of the activities described above.

**“Substantial”** means at least thirty-five percent of the items so modified.

**“Transfer of Ownership or Control”** of a sexually oriented business shall mean any of the following: sale, lease or sublease of the business; transfer of securities which constitute an influential interest in the business, whether by sale, exchange or similar means; or the establishment of a trust, gift or other similar legal devise which transfers

the ownership or control of the business, except for transfer by request or other operation of law upon the death of the person possessing the ownership or control.

**“Viewing Room”** shall mean the room, booth or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette or other video reproduction.

**4-7-3 CLASSIFICATION.** The classifications for sexually oriented business shall be as follows:

- a. **Adult Bookstore or Adult Video Store**
- b. **“Adult Entertainment Cabaret”**
- c. **“Adult Motel”**
- d. **“Adult Motion Picture Theater”**
- e. **“Semi-Nude Model Studio”**
- f. **“Sexual Device Shop”**
- g. **“Sexual Encounter Center”**

**4-7-4 LICENSE REQUIRED.**

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the City pursuant to this Article.

(B) It shall be unlawful for any person to be a “employee” as defined in this Article of a sexually oriented business in the City without a valid sexually oriented business employee license.

(C) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the Mayor, a completed application made on a form provided by the Mayor. The application shall be signed as required by paragraph (E) herein and shall be notarized. An application shall be considered complete when it contains for each person required to sign the application, the information and/or items required in paragraphs (1) through (7) below, accompanied by the appropriate fee identified in Section 4-7-6:

- (1) If the applicant is an individual, the individual shall state his/her legal name and any aliases used by the applicants in the preceding five years and submit proof that he/she is eighteen (18) years of age by submitting written proof of age in the form of a driver’s license or a copy of a birth certificate accompanied by a picture i.e. issued by a government agency;
- (2) Current business address or another mailing address of the applicant.
- (3) The business name, location, legal description, mailing address and phone number of the sexually oriented business as well as the name and business address of the statutory agent or other agent authorized to receive service of process.
- (4) A statement of whether an applicant has been convicted of or has plead guilty or nolo contendere to a specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, including the date, place and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.

(5) A statement of whether any applicant has had an influential interest, has, in the previous five years (and at a time which the applicant had the influential interest):

- a. has been declared by a court order to be a nuisance;
- b. has been subject to a court order of closure or padlocking.

(D) The information provided pursuant to Paragraphs 1 through 5 of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the office of the Mayor within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(E) An application shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with Sections 4-7-4 and 4-7-5 of this Article shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

(F) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as application as applicant. Each applicant must be qualified under Section 4-7-5 and each applicant shall be considered a licensee if a license is granted.

(G) The information provided by an applicant in connection with an application for a license under this Article shall be maintained by the Mayor on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required by court order.

**4-7-5 ISSUANCE OF LICENSE**

(A) Within twenty (20) days after receipt of a completed sexually oriented business license application or sexually oriented business employee license application under 4-7-4, the Mayor shall immediately issue a Temporary License to the applicant, which Temporary License shall expire upon the final decision of the City to deny or grant an annual license. Within twenty days of the filing date of a completed sexually oriented business license application, the Mayor shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Mayor shall issue a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1) The applicant is under eighteen (18) years of age;
- (2) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3) The applicant has failed to provide information reasonably

necessary for the issuance of the license or has falsely answered a question or request for information on the application form;

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

(5) The applicant has been convicted of a specified criminal activity defined in this Article.

(6) The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.

(7) The license fee required by this Article has not been paid.

(8) The applicant of the proposed establishment is in violation or in not in compliance with all of the provisions of this Article.

(9) The applicant has had an influential interest in a sexually oriented business in the previous five years (and at a time which the applicant had the influential interest), the business has been declared by a court order to be a nuisance or has been subject to a court order of closure or padlocking.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

**4-7-6 FEES.** The initial license fee and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows: \$100.00 for the initial fee for a sexually oriented and \$50.00 for annual renewal; \$50.00 for initial sexually oriented business employee license and \$25.00 for the annual renewal.

**4-7-7 INSPECTION.**

(A) An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other City or City designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

**4-7-8 EXPIRATION OF LICENSE.**

(A) Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application as provided in Section 4-7-4. Application for renewal shall be made

at least thirty (90) days before the expiration date and when made less than thirty (30) days before the expiration date, the expiration of license will not be affected.

**4-7-9 SUSPENSION.** The City shall issue a written letter of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business licensee has knowingly violated this Article or has knowingly allowed an employee to violate this Article. The City shall issue a written letter of intent to suspend a sexually oriented business license if the employee has knowingly violated this Article.

**4-7-10 REVOCATION.**

(A) The City shall issue a letter of intent to revoke a sexually oriented business license or sexually oriented business employee license, as applicable, if the licensee knowingly violates this Article or has knowingly allowed an employee to violate this Article and the licensee’s license has been suspended within the previous twelve month period.

(B) The City shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license as applicable, if:

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;
- (3) A licensee or management personnel has knowingly allowed prostitution on the premises;
- (4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee’s license was suspended;
- (5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;
- (6) A licensee is delinquent in payment to the City, County or State for any taxes or fees past due;
- (7) A licensee or management personnel has knowingly facilitated another’s commission of the offense of public indecency; or
- (8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) The fact that any relevant conviction is being appealed shall have no effect on the revocation of his license provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.

(D) When, after the notice and hearing procedure described in Section 4-7-11, the City Council revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one year from the date of revocation becomes effective.

**4-7-11 HEARING; DENIAL, REVOCATION & SUSPENSION**

(A) When the Mayor issues a written notice of intent to deny, suspend or revoke a license, the Mayor shall immediately send such notice, which shall include the specific

grounds under this Article for such action, to the Applicant or Licensee (Respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Mayor for the Respondent. The notice shall specify a date, not less than ten days nor more than twenty days after the date the notice is issued, on which the City Council shall conduct a hearing on the Mayor's intent to deny, suspend or revoke the license.

At the hearing, the Respondent shall have the opportunity to prevent all of the Respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Mayor's witnesses. The Mayor shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending or revoking the license. The hearing shall take no longer than two days, unless extended at the request of the Respondent to meet the requirements of due process and proper administration of justice. The City Council shall issue a written decision, including specific reasons for the decision pursuant to this Article, to the Respondent within five days after the hearing.

If the decision is to deny, suspend or revoke the license, the decision shall not become effective until the thirtieth day after it is rendered, and the decision shall include a statement advising the Respondent of the right to appeal such decision to a court of competent jurisdiction. If the City Council's decision finds that no grounds exist for denial, suspension or revocation of the license, the City Council shall, contemporaneously with the issuance of the decision, order the Mayor to immediately withdraw the intent to deny, suspend or revoke the license and to notify the Respondent in writing by certified mail of such action. If the Respondent is not yet license, the Mayor shall contemporaneously therewith issue the license to the applicant.

(B) If any Court action challenging the City Council's decision is initiated, the City Council shall prepare and transmit to the Court a transcript of the hearing within ten days after receiving written notice of the filing of other Court action. The City Council shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the Court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is in operation as of the effective date of this Article: Upon the filing of any Court action to appeal, challenge, restrain or otherwise enjoin the City's enforcement of the denial, suspension or revocation, the City shall immediately issue the Respondent a provisional license. The provisional license shall allow the Respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the Court's entry of a judgment on the Respondent's appeal or other action to restrain or otherwise enjoin the City's enforcement.

**4-7-12 TRANSFER OF LICENSE.** A licensee shall not transfer his/her license to another nor shall a license operate an adult use business under the authority of a license at any place other than the address on the license.

**4-7-13 HOURS OF OPERATION.** No Sexually Oriented Business shall be or remain open for business between 12:00 Midnight and 6:00 A.M. on any day.

**4-7-14 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILES OR VIDEOS.**

(A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet of floor space, a film, video cassette or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior or the premises to an accuracy of plus or minus six inches. The Mayor may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Paragraph (1) of this subsection.
- (3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
- (4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
- (5) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
  - a. The occupancy of viewing rooms is limited to one person.
  - b. That sexual activity on the premises is prohibited.
  - c. That the making of openings between viewing rooms is prohibited.
  - d. That violators will be required to leave the premises.
  - e. That violations of Paragraphs (b), (c) and (d) of this paragraph are unlawful.
- (6) It shall be the duty of the operator to enforce the regulations articulated in (5)(a) through (e) above.

(7) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room, but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view areas specified in this paragraph remain unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(B) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

**4-7-15 LOITERING, EXTERIOR LIGHTING, VISIBILITY AND MONITORING REQUIREMENTS.**

(A) It shall be the duty of the operator of a sexually oriented business to:

- (1) post conspicuous signs stating that no loitering is permitted on such property;
- (2) designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every 90 minutes or inspecting such property by the use of video cameras and monitors; and
- (3) provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering.

(B) if used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

(C) it shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(D) no sexually oriented business will erect or allow to remain standing a fence, wall, or other barrier that prevents any portion of the parking lot for the establishment from being visible from a public right-of-way.

**4-7-16 PENALTIES AND ENFORCEMENT.**

(A) Any person who knowingly violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Ordinance or of any of the provisions or requirements of any Adult Establishment License, shall be guilty of an ordinance violation, and, upon conviction, shall be punishable by a fine not to exceed \$1000. Each day such violation continues shall constitute a separate offense and shall be fined as such.

(B) The City’s legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this article to prosecute, restrain or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the City, provided, however, that nothing in this section and no action taken here under, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this Article, or any of the laws or ordinances in force in the city or to exempt anyone violating this Article or any part of the said laws from any penalty which may be incurred.

**4-7-17 APPLICABILITY OF ORDINANCE TO EXISTING BUSINESSES.** All existing and operating sexually oriented businesses and sexually oriented business employees are hereby granted *de Facto* Temporary License to continue operation or employment for a period of ninety days following the effective date of this Article. By the end of said ninety days, all sexually oriented businesses and sexually oriented business employees must conform to and abide by the requirements of this Article.

**PROHIBITED ACTIVITIES.** It is unlawful for a sexually oriented business to knowingly violate the following regulations or to knowingly allow and employee or any other person to violate the following regulations:

(A) It shall be a violation this article for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

(B) It shall be a violation of this Article for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six feet from any patron or customer and on a stage at least eighteen inches from the floor in a room of at least one thousand square feet.

(C) It shall be a violation of this Article for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.

(D) It shall be a violation of this article for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintain, owning or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

(E) A sign in a form to be prescribed by the Mayor and summarizing the provisions of paragraphs (A), (B), (C) and (D) of this action, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry.

**4-7-18 SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LICENSE LIABILITY.** This article does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this Article. Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee that

constitutes grounds for suspension or revocation of that employee’s license shall be imputed to the sexually oriented business license for purposes of finding a violation of this Article, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

**4-7-19 FAILURE OF THE CITY TO MEET DEADLINE NOT TO RISK**

**APPLICANT/LICENSEE RIGHTS.** In the event that a city official is required to take an action or do a thing pursuant to this article within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or a licensee. If the act is required of the city official under this Article, and is not completed in the time prescribed, and such act is necessary for approval by the city of an applicant or licensee’s application for sexually oriented business license or a sexually oriented business employee’s license, including a renewal, the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the city’s actions have passed.

**4-7-20 LOCATION OF SEXUALLY ORIENTED BUSINESSES**

(A) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business within any restricted area as defined and described herein.

(B) A person commits an offense if the person operates or causes to be operated a sexually oriented business within **one thousand (1,000) feet** of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds or other school property where children may be present, but does not include school facilities used primarily for another purpose;
- (3) A boundary of a residential district as defined in any zoning code of any incorporated area of the City or any approved subdivision located within the unincorporated limits of the City;
- (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City, State, or other recreation authorities;
- (5) The property line of a lot devoted to a residential use as approved by the County Board;

- (6) An entertainment business which is oriented primarily towards children or family entertainment; or
- (7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

(C) A person commits a Class A misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within **one thousand (1,000) feet** of another sexually oriented business.

(D) A person commits a Class A misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(E) For the purpose of subsection (B) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (B). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(F) For purposes of subsection (C) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(G) Any sexually oriented business lawfully operating on the date of enactment of this Code, that is in violation of subsection (A) through (F) of this Section shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed **one (1) year**, unless sooner terminated for any reason or voluntarily discontinued for a period of **thirty (30) days** or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within **one thousand (1,000) feet** of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

(H) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection (B) of this Section within **one thousand (1,000) feet** of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

**ARTICLE VIII**

**PAWNBROKERS**

**4-8-1 LICENSE REQUIRED.**

No person, firm or corporation shall conduct or operate the business of pawnbroker without first obtaining a license therefor as is herein provided; or in violation of any of the provisions herein contained. Any pawnbroker's license may be revoked by the Mayor and Council for any violation of any provision of this Article.

**4-8-2 APPLICATION FOR LICENSE - INVESTIGATION**

Application for pawnbroker's license shall be made to the Clerk and shall state thereon the name of the applicant, the place of business and the number of employees intended to be engaged. The Chief of Police or any other officer of the City designated by the City Council shall investigate each applicant for such license and shall report back to the City Council whether or not such applicant is a person of good character; no license shall be issued to a person who has been convicted of the offense of receiving stolen goods or of burglary or robbery.

**4-8-3 LICENSE FEE**

The annual fee for a pawnbroker's license required by this chapter shall be seventy-five dollars (\$75.00) and this fee shall be payable in advance and no license shall be issued until the fee is paid.

**4-8-4 RECORDS OF PROPERTY**

Every pawnbroker doing business in the City shall keep a record of every article pledged with him or sold to him, and this record shall be open to the inspection of any police officer at any time during the hours of business.

**4-8-5 WEAPONS**

No pawnbroker shall receive as a pledge or purchase any illegal revolver pistol, blackjack or sawed-off shotgun and no pawnbroker shall display in his window any weapon for sale. Any pawnbroker dealing with weapons must possess a federal firearms license to deal specifically with legal weapons.

**4-8-6 MINORS**

No pawnbroker shall have any business dealings as a pawnbroker with any person less than eighteen (18) years of age, except with written consent of the parent or guardian of the minor to each particular transaction. No pawnbroker's license shall be issued to any person who is not eighteen (18) years of age or over; and no pawnbroker shall employ a person of less than eighteen (18) years of age to assist him in his business.

**4-8-7 STOLEN GOODS** It shall be the duty of every pawnbroker to report to the police any article pledged with him, or which it is sought to be pledged with him, if he shall have reason to believe that the article was stolen or lost.

**4-8-8 SECONDHAND DEALERS** No pawnbroker shall conduct the business of a secondhand dealer without having obtained the license required for such dealer in addition to his pawnbroker's license.

**ARTICLE IV  
FIREWORKS**

**4-9-1 DEFINITIONS**

As used in this Article, the following terms shall have the following meanings, unless the context clearly indicated that a different meaning is intended:

**“Common Fireworks”** Any fireworks designed primarily to produce visual or audible effects by combustion shall include ground and hand-held sparkling devices (dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners and flutter sparklers), smoke devices, fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells, Class C explosives classified as common fireworks by the United States Department of Transportation by regulations found in the Code of Federal Regulations.

**“Not Common Fireworks”** fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

**“Dangerous Fireworks”** any fireworks not defined as a “common firework”

**“Fireworks”** any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

**“Special Fireworks”** any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes and chasers, those not considered common fireworks.

**4-9-2 SALE OF FIREWORKS UNLAWFUL**

It is unlawful for any person to sell any fireworks within the city limits other than those fireworks designated in section 4-9-5 of this Article, provided that this prohibition shall not apply to duly authorized public displays.

**4-9-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL**

It shall be unlawful for any person to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any dangerous firework within the City limits; provided that this prohibition shall not apply to duly authorized public displays.

**4-9-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS**

It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the city limits without first having obtained a valid permit issued pursuant to the provisions of this Article.

**4-9-5 TIME LIMIT SET ON SALE AND USE**

No permit holder shall offer for retail sale or sell any fireworks within the City limits except from noon on the 28<sup>th</sup> day of June to noon on the 6<sup>th</sup> day of July of each year. No fireworks may be sold or discharged between the hours of 11:00 PM and 9:00 AM, provided the sale and use of fireworks as provided in this section shall be limited to the

following: dipped stick, sparklers and smoke devices.

**4-9-6 PERMIT FEES**

The annual fee for a seller’s permit for the sale of fireworks as may be authorized under this Article, shall be \$100 per year for each seller’s permit, payable in advance. The fee for a public display permit for the public display of fireworks shall be \$100, payable in advance, unless the City Council waives such fee.

**4-9-7 ISSUANCE – NON-TRANSFERABLE**

(A) **SELLERS** Each seller’s permit issued under this article shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in section 4-9-9 of this Article. Each seller’s permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be non-transferable.

(B) **PUBLIC DISPLAY PERMIT** Each Public display permit issued pursuant to this article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this Article and shall void the permit in addition to all other sanctions provided in this Article.

**4-9-8 APPLICATION FOR PUBLIC DISPLAY PERMIT**

Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least 14 days prior to the scheduled event. Applicants shall meet all qualifications in requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in section 4-9-12 of this Article. The Application found in Exhibit A of this Paragraph shall be completed.

**4-9-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR**

**ISSUANCE** Applications for seller’s permits shall be made to the County Clerk annually on or after **April 1<sup>st</sup>** of the year for which the permit is issued and the filing period shall close on **April 15<sup>th</sup>** of such year unless extended by action of the County Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to Section 4-9-4 of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the County is to be an additional named insured and the policy shall provide for the immediate notification of the County by the insurer of any cancellation of any policy.

(E) The permit holder's location or place of business shall be only in those areas or zones within the City where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 4-9-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the County a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the County. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10<sup>th</sup>) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the County Clerk shall be controlling.

**4-9-10 SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

**4-9-11 STANDARDS FOR TEMPORARY STANDS.** The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the Chief of Police, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

- (D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.
- (E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.
- (F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **“No Smoking Within 50 Feet”** shall be posted on the exterior of each wall of the temporary fireworks stand.
- (G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief for the location involved.
- (H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7<sup>th</sup>) day of July** of each year.
- (I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.
- (J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.
- (K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **“No discharge of fireworks within 250 feet.”** shall be posted on the exterior of all walls of the temporary fireworks stand.

**4-9-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS**

All public fireworks displays shall conform to the following minimum standards and conditions:

- (A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, “Pyrotechnician” means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**
- (B) A permit must be obtained from the City and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.
- (C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

- (D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the County for all costs to firefighters for such time.
- (E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.
- (F) All unfired or “dud” fireworks shall be disposed of in a safe manner.
- (G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.
- (H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.
- (I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

**4-9-13 USE OF FIREWORKS IN PUBLIC PARKS.** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the County, provided, however, that such use shall be permitted under the following circumstances:

- (A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.
- (B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 4-9-4 and 4-9-7** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 4-9-7** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:
  - (1) The sensitivity of the area’s environment, wildlife and wildlife habitat;
  - (2) The inconvenience and nuisance to abutting property owners;
  - (3) The safety and suitability of the area as a place for the discharge of fireworks; and
  - (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.
- (C) Upon designation of any area, it shall be signed and posted by **July 1<sup>st</sup>** of each year for use on **July 4<sup>th</sup>** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the County Board by any citizen of the County. The decision of the County Board shall be final.
- (D) Nothing in this Article shall be deemed to limit the authority of the County Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

**4-9-14 SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever

nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City in accordance with **Sections 4-9-7 and 4-9-8** of this Code.

**4-9-15 NONPROHIBITED ACTS** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

**4-9-16 APPLICABILITY** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

**4-9-17 STATUS OF STATE LAW** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

**4-9-18 ENFORCEMENT** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

**4-9-19 RECKLESS DISCHARGE OR USE PROHIBITED** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. (Ordinance 2006-5, enacted 6/14/2006)

**EXHIBIT "A"**

**APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT**

**PART A – DISPLAY SPONSOR INFORMATION**

|                        |                  |
|------------------------|------------------|
| Display Sponsor's Name | Telephone Number |
| Address                | Cell Phone       |

**PART B – PYROTECHNIC DISTRIBUTOR INFORMATION**

|  |               |                      |
|--|---------------|----------------------|
| Pyrotechnic Distributor's Name   |               | OSFM License         |
| Address  |               | Telephone Number     |
| Location Where Fireworks Stored  |               | Storage Dates        |
| Lead Pyrotechnic Operator's Name   |               | OSFM License         |
| Assistant's Names  | Date of Birth | License No. (if any) |
| <u>Liability Insurance: (not less than \$1,000,000.00)</u>   |               |                      |
| Name and Address of Insurer  |               | Telephone Number     |
| Policy Number  |               | Coverage Dates       |
| Type of Coverage   |               |                      |
| List Type, Size and Approximate Number of Fireworks to be Displayed:<br>(if you need more space, please attach a separate sheet of paper.) |               |                      |

**PART C – DISPLAY INFORMATION**

|  |                             |
|--|-----------------------------|
| Display Location   |                             |
| Property Owner's Name  | Telephone Number            |
| Owner's Address (if different than Display Location)   |                             |
| Date of Display  | Time of Display             |
| Alternative Date   | Time of Alternative Display |
| By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property. |                             |
| Signature:   |                             |

**PART D – SITE INSPECTION INFORMATION**

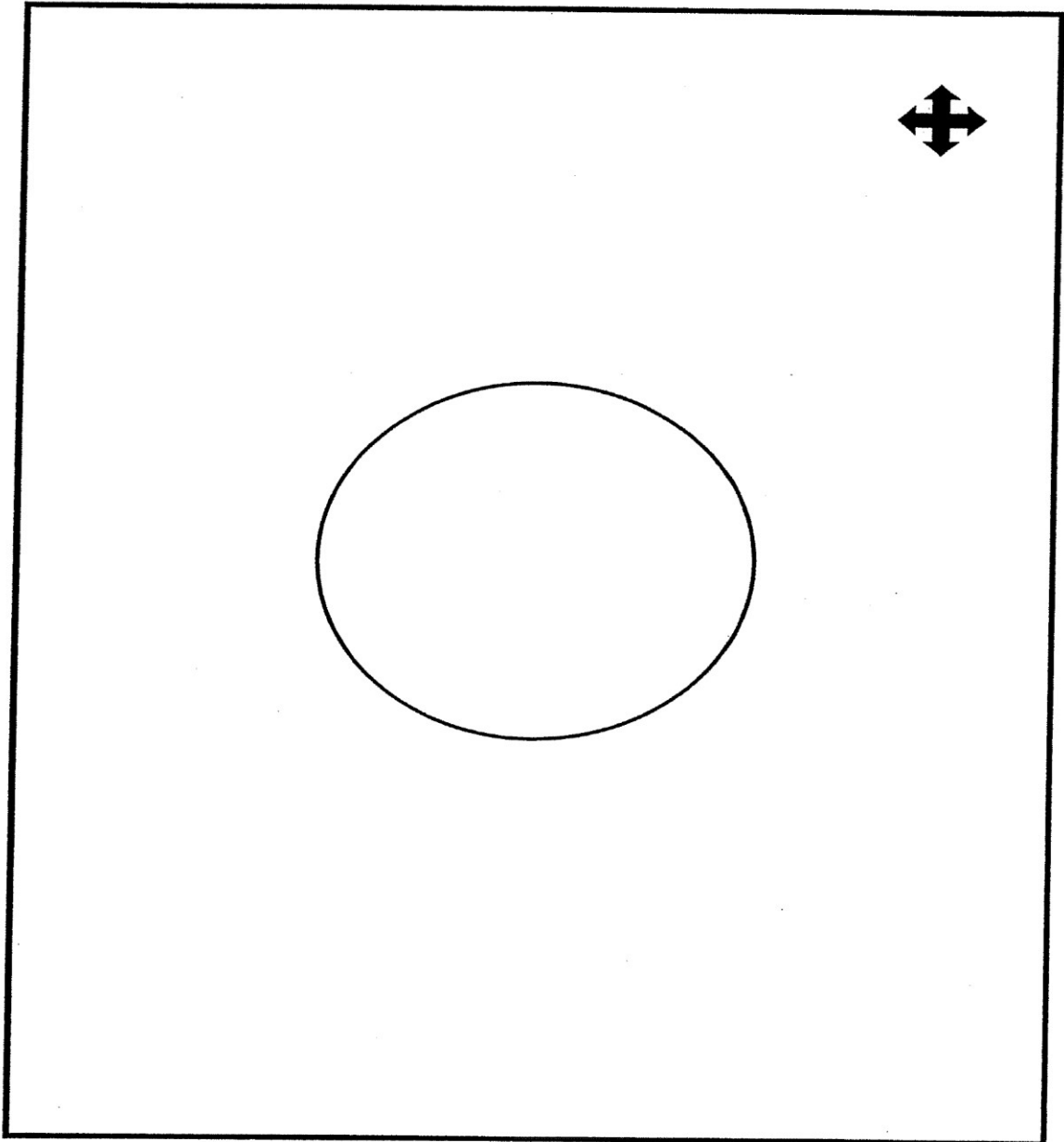
| Answer the following questions  | Yes | No |
|---|-----|----|
| Is distance to any fire hydrant or water supply greater than 600'?                                    |     |    |
| Is display area clear from overhead obstructions?   |     |    |
| Have provisions been made to keep the public out of display area?                                     |     |    |
| Is a hospital, nursing home, or other institution within 600' of the display site?                    |     |    |
| Have provisions been made for on-site fire protection during the display?                             |     |    |
| Has a diagram of the display site been attached to this application?                                  |     |    |
| Identify the largest mortar size (in inches) you intend to use.                                       |     |    |
| Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size. |     |    |

**PART E – FIRE DEPARTMENT AUTHORIZATION  
(Completed by Fire Department)**

|   |                  |    |
|---|------------------|----|
| Department Name   | Telephone Number |    |
| Department Address  |                  |    |
| Based on review of the Display Site, the provided Diagram,<br>And this application:   | Yes              | No |
| Have you verified the answers the applicant has given to Part D of<br>This application?   |                  |    |
| Will the performance of the described Outdoor Pyrotechnic Display<br>at the planned display site be hazardous to property or endanger<br>any person?                  |                  |    |
| By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her<br>designee, hereby acknowledges that he or she inspected the Display Site: |                  |    |
| Signature:  |                  |    |
| Print Name:   | Date             |    |

**PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)**

In the space provided below, draw and identify the location of the following items: Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters. The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:



**EXHIBIT "B"**

**OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST**

**PART A – DISPLAY INFORMATION**

Name of Company: \_\_\_\_\_ License No. \_\_\_\_\_

Name of Lead Operator: \_\_\_\_\_ License No. \_\_\_\_\_

Location of Display: \_\_\_\_\_

Venue Contact: (Name, Address and Telephone Number)  
\_\_\_\_\_

Date of Display: \_\_\_\_\_ Alternative Display Date: \_\_\_\_\_

| <u>Assistants Names</u> | <u>Date of Birth</u> | <u>License No. (If Any)</u> |
|-------------------------|----------------------|-----------------------------|
| _____                   | _____                | _____                       |
| _____                   | _____                | _____                       |
| _____                   | _____                | _____                       |

**PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES**

- Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.
- Identify the largest mortar size in inches: ( )
- The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

**Table 1**

| <b>Mortar Size (in inches)</b> | <b>Minimum Secured Diameter of the Site (in feet)</b> |
|--------------------------------|---|
| <3                             | 280   |
| 3                              | 420   |
| 4                              | 560   |
| 5                              | 700   |
| 6                              | 840   |
| 7                              | 980   |
| 8                              | 1120  |
| 10                             | 1400  |
| 12                             | 1680  |

*Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.*

- Spectators and spectator parking areas must be located outside of the display site.
- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.
- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.
- Review sample Display Site Plan at end of this document.

**PART C – LOCATION OF DISPLAY**

- Mortars shall be placed at the approximate center of the display site.
- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.
- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.
  - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

**PART D - MORTARS**

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.
- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

**PART E – GROUND DISPLAY**

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.
  - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.
- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.
- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

**PART F – DISPLAY SITE SAFETY**

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.
- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.
- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.

- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

**PART G – DISCHARGE AREA SAFETY**

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.
- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.
- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.
  - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.
- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

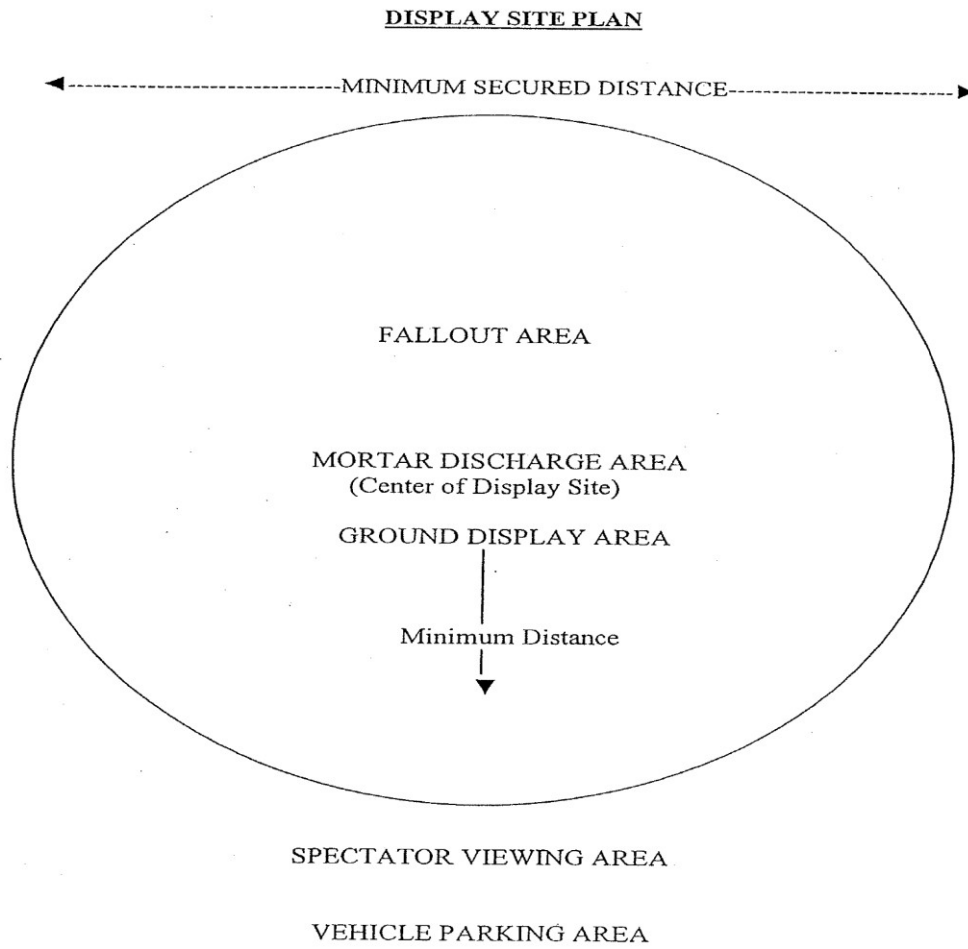
**PART H – HALTING DISPLAY**

- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:

- The lack of crowd control,
  - If high winds, precipitation, or other adverse weather conditions prevail, or
  - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.
- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

**PART I – POST DISPLAY INSPECTION**

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.
- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.



**EXHIBIT "D"**

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

**OUTDOOR PYROTECHNIC DISPLAY PERMIT**

Date \_\_\_\_\_ Permit No. \_\_\_\_\_

**PERMITTEES:**

Display Sponsor \_\_\_\_\_

Pyrotechnic Distributor \_\_\_\_\_

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on \_\_\_\_\_,  
(Month, Day, Year)  
at \_\_\_\_\_ in \_\_\_\_\_, Illinois.  
(Time) (City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on \_\_\_\_\_, at \_\_\_\_\_.  
(Month, Day, Year) (Time)

The Lead Pyrotechnic Operator, \_\_\_\_\_, is hereby  
(Name)  
designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

\_\_\_\_\_  
Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

\_\_\_\_\_  
Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.