

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: AMUSEMENTS

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GENERAL PROVISIONS**' 110.01 APPLICATION.**

The provisions of this subchapter, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the village, whether specifically licensed in another subchapter in this chapter or not.

(1975 Code, ' 23-101)

' 110.02 LICENSES.

(A) It shall be unlawful to conduct or operate any amusement which is open to the public and for admittance to which a fee is charged, without having first secured a license therefor; provided that the provisions of this section shall not be held to apply to those amusements which are specifically licensed by any other ordinance of the village.

(B) Applications for such licenses shall be made to the Clerk and shall comply with all of the general provisions of the ordinances relating to such application.

(C) For such licenses the following fee shall be paid:

(1) Menageries: \$5 per day;

(2) Carnivals: \$10 per day;

(3) Exhibitions of inanimate objects: \$5 per day; and

(4) Other amusements: \$10 per day.

(1975 Code, ' 23-102)

' 110.03 STREET SHOWS.

No permit shall be granted or given for any carnival, exhibition, show or other amusement to be given on any public street or sidewalk or in such place that the only main accommodation for the public or the audience will be in a public place, except on order of the Village Board.

(1975 Code, ' 23-103)

' 110.04 ATHLETIC EXHIBITIONS.

(A) It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball games, boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without having first procured a license therefor.

(B) The proprietor of such exhibition shall submit to the Clerk a statement verified under oath of the gross receipts of each such game, contest or race, within one week after such exhibition. At the same time the proprietor or person exhibiting or operating such exhibition shall pay to the Clerk a sum equal to 3% of the gross receipts.

(C) Sufficient members of the Police Department shall be admitted free of charge, to all such exhibitions for the purpose of preserving and maintaining order, and the Clerk may post a person or any number of persons at the box office of each such performance, and may examine all the books pertaining to such performance showing or tending to show the gross receipts.
(1975 Code, ' 23-104) Penalty, see ' 110.99

' 110.05 MEDICINE SHOWS.

(A) It shall be unlawful to give or conduct any medicine show or performance in connection with or for the purpose of attracting prospective buyers of, or crowds for the purpose of lectures on or demonstrations of any tonic, medicine, remedy or alleged specific for human ailments without having first secured a permit therefor. Applications for such permits shall state thereon the name, nature and contents of the article to be promoted or offered for sale. Such applications shall be referred to the Village Clerk and no permit shall be issued where such tonic, medicine or remedy is harmful for use without the advice of a physician, or consists in whole or part of harmful habit forming drugs or narcotics.

(B) The fee for such permits shall be \$10 per day.
(1975 Code, ' 23-105) Penalty, see ' 110.99

' 110.06 ORDER; CROWDING.

(A) The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

(B) It shall be unlawful to permit or gather such a crowd to witness any such amusement or show as to create a dangerous condition because of fire or other risks.
(1975 Code, ' 23-106) Penalty, see ' 110.99

' 110.07 INSPECTIONS.

It shall be the duty of the Village Board and the Fire Marshal to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the Police and of the Fire Department, and to ensure conformity with the provisions concerning such amusements. (1975 Code, ' 23-107)

' 110.08 INDECENT SHOWS.

It shall be unlawful for any person, firm or corporation to present, exhibit, conduct or take part in any show, theatrical, play, motion picture, exhibition or other form of public amusement or show which appeals to a prurient interest in sex and portrays sexual conduct in a patently offensive way. (1975 Code, ' 23-108) Penalty, see ' 110.99

' 110.09 RIOTS.

It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance. (1975 Code, ' 23-109) Penalty, see ' 110.99

' 110.10 SMOKING.

It shall be unlawful to smoke or carry a lighted cigar, cigarette or pipe on or beneath the stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than 50 persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, presented, operated or exhibited. (1975 Code, ' 23-110) Penalty, see ' 110.99

' 110.11 SIGNS.

It shall be the duty of the owner of such premises or of the occupant in charge, to provide and place printed signs on which the words "No Smoking" shall appear in letters at least four inches high, in conspicuous places, at least two signs being upon the stage or in the wings thereof and one in each dressing room. (1975 Code, ' 23-111) Penalty, see ' 110.99

' 110.12 EXIT LIGHTS.

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for 50 persons or more in which theatricals, shows, amusements, lectures and other entertainment is offered, operated or presented to, to provide and place a sign, on which the word

AEXIT@ shall appear in letters at least six inches high, over every door or other opening from such hall to every means of egress therefrom, and a light shall be provided with a red globe and placed at or over such a sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall.

(1975 Code, ' 23-112) Penalty, see ' 110.99

COIN-OPERATED AMUSEMENTS; VIDEO GAMING

' 110.25 LICENSE REQUIRED.

No person, firm or corporation, society, club or association shall keep and maintain for gain or profit in any place of public resort, either as owner, licensee, manager, officer or agent any pinball machine, ski-ball machine, baseball machine, basketball machine, shuffleboard or juke box, or any similar type of game or machine in which any ball, sphere, missile, arm, crane, appliance, rod or plunger is struck, released, impelled, controlled or manipulated directly or indirectly for the purpose of amusement or test of skill, unless the operator of said machine shall have first obtained a license for such purpose.

(1975 Code, ' 24-101) Penalty, see ' 110.99

' 110.26 APPLICATION FOR LICENSE.

Application to maintain such devices, machine or game shall be made to the Village Clerk for a license therefor, stating the full name and address of the operator and giving the name of the owner of the said machine or game, where said machine or device is to be used and maintained. Examination of said operator shall be made by and under the direction of the President of the Village Board and Corporation Counsel to determine whether or not said operator is of good moral character and the premises in which it is proposed that such machine, game or device is to be operated is one of public resort and not frequented by criminals, felons, vagrants or persons having police records of crime or offenses involving moral turpitude.

(1975 Code, ' 24-102)

' 110.27 DEFINITION OF AOPERATOR@.

The term **OPERATOR** is defined to be any person, partnership, firm or corporation who sets up for operation by another any machine or device as herein provided, whether such setting up for operation, leasing, renting or distributing be for a fixed charge or rental or on the basis of a division of the income derived from such machine or device or otherwise, and each operator shall maintain a residence in the village.

(1975 Code, ' 24-103)

' 110.28 LICENSE FEE.

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(A) The annual operator's license fee to operate or maintain such device, machine or game shall be \$30 each per annum, placed by said operator in the village. Said annual license fee shall be paid annually on January 1 of each year.

(B) No machine shall be licensed where the reward for skill in the operation thereof is not plainly posted upon said machine or where the opportunity for a reward for skill in the operation thereof is not the same for each individual player.

(C) The license herein required for each machine shall be attached to said machine and shall be non-assignable and non-transferable except upon proof that said machine is no longer being used and maintained in the village. The said license shall be posted conspicuously upon each of said machines, and there shall be no rebate or refund of any license fee, and said license fee shall be payable in addition to any and all license fees heretofore levied by the village.

(D) The license herein provided shall not authorize the operation of any automatic pay-off machine or device.

(1975 Code, ' 24-104) Penalty, see ' 110.99

' 110.29 GAMBLING PROHIBITED.

The wagering of moneys, goods or merchandise for gambling upon the outcome of such test of skill or amusement or the manipulation of such game, machine or device is expressly prohibited and shall constitute a violation of this subchapter and shall subject the licensee to a revocation of said license. The license granted under the ordinance may, in the discretion of the President, be revoked, should the premises be used for immoral purposes or as the congregating place of vagrants, habitual criminals, felons or persons heretofore convicted of crime or offenses involving moral turpitude.

(1975 Code, ' 24-105) Penalty, see ' 110.99

' 110.30 MINORS.

(A) No minor under the age of 16 years shall be allowed to play upon said games.

(B) It shall be the duty of the proprietor of the establishment in which any such machine is located to see that minors under the age of 16 years are not permitted to play said machine or device, and he or she shall be liable for the violation of this subchapter if minors under the age of 16 years are permitted to play said machines in his or her establishment.

(1975 Code, ' 24-106) Penalty, see ' 110.99

' 110.31 LICENSED VIDEO GAMING ALLOWED.

(A) *Recitals.* The Village President and Board hereby find that the recitals in the ordinance codified herein are a full, complete and accurate representation of the purpose and intent of this section, direct that the section be liberally construed to accomplish the purpose and intent herein described, and incorporate the recitals the same as though fully set forth herein. In the event that any provision or application of this section is found invalid or unenforceable, it is the desire of the Village President and Board for the court making such finding to treat the remaining provisions and alternate applications as severable from the invalidity or unenforceability and to remain in full force and effect to the maximum extent permitted by law.

(B) *Definitions.* All capitalized terms not otherwise defined herein shall have the same meaning ascribed thereto in the Act, including, but not limited to, the Board, video gaming terminal and licensed establishment.

(C) *Regulation.* Nothing in this subchapter shall be construed to prohibit video gaming terminals operated in accordance with the Video Gaming Act, 230 ILCS 40/1 et seq., and the regulations of the Illinois Gaming Board promulgated thereunder, or as otherwise authorized by the state. See ' 111.21. (Ord. 2012-619a, passed 6-19-2012)

CIRCUSES

' 110.45 LICENSE REQUIRED.

No person, firm or corporation shall conduct or operate a circus in the village without having first obtained a license as is provided in this chapter.
(1975 Code, ' 25-101) Penalty, see ' 110.99

' 110.46 APPLICATION.

The applications for such licenses shall be made to the Village Clerk and shall specify the place in or on which the circus is to be conducted.
(1975 Code, ' 25-102)

' 110.47 FEE.

The fee for circus license shall be \$10 per day for each license.
(1975 Code, ' 25-103)

' 110.48 SIDESHOWS AND CONCESSIONS.

The license fee for such sideshows and concessions operated in connection with a circus shall be \$5 per day.
(1975 Code, ' 25-104)

' 110.49 PROVISIONS TO BE OBEYED.

It shall be the duty of every person licensed under this chapter to obey the provisions of ' ' 110.01 through 110.12, and all other ordinances relating to circuses or the premises occupied thereby.
(1975 Code, ' 25-105)

' 110.50 INSPECTION.

It shall be the duty of the Village Board and the Fire Marshal to see that inspections as provided for in ' ' 110.01 through 110.12 shall be made of all circuses, circus performances and of the premises used.
(1975 Code, ' 25-106)

' 110.51 PARADES; BOND.

It shall be unlawful to conduct any parade connected with a circus in or on any public street, alley or other public way or place in the village, unless a permit therefor is first obtained from the village. Such permit shall specify the route to be followed, and shall be accompanied by a bond in the sum of \$5,000, conditioned to indemnify the village for any loss, damage or liability incurred or caused by the conduct of such parade.
(1975 Code, ' 25-107) Penalty, see ' 110.99

' 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation violating any of the provisions of ' ' 110.01 through 110.12 shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(1975 Code, ' 23-113)

(C) Any person violating any provisions of ' ' 110.25 through 110.31 shall be subject to a fine of not less than \$5 nor more than \$500 for each offense, and a separate and distinct offense shall be deemed committed on each day during or on which a violation occurs or continues.
(1975 Code, ' 24-107)

(D) Any person, firm or corporation violating any provision of ' ' 110.45 through 110.51 shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(1975 Code, ' 25-108)

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

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' 111.01 DEFINITIONS.

The words and phrases used in this chapter shall have the same meaning as those in 235 ILCS 5/1-3 through 5/1-3.29 as amended from time to time.
(1975 Code, ' 22-101)

' 111.02 LOCAL LIQUOR CONTROL COMMISSIONER.

The Village President shall be the Local Liquor Control Commissioner and the person charged with administration of the provisions of the State Liquor Control Act, being 235 ILCS 5 applicable to the village as well as this chapter of the village code. If there is no serving president then the Board shall appoint one of its members as acting Commissioner until a President is appointed or elected. The Liquor Commissioner shall be paid \$20 per month payable upon the first of each month of service.
(1975 Code, ' 22-102) (Ord. 10-5, passed 3-16-2010)

' 111.03 DEPUTY LIQUOR CONTROL COMMISSIONER.

(A) The Local Liquor Control Commissioner may appoint a person to assist him or her in the exercise of the powers and performance of the duties provided for the Local Liquor Control Commissioner in the State Local Control Act and this chapter.

(B) The term of the appointment for the Deputy Local Liquor Control Commissioner shall receive such compensation as may be fixed from time to time by the Village Board.
(1975 Code, ' 22-103)

' 111.04 LOCAL LIQUOR CONTROL COMMISSIONER; POWERS, FUNCTIONS, DUTIES.

The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses:

(A) To grant and or suspend for not more than 30 days or revoke for cause of all local licenses issued to persons for premises within his or her jurisdiction;

(B) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or any rules or regulations adopted by him or her or by the State Commission have been or are being violated, and at

such time to examine said premises of said licensee in connection therewith;

(C) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated this chapter by selling or offering for sale at retail alcoholic liquors without a retailer=s license;

(D) To receive complaint from any citizen within his or her jurisdiction that any of the provisions of this chapter, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in this manner hereinafter provided;

(E) To receive local license fee and pay the same forthwith to the Village Clerk as the case may be; and

(F) To levy fines in accordance with ' 7-5 of the Illinois Liquor Control Act.
(1975 Code, ' 22-104)

' 111.05 COMPLIANCE REQUIRED.

(A) No person, employee, servant or agent shall bottle, blend, sell, barter, transport, deliver, furnish, store or possess any alcoholic or intoxicating liquor or beverage in the village, except as provided in this chapter; provided, however, nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his or her family and guests, nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family and his or her guests, as permitted by the laws of the state; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this chapter.

(B) This chapter shall not apply to any beverages containing less than 0.5% of alcoholic content.
(1975 Code, ' 22-105) Penalty, see ' 111.99

' 111.06 LICENSE REQUIRED.

No person shall offer for sale, sell, distribute, exchange, barter, solicit or receive orders for, keep or expose for sale, or furnish any alcoholic liquor, beer or wine without having an appropriate liquor license, or in violation of the terms of such license, or in violation of this chapter.
(1975 Code, ' 22-106) Penalty, see ' 111.99

' 111.07 CLASSIFICATIONS AND FEES.

No person shall sell, keep for sale, or conduct any place for the sale of beverages enumerated in ' 111.06, or have in his or her possession, with intent to sell, store or distribute said beverages, until the following license fee or fees have been paid, as follows.

(A) *Class A.* Class A licenses shall permit the retail sale, by the drink only and not by the package, of beer, wine or alcoholic liquors. Such retail sales shall be made on the premises specified in such license for consumption on the same premises. All holders of Class A license will automatically hold a Class P License at no additional cost. The annual fee for Class A license shall be \$1,200.

(B) *Class B.* Class B licenses shall permit the retail sale of any and all alcoholic liquor, by the drink only and not by the package, for consumption only on the premises specified in such license in connection with the operation of a restaurant and only during the times when food is prepared and dispensed for consumption on the premises.

(1) Such retail sale shall only be made:

- (a) On the premises specified in the license;
- (b) With food served to the customer; and
- (c) At a dining table and not across a bar.

(2) The annual fee for Class B liquor licenses shall be \$750.

(C) *Class C.* Class C licenses shall permit the retail sale, by the drink only and not by the package, of beer, wine or alcoholic liquors by clubs and shall be issued only to clubs. Such retail sales shall be made on the premises specified in the license for consumption on the same premises. No Class C license shall sell or furnish in any way beer, wine or alcoholic liquors to any person unless such a person is a member in good standing or a guest accompanied by a member in good standing and unless such guest has first signed a guest register provided by the licensee. There shall be no more than two guests per member by population. The annual fee for a Class C license shall be \$1,200.

(D) *Class P.* Class P licenses shall permit the retail sale, by the package only and not by the drink, of beer, wine or alcoholic liquors in the original unopened container for consumption off the premises specified in such license. There will be no additional fee to Class A license holders. The annual fee for a Class P license shall be \$1,200.

(E) *Class TX.* Class TX licenses are temporary in nature and shall permit the retail sale, by the drink only and not by the package, of beer, wine or alcoholic liquors at times when such sale would otherwise be prohibited by this chapter.

(1) Class TX licenses shall only be issued:

- (a) To a licensee already holding Class A, B or C license; and

(b) For a specified consecutive length of time which shall in no case exceed four hours.

(2) Not more than six Class TX licenses shall be granted to any one organization in any one calendar year. The fee for a Class TX license shall be \$25. Notwithstanding any provisions contained in this chapter concerning hours of operation, the Local Liquor Control Commissioner shall establish the hours of operation of each Class TX license issued. The Class TX license must be requested and paid for at least five business days before the event.

(F) *Class S.* Class S licenses are issued only to holders of Class A, B and C licenses and shall permit the retail sale, by the drink only and not by the package, of beer, wine or alcoholic liquors for consumption on the premises specified in such license on Sundays. All holders of a Class S license automatically hold a Class SP license at no additional cost. The annual fee for a Class S license is \$300.

(G) *Class SP.* Class SP licenses are issued to holders of Class P licenses and shall permit the retail sale, by the package only and not by the drink, of beer, wine or alcoholic liquors in the original unopened container for consumption off the premises specified in such license on Sundays. There will be no additional fee to Class S license holders. The annual fee for Class SP license is \$300.

(1975 Code, ' 22-107) Penalty, see ' 111.99

' 111.08 ISSUANCE OF LICENSES; PERIOD COVERED.

(A) All licenses issued shall expire at 12:00 midnight on the last day of June, following the issuance thereof; or at 12:00 midnight on the last day of December, following the issuance thereof, whichever shall come first. Said licenses shall be for the period of six months, to-wit:

(1) From January 1 to 12:00 midnight on the last day of June; provided licenses issued before the last day of June of any year shall expire at midnight the last day of June, following the date of issuance and shall then, when renewed, be for the period of six months; and

(2) From June 1 to 12:00 midnight on the last day of December; provided licenses issued before the last day of December of any year shall expire at 12:00 midnight the last day of December, following the date of issuance and shall then, when renewed, be for the period of she months.

(B) For each month of said fractional portion of said year, the license fee shall be one-twelfth of the total annual license fee times the months covered by said licenses or the fraction thereof.

(1975 Code, ' 22-108)

' 111.09 NUMBER OF LICENSES.

The Village Board may in its discretion limit the number of licenses issued in any classification.
(1975 Code, ' 22-109)

' 111.10 APPLICATION FOR LICENSE; INFORMATION AND FACTS TO BE GIVEN.

(A) All applications for licenses shall be made to the Village Clerk, properly filled out, upon blank forms to be furnished by said Village Clerk, and upon any application being delivered to said Village Clerk in proper form the same shall be delivered to and presented to the President and Board of Trustees at the next regular or special meeting of said Village Board following the delivery of said application to the said Village Clerk. All license fees herein prescribed shall be payable six months in advance and shall not be in force until said fee is paid to the Village Clerk. No rebate for any license fee or any portion thereof shall be paid to or be available to any licensee on account of said license having been revoked, by whatsoever authority, for any violation of any ordinance of the village, or any state law pertaining to the conduct of the business covered by this chapter or the conduct of any business conducted by said licensee in connection with the sale of malt beverages, distilled alcoholic liquors or wines, the storage of beverages herein covered or the distribution of same.

(B) Every application for license covered by this chapter shall state in said application, at minimum:

(1) The name of the applicant;

(2) The location of the premises where it is intended to sell, store or distribute, or manufacture beverages covered by this chapter;

(3) Whether applicant desires to sell for consumption on or off premises, or whether applicant is to be retailer, wholesaler or distributor or manufacturer;

(4) Whether applicant is able and willing to give bond and security as provided by said ordinance;

(5) Whether applicant has ever been convicted of any felony by the final judgment of any court of competent jurisdiction;

(6) Applicant=s present place of residence and whether American-born or naturalized, and if naturalized, the date and place of naturalization; and

(7) Whether applicant is a person addicted by habit to the abnormal use of distilled alcoholic liquors, malt beverages or fruit or vinous beverages.
(1975 Code, ' 22-110)

' 111.11 LICENSE NONTRANSFERABLE.

No license issued under this chapter shall be assignable and a licensee shall permit the sale of such alcoholic liquor as he or she is licensed to sell only on the premises described in the application and license. Such location may be changed only upon written permit to make such change issued by the Mayor, and no change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the state and the provisions of this chapter.
(1975 Code, ' 22-111)

' 111.12 POSTING LICENSE.

Any license issued under this chapter shall be posted in a conspicuous place on said premises operating under said license, and any state or federal license governing said subject matter likewise be posted.

(1975 Code, ' 22-112)

' 111.13 LEGAL AGE; SALES TO MINORS, CERTAIN PERSONS.

(A) Legal age for the sale and consumption of alcoholic beverages for purposes of this chapter shall be in accordance with the laws of the state.

(B) No licensee, nor any other officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.

(1975 Code, ' 22-113) Penalty, see ' 111.99

' 111.14 MINORS ON PREMISES.

(A) It shall be unlawful for the holder of any license to allow any person under 21 years of age except for employees of said license holder to attend or loiter in or about the bar area of the premises wherein alcoholic liquor, beer or wine is sold by the licensee for consumption on the premises.

(1) No minor shall purchase for himself or herself or any other person any alcoholic liquor, beer or wine from any licensee within the village.

(2) Further, no minor shall be allowed to have in his or her possession any alcoholic liquor, beer or wine upon the public streets within the village, and further, no person shall purchase for any minor or give to any minor any alcoholic liquor, beer or wine within the village.

(B) For the purposes of this section, the term **BAR AREA** shall include all that portion of the premises where in alcoholic liquors, beer or wine is sold that contains a service bar and is not physically separated from the remaining portion of said premises. Physical separation shall meet the standards set for in ' 111.29.

(1975 Code, ' 22-114) Penalty, see ' 111.99

' 111.15 SALE OR DELIVERY TO ADDICTED PERSONS.

Sale or delivery to persons addicted by habit to the abnormal use of distilled alcoholic liquors, wines, malt or vinous beverages shall be prohibited.

(1975 Code, ' 22-115) Penalty, see ' 111.99

' 111.16 FOOD FOR HUMAN CONSUMPTION ON THE PREMISES.

Food Afor human consumption on the premises@ must be offered for sale in all places having distilled alcoholic liquors, beer, wine or other beverages herein specified and must be kept for sale to the public. This section means a bona fide keeping of food for human consumption, and not a mere technical possession of a certain food or provision as a shift or device to evade this chapter or law.

(1975 Code, ' 22-116)

' 111.17 DEFINITION OF ABEVERAGE@.

The term *BEVERAGE*, when used in this chapter shall include and be held to mean distilled alcoholic liquors, malt or fermented liquor, fruit juices fermented, liquids and compounds fit for beverages purposes obtained by the alcoholic fermentation of any infusion or decoction of barley malt and hops in drinking water, whether medicated, proprietary, patented or in any by whatever name called, fermentation of fruit or other juices, singly or compounded, containing more than 0.5% by weight and not to exceed 4% of alcoholic content by volume.

(1975 Code, ' 22-117)

' 111.18 CONFLICT WITH STATE AND NATIONAL LAWS.

This chapter is intended to be in harmony with the laws and regulations of the United States and with the laws of the state, pertaining to the manufacture, sale and distribution of beverages, heretofore defined, and any conflict herewith with the above laws shall render said portion or part of said chapter inoperative and void, but shall not affect the remaining and valid portions of this chapter. Any enactment of law by the United States or the state, invalidating any portion of this chapter shall apply to said part or portions contrary thereto, by such law that may be hereafter enacted.

(1975 Code, ' 22-118)

' 111.19 ERECTION OF DRAPES, SCREENS, CURTAINS OR PARTITIONS, FOR PURPOSE OF SHIELDING ACTIVITY.

No drapes, screens, curtains or partitions shall be erected either inside or outside a distilled alcoholic liquor, beer, wine or beverage selling establishment, which completely separates from view the selling and consumption of said beverages from any other business conducted by said licensee.

(1975 Code, ' 22-119) Penalty, see ' 111.99

' 111.20 ACCESS TO OTHER PORTIONS OF PREMISES.

Except in the case of hotels, no alcoholic liquor shall be sold at retail upon any premises which has access which leads from such premises to any other portion of the building or structure used for

dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure, which is used by the licensee, his or her family and personal guests.
(1975 Code, ' 22-120) Penalty, see ' 111.99

' 111.21 GAMBLING; LICENSED VIDEO GAMES.

(A) Recitals.

(1) The Village President and Board hereby find that the foregoing recitals are a full, complete and accurate representation of the purpose and intent of this section, direct that the section be liberally construed to accomplish the purpose and intent herein described, and incorporate the recitals the same as though fully set forth herein.

(2) In the event that any provision or application of this section is found invalid or unenforceable, it is the desire of the Village President and Board for the court making such finding to treat the remaining provisions and alternate applications as severable from the invalidity or unenforceability and to remain in full force and effect to the maximum extent permitted by law.

(B) Definitions. All capitalized terms not otherwise defined herein shall have the same meaning ascribed thereto in the Act, including, but not limited to, the Board, video gaming terminal and licensed establishment.

(C) Regulation.

(1) No gambling game shall be played, kept, allowed or used on any premises licensed hereunder.

(2) For purposes hereof, **GAMBLING GAME** includes, but is not limited to, the following when used as a wagering device: baccarat; twenty-one; poker; craps; slot machine; video game of chance; roulette; Klondike table; punch board; faro; keno; numbers ticket; push card; jar ticket; pull tab; and the like. Notwithstanding, video gaming terminals may be operated in accordance with the Video Gaming Act, 230 ILCS 40/1 et seq., and the regulations of the Illinois Gaming Board promulgated thereunder, or as otherwise authorized by the state.

(3) The owner of a licensed establishment where a video gaming terminal is operated shall conspicuously post the license for such video gaming terminal in view of the public.
(1975 Code, ' 22-121) (Ord. 2012-619a, passed 6-19-2012) Penalty, see ' 111.99

' 111.22 PRESENCE OF PERSON UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

No person under the influence of intoxicating liquor or drugs of any kind, shall be allowed upon the premises of any licensee.

(1975 Code, ' 22-122) Penalty, see ' 111.99

' 111.23 APPLICATION FOR LICENSE.

License applications shall be issued pursuant to the order and allowance of the Village Board by majority vote thereof.

(A) No license shall be authorized by said Village Board unless the application for license shall state the true name of the applicant, the correct address and age of the applicant; the correct description and location of the premises or place where beverages are sold, to be sold, stored, distributed or manufactured; the willingness of applicant to abide by all ordinances of said village and of the laws of the state pertaining to said subject matter;

(B) A person who is not of good moral character and reputation in the community of the village;

(C) A person who is not a citizen of the United States;

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

(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(F) A person who has been convicted of being the keeper or is keeping a house of ill fame;

(G) A person whose license issued under this chapter has been revoked, or whose license issued by the state covering the same subject matter has been revoked for cause, or who has been convicted of a violation of the law for the sale, possession and transportation of alcoholic liquor or beverages covered herein;

(H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(I) A partnership or co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the capital stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(K) A corporation unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under Illinois Business Corporation Act, being 805 ILCS 5 to transact business in the state;

(L) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required by the license;

(M) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor subsequent to the passage of the act of the state permitting the selling and licensing of such sales, or shall have forfeited a bond to appear in court to answer charges for any such violation;

(N) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;

(O) Any law enforcing public official, Mayor or member of the Village Board; and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor;

(P) A person who is not a beneficial owner of the business to be operated by the licensee;

(Q) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of ' 28-1 of, or as proscribed by ' 28-3 of the Criminal Code of 1961, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(R) Any persons to whom a federal gaming device stamp or a federal wagering stamp has been issued as follows.

(1) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

(2) A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(3) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(4) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period;

(S) Any person under the age of 21 years;

(T) Any person having a place of business or location within the territory prohibited by the zoning locations herein prescribed;

(U) No license shall be issued or application for license approved unless applicant is willing to give the bond or security and does give bond or security provided by this chapter;

(V) No license shall be issued, and in event a license has been issued, the same shall become void,

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unless applicant immediately complies with the laws and regulations of the state pertaining to said beverages to be sold, stored, manufactured or distributed and shall secure necessary license or licenses from said state for the lawful conduct of said business in beverages;

(W) No license shall be granted or allowed to any person addicted by habit to the abnormal use of distilled alcoholic liquor, malt or vinous beverages;

(X) No license shall be granted to any person not of normal mind;

(Y) No license shall be issued to any person under this chapter for the sale, at retail of any alcoholic liquor, where the proposed location is within 100 feet of any church, parsonage, school, hospital or home for aged persons; and

(Z) No license shall be issued unless a petition consenting to such issuance is filed with the Village Clerk with the signatures of all of the owners of real estate within 400 feet in all directions of the proposed business to sell alcoholic beverages, exclusive of streets and alleys. Said petition shall be filed with the application for the license.

(1975 Code, ' 22-123) Penalty, see ' 111.99

' 111.24 LIMITATION ON DESCRIPTION OF BUSINESS.

No person dealing in beverages under this chapter shall use the term Asaloon@ or the term Adram shop@ in describing said place of business or in the advertising of the same.

(1975 Code, ' 22-124) Penalty, see ' 111.99

' 111.25 REVOKING OF LICENSE.

The Board of Trustees of the village shall have power and authority to revoke said license, or any license issued under the provisions of this chapter, for the following reasons:

(A) For any false statement made by said applicant in the application for license;

(B) For any violation of the provisions of this chapter;

(C) For the violation of any law of the state pertaining to the sale, manufacture or distribution of beverages;

(D) For the violation of any law of the United States pertaining to beverages;

(E) Said license may be revoked by said Board of Trustees for failure to comply with any regulation specified in this chapter or hereinafter enacted by said Board of Trustees for the regulation or control or licensing of beverages; and/or

(F) For failure to make payment of the license fee in advance as provided by this chapter.
(1975 Code, ' 22-125)

' 111.26 VIOLATION OF ANY VILLAGE ORDINANCE OR STATE LAW.

No licensee shall permit any violation of any village ordinance any violation of any law of the state in connection with the operating of or management of any business, service profession or enterprise, operated or conducted in the location of, adjacent thereto, or in connection with said business of selling or storing or distributing alcoholic beverages, or in the manufacture thereof.
(1975 Code, ' 22-126) Penalty, see ' 111.99

' 111.27 DEFINITION OF A PERSON.

The term *PERSON* as used in this chapter shall mean and be held to mean and include any person, firm or corporation, organization or club.
(1975 Code, ' 22-127)

' 111.28 EXTENT OF RESPONSIBILITY WHEN VIOLATION OCCURS.

Any violation of this chapter by any agent, employee or manager, shall also be the violation of such licensee, as well as of such agent, employee or manager.
(1975 Code, ' 22-128) Penalty, see ' 111.99

' 111.29 HOURS OF SALE.

Beverages, alcoholic liquor or spirits, beer or wine covered by this chapter shall be sold only during the following hours.

(A) For Class A, B, C and P license holders:

(1) Monday through Thursday: from 6:00 a.m. each day until 12:00 midnight that same day, provided however when New Year=s Eve falls on a Monday, Tuesday, Wednesday or Thursday, the licensee may sell until 2:00 a.m the following day;

(2) Friday and Saturday: From 6:00 a.m. each day until 2:00 a.m. the following day; and

(3) 12:00 noon until 10:00 p.m. on Sundays for licensees holding a Class S or SP license. On Super Bowl Sunday, the holder of Class S or SP license may sell between the hours of 12:00 noon until one hour past the end of the football game, or 10:00 p.m., whichever is later. The holder of an S or SP license shall not be entitled to a TX license.

(B) No license holder, except holders of an S or SP license as provided above, may sell alcoholic liquor or spirits, beer or wine between 2:00 a.m. Sunday and 12:00 midnight Sunday; provided, however, if New Year=s Eve falls on a Sunday, any licensee may sell alcoholic liquor or spirits, beer or wine on such day between the hours of 6:00 a.m. and 2:00 a.m the following day (Monday).

(C) All premises on which alcoholic liquor, beer or wine is sold, must be vacated by the public within 30 minutes of the time specified in this section for the cessation of the selling of alcoholic liquors. All alcoholic liquor, beer or wine must be removed and not made available for use by persons remaining on the premises past 30 minutes of the time specified for the cessation of the selling of alcoholic liquors.

(D) Any licensee engaged in other business activities on the premises who shall be open for business during any time that the sale of alcoholic liquors, spirits, beer or wine is prohibited, must keep all alcoholic liquor, spirits, beer or wine in a physically separated area of the premises and shall keep such an area enclosed to the public during the hours that the sale of liquor is prohibited.

(E) Physical separation shall meet the following standards.

(1) A permanent partition at least seven feet high constructed of material strong enough to restrain persons from illegal entry into the liquor sales area, or an enclosed display case accessible only to the licensee and at least five feet distant from the nearest point of access by the public.

(2) A barrier of all entrances and exists to a liquor sales area. Said barrier must be constructed of a material which will prevent access by body or reach into the liquor sales area during the hours that liquor may not be sold.

(3) A single separate checkout counter for the sole purpose of checking liquor or where one cash register is to serve a dual purpose the configuration situated in such a manner as not to force patrons purchasing goods other than liquor into the liquor sales area.

(1975 Code, ' 22-129) (Ord. 10-20-2015, passed 10-20-2015) Penalty, see ' 111.99

' 111.30 CHANGE OF LOCATION; PERMIT BY BOARD OF TRUSTEES.

No licensee shall operate at any location, except such location as is specified in said license permit, and said licensee desiring to change his or her location and business as herein covered shall make application to said Board of Trustees for a permit for the change of location, and when said permit is granted said license shall cover said new location but said license originally granted shall not cover any location to which applicant or licensee shall have moved to without the consent of said Board of Trustees, but no further license fee for the conduct of the same business shall be required. In event of application to change location, applicant must satisfy requirements of ' 111.11.

(1975 Code, ' 22-130) Penalty, see ' 111.99

' 111.31 LIQUOR IN VEHICLES.

No persons shall, within the village, suffer or permit any bottle, container or utensil containing intoxicating liquor to be located in, upon or attached to any motor vehicle, upon any public street or alley in the village unless the seal and wrapper originally placed upon said bottle, container or the like, is unbroken and in the condition that the purchase was originally made in.

(1975 Code, ' 22-131) Penalty, see ' 111.99

' 111.32 CONDUCT ON PREMISES.

No licensee shall permit any illegally or disorderly conduct or immoral practices under the licensed premises.

(1975 Code, ' 22-132) Penalty, see ' 111.99

' 111.33 SALES ON CREDIT.

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares or merchandise, or in payment of any services rendered; and if any person shall extend credit for such purposes the debt thereby attempted be created shall not be recoverable by law; provided that nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guest in accordance with the bylaws of such club; and provided further that nothing herein contained shall be construed to prevent any hotel from permitting checks, statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests; and provided further that nothing herein shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.

(1975 Code, ' 22-133) Penalty, see ' 111.99

' 111.34 INSPECTION OF PREMISES.

(A) The Local Liquor Commissioner or any village or police officer may at any time inspect the premises of a licensee to secure compliance of any provision of this chapter. It shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making such inspection at any time that admission is requested by any authorized officer of the village.

(B) In addition to any other penalty which may be provided, the Local Liquor Commissioner may revoke the license of any licensee who refuses to permit any such officer who is authorized, to make such inspection, or who interferes with such officer while in the performance of his or her duty in making such inspection.

(1975 Code, ' 22-134)

' 111.35 EMPLOYEES.

(A) No licensee shall employ any person under the age of 19 years to sell or serve wine or beer, nor anyone under the age of 21 years to be employed as a bartender in the preparation of hard liquors, except that a person of 19 years or older may serve such liquor to tables beyond the bar or place of preparation.

(B) No licensee shall permit an employee under the age of 21 years to sell or serve wine or beer, or alcoholic liquor unless there shall be on the premises a manager or supervisor who had attained the age of 21 years.

(1975 Code, ' 22-135) Penalty, see ' 111.99

' 111.99 PENALTY.

(A) Any person, firm or corporation, or any agent, employee or manager of any person, firm or corporation, violating any section, paragraph or part of this chapter shall forfeit and pay or shall be fined a minimum of \$500, and/or suspension or revocation of license for each and every violation thereof.

(B) All convictions for violation of this chapter shall provide that the defendant make payment of costs.

(1975 Code, ' 22-136)

CHAPTER 112: MERCHANTS

Section

Itinerant Merchants

- 112.01 License required
- 112.02 Applications
- 112.03 Fees
- 112.04 Itinerant photographers

Junk Dealers

- 112.15 License required
- 112.16 Applications
- 112.17 Fee
- 112.18 Stolen goods
- 112.19 Vehicles
- 112.20 Junk yards

Peddlers

- 112.35 License required
- 112.36 Fee
- 112.37 Applications
- 112.38 Fraud

Solicitors

- 112.50 Registration
- 112.51 Fee
- 112.52 Certificate
- 112.53 Revocation

- 112.99 Penalty

ITINERANT MERCHANTS**' 112.01 LICENSE REQUIRED.**

(A) It shall be unlawful to do business in the village as an itinerant merchant without having first secured a license as is herein provided.

(B) For the purpose of this chapter, any merchant engaging or intending to engage in business as a merchant in the village for a period of time not exceeding 100 days shall be considered as an itinerant merchant, provided that peddlers shall not be considered itinerant merchants.

(1975 Code, ' 27-101) Penalty, see ' 112.99

' 112.02 APPLICATIONS.

Every application for such license shall set forth the commodities to be sold, and the place intended to be occupied or used for the business.

(1975 Code, ' 27-102) Penalty, see ' 112.99

' 112.03 FEES.

The fees for licenses shall be \$50 for one month and \$10 per day.

(1975 Code, ' 27-103)

' 112.04 ITINERANT PHOTOGRAPHERS.

(A) (1) It shall be unlawful for any person to do business as an itinerant photographer in the village without first having secured a license therefor and furnishing bond as is herein required.

(2) The fee for such licenses shall be \$10 per day for each person soliciting orders for or taking pictures.

(B) A bond in the amount of \$1,000 shall be filed before such license shall be issued, conditioned upon compliance by the applicant and all employees or associates working with him or her in the village of all ordinances pertaining to such business and upon fulfillment of any contract entered into between such itinerant photographers and any person in the village.

(1975 Code, ' 27-104) Penalty, see ' 112.99

JUNK DEALERS

' **112.15 LICENSE REQUIRED.**

It shall be unlawful to operate or carry on the business of junk dealer or keep a junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or baggings, oil, iron, brass, copper or empty bottles, without having obtained a license therefor as is herein provided.
(1975 Code, ' 27-106) Penalty, see ' 112.99

' **112.16 APPLICATIONS.**

Applications for such licenses shall be made in conformance with the provisions of the ordinance relating to licenses.
(1975 Code, ' 27-107)

' **112.17 FEE.**

The fee to be paid for such license shall be \$50 annually.
(1975 Code, ' 27-108)

' **112.18 STOLEN GOODS.**

Every dealer in junk who shall receive or be in possession of any goods, article or things which may have been lost or stolen shall upon demand produce such article or thing to any member of the Police Department asking to examine the same.
(1975 Code, ' 27-109) Penalty, see ' 112.99

' **112.19 VEHICLES.**

Each vehicle used by a junk dealer in the conduct of his or her business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.
(1975 Code, ' 27-110) Penalty, see ' 112.99

' **112.20 JUNK YARDS.**

It shall be unlawful to keep or store any junk, as mentioned in the first section of this subchapter, or to establish or maintain any junk yard in the village unless the written consent of the owner of a majority of the property within a radius of 300 feet from the premises to be so used is first obtained and filed in accordance with the ordinances provisions relating to frontage consents.
(1975 Code, ' 27-111) Penalty, see ' 112.99

PEDDLERS**' 112.35 LICENSE REQUIRED.**

It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler in the village without having first obtained a license therefor as provided herein.
(1975 Code, ' 27-113) Penalty, see ' 112.99

' 112.36 FEE.

(A) The fee for a peddler or hawker using a cart, wagon, auto or any other vehicle shall be \$25 for each cart or other vehicle for a yearly license; \$10 for each cart or other vehicle for a monthly license and \$5 for each cart or vehicle for a daily license.

(B) The fee for peddlers or hawkers not using any vehicle shall be \$20 for a yearly license; \$8 for a monthly license and \$5 for a daily license.
(1975 Code, ' 27-114)

' 112.37 APPLICATIONS.

(A) Applications for peddlers= and hawkers= licenses shall be made to the Village Clerk, and shall state thereon the number of vehicles, if any, intended to be operated; the kind of article or merchandise to be peddled; and a permanent address of the peddler.

(B) No license shall be issued without the payment of the fee provided in the preceding sections.
(1975 Code, ' 27-115)

' 112.38 FRAUD.

See ' 112.99.

SOLICITORS

' 112.50 REGISTRATION.

(A) Each and every solicitor, salesperson and canvasser who is about to call from house to house in the village in the duties of his or her employment shall first register in the office of the Village Clerk.

(B) The registration shall give his or her complete identification, his or her signature, the name of his or her employer, the nature of the products or services in which he or she is interested, and the names of the manufacturer of such products and of his or her employer, and the proposed method of operation in the village.

(C) It shall be unlawful for any such solicitor, salesperson or canvasser to fail to register as herein provided.

(1975 Code, ' 27-118) Penalty, see ' 112.99

' 112.51 FEE.

Each registration shall pay to the Village Clerk a registration fee of \$50 for the period expiring 90 days after the date of registration.

(1975 Code, ' 27-119) (Ord. 2003-11-2, passed 11-18-2003)

' 112.52 CERTIFICATE.

(A) Each applicant who shows evidence of good character and pays the fee provided for, shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration.

(B) Each registrant shall at all times while soliciting or canvassing in the village carry upon his or her person the registration certificate and the same shall be exhibited by the registrant whenever he or she is requested so to do by the President or by any person solicited.

(1975 Code, ' 27-120)

' 112.53 REVOCATION.

Any such registration may be revoked by the President because of violation by the registrant of any ordinances of the village or any state or federal law, or whenever the registrant shall cease to possess the character and qualifications required by this chapter for the original registration.

(1975 Code, ' 27-121)

' 112.99 PENALTY.

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(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, firm or corporation violating any provision of ' ' 112.01 through 112.04 shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(1975 Code, ' 27-105)

(C) Any person, firm or corporation violating any provision of ' ' 112.15 through 112.20 shall be fined not less than \$5 nor more than \$500 for each offense.
(1975 Code, ' 27-112)

(D) Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or herself or through an employee, while acting as a peddler in the village, or who shall barter, sell or peddle any goods, wares or merchandise other than those specified in his or her application for a license shall be fined not less than \$5 nor more than \$100 for offense, and the President may revoke his or her license for such offense.
(1975 Code, ' 27-116)

(E) Any person, firm or corporation violating any provision of ' ' 112.35 through 112.38 shall be fined not less than \$5 nor more than \$500 for each offense, and each day on which a violation occurs shall be considered a separate offense.
(1975 Code, ' 27-117)

CHAPTER 113: CABLE REGULATIONS

Section

Regulations

- 113.01 Recitals
- 113.02 Regulations
- 113.03 Service on video service providers

Provider Fee

- 113.15 Service provider fee
- 113.16 Audit
- 113.17 Insurance
- 113.18 Applicable law

REGULATIONS

' 113.01 RECITALS.

The facts and statements contained in the preamble to the ordinance codified herein are found to be true and correct and are hereby adopted as part of this subchapter.
(Ord. 2016-11-15-2, passed 11-15-2016)

' 113.02 REGULATIONS.

The cable and video regulations described in Exhibit A, attached to the ordinance codified herein and incorporated herein, are hereby adopted as though fully set forth herein.
(Ord. 2016-11-15-2, passed 11-15-2016)

' 113.03 SERVICE ON VIDEO SERVICE PROVIDERS.

The Village Clerk is hereby authorized and directed to serve on any cable or video service provider a copy of this subchapter and all regulations pertaining to the management and regulations of the village's right-of-way. The ordinances shall be sent by mail, postage prepaid.

(Ord. 2016-11-15-2, passed 11-15-2016)

PROVIDER FEE

' 113.15 SERVICE PROVIDER FEE.

Pursuant to the State Cable and Video Competition Act, there is hereby imposed on any cable service or video service provider within the village a service provider fee of 5% of the gross revenues of such cable service or video service provider for services delivered within the village, all as defined under the State Cable and Video Competition Act. The service provider fee payment shall be due quarterly and payable within 45 days after the close of the preceding calendar quarter. Each payment shall be accompanied by a brief report prepared by a representative of the grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date that it is postmarked.

(Ord. passed)

' 113.16 AUDIT.

The village has the authority to audit the books and records of any cable service and video service provider operating within the village in accordance with requirements and procedures established under the Local Government Tax Payers Bill of Rights Act.

(Ord. passed - -)

' 113.17 INSURANCE.

(A) Any cable service and video service provider operating within the corporate limits of the village shall provide the Village Clerk with evidence of insurance or self-insurance within 30 days of request by the Village Clerk evidencing general comprehensive public liability insurance naming the village as an additional insured with a minimum liability limit of \$1,000,000 for personal injury or death of one person and \$3,000,000 for personal injury or death of any two or more persons in any one occurrence and \$500,000 for damage to property resulting from any one occurrence.

(B) Additionally, cable service and video service providers shall maintain and show evidence of insurance or self insurance for workers= compensation insurance as required by state law and also comprehensive automobile liability insurance or self insurance to the extent of not less than \$1,000,000 per occurrence against liability for bodily injury, including death and to the extent of not less than \$300,000 per occurrence against liability for damage to property naming the village an additional insured as allowed by law.

(Ord. passed - -)

' 113.18 APPLICABLE LAW.

Cable service and video service providers operating within the village shall fully comply with all of the requirements of the State Cable and Video Competition Act and with the State Cable and Video Customer Protection Act and with all other applicable laws of the state and ordinances of the village.
(Ord. passed - -)

CHAPTER 114: ADULT USES

Section

- 114.01 Purpose
- 114.02 Definitions
- 114.03 License required
- 114.04 Issuance of license
- 114.05 Fees
- 114.06 Inspection
- 114.07 Expiration of license
- 114.08 Suspension
- 114.09 Revocation
- 114.10 Transfer of license
- 114.11 Business records
- 114.12 Adult entertainment cabarets; restrictions
- 114.13 Video viewing booths; restrictions
- 114.14 Hours of operation

' 114.01 PURPOSE.

The purpose of this chapter is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The village recognizes that such regulation cannot in effect prohibit such uses. This chapter has balanced the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.
(1975 Code, ' 23A-101)

' 114.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOKSTORE. An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, 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 Aspecified sexual activities@ or Aspecified anatomical areas@ or an establishment with a segment or section devoted to the sale or display of such material, 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 primary purpose is to purvey such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which:

(1) Features topless dancers, strippers, Ago-go@ dancers, male or female impersonators, lingerie or bathing suit fashion shows;

(2) Not infrequently features entertainers who display Aspecified anatomical areas@; or

(3) Features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in, explicit simulation of Aspecified sexual activities@.

ADULT MOTION PICTURE THEATER. A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Aspecified sexual activities@ or Aspecified anatomical areas@ for observation by patrons therein.

ADULT NOVELTY STORE. An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing Anoveltyies@, lotions and other items distinguished or characterized by their emphasis on or use for Aspecialized sexual activities@ or Aspecified anatomical areas@ or an establishment that holds itself out to public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment=s premises or any other factors showing the establishment=s primary purpose is to purvey such material.

ADULT USE. Adult bookstores, adult motion picture theaters, adult entertainment cabarets and other similar uses.

EMPLOYEE. Employees, independent contractors or any other persons who are retained by the licensee or subject to dismissal from working at the licensed premises.

SPECIFIED ANATOMICAL AREAS.

(1) Less than completely and opaquely covered:

(a) Human genitals;

(b) Pubic region;

(c) Buttocks; or

(d) Female breasts below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED CRIMINAL ACTIVITY. Any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(2) For which:

(a) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;

(b) Less than five years have elapsed since the date of conviction or the date of release from confinement or conviction, whichever is the later date, if the conviction is a felony offense;

(c) Less than five years have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are two or more misdemeanor offenses or combination of misdemeanor offenses occurred within any 24-month period; or

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

SPECIFIED SEXUAL ACTIVITIES.

(1) Human genitals in the state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(1975 Code, ' 23A-102)

' 114.03 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 village pursuant to this chapter.

(B) An application for a license shall be made on a form provided by the village.

(C) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information (including fingerprints) as is needed to

enable the village to determine whether the applicant meets the qualifications established in this chapter.

(D) If a person who wishes to operate an adult use is an individual, the person must sign the application for license as applicant. If a person who wishes to operate an adult use is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

(1) If the applicant is an individual, the individual shall state his or her legal name and any aliases and submit proof that he or she is 18 years of age;

(2) A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and

(3) A corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, and the name and address of the registered corporate agent.

(F) If the applicant intends to operate the adult use business under a name other than that of the applicant, he or she must state:

(1) The business's fictitious name; and

(2) Submit any required registration documents.

(G) Whether the applicant has been convicted of any specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place and jurisdiction of each.

(H) Whether the applicant has had a previous license under this chapter or similar ordinances from another village or county denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or similar ordinance in another jurisdiction or an officer, director or principal stockholder of a corporation that is or was licensed under this chapter and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(I) Whether the applicant holds any other licenses under this chapter or other similar ordinance from another city or county and if so, the names and locations of such other licensed businesses.

(J) A sketch or diagram showing the configuration of the premises including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises. (1975 Code, ' 23A-103)

' 114.04 ISSUANCE OF LICENSE.

(A) (1) Within 30 days after receipt of a completed adult use business license application, the village shall approve or deny the issuance of a license to an applicant.

(2) The village shall approve the issuance of a license, unless it determines by a preponderance of the evidence any one or more of the following:

(a) The applicant is under 18 years of age;

(b) The applicant is overdue in payment to the village of taxes, fees, fines or penalties assessed against or imposed upon him or her in relation to any business;

(c) 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;

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

(e) The applicant has been convicted of a specified criminal activity defined in this chapter;

(f) The premises to be used for the adult use business has not been approved by the Fire Protection District as being in compliance with applicable laws and ordinances;

(g) The license fee required by this chapter has not been paid; or

(h) The applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(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.

(C) The Fire Protection District shall complete their certification that the premises is in compliance or not in compliance with village codes within 20 days of receipt of the application by the village.

(D) No adult use business license shall be issued unless the premises at which the adult use will operate is in conformance with the restrictions set forth in the zoning ordinance.

(1975 Code, ' 23A-104)

' 114.05 FEES.

Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a \$2,500 non-refundable application and investigation fee.
(1975 Code, ' 23A-105)

' 114.06 INSPECTION.

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

(B) A person who operates an adult use or his or her agent or employee violates this chapter if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
(1975 Code, ' 23A-106)

' 114.07 EXPIRATION OF LICENSE.

(A) Each license shall expire on January 1 after it was issued and may be renewed only by making application as provided in ' 114.03. Application for renewal shall be made at least 30 days before the expiration date and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(B) If the village denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the village finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.
(1975 Code, ' 23A-107)

' 114.08 SUSPENSION.

(A) The village may suspend a license for a period not to exceed 30 days if, after a hearing, it determines that a licensee or an employee of a licensee:

- (1) Violated or is not in compliance with any section of this chapter;
- (2) Refused to allow an inspection of the adult use business premises as authorized by this chapter; or

(3) Knowingly permitted gambling by any person on the adult use business premises.

(B) If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this chapter, no hearing is necessary prior to suspension of the license.
(1975 Code, ' 23A-108)

' 114.09 REVOCATION.

(A) The village shall revoke a license if a cause of suspension in ' 114.08 occurs and the license has been suspended within the preceding 12 months or if the licensee is convicted of any specified criminal activity.

(B) The village shall revoke a license if it determines, after a hearing, that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

(3) A licensee has knowingly allowed prostitution on the premises;

(4) A licensee knowingly operated the adult use business during a period of time when the licensee's license was suspended;

(5) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensee premises;

(6) A licensee is delinquent in payment to the village, county or state for any taxes or past due fees; or

(7) A licensee has knowingly or intentionally facilitated another commission of the offense of public indecency.

(C) If the village revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult use business license for one year from the date the revocation became effective. If subsequent to revocation, the village finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.
(1975 Code, ' 23A-109)

' 114.10 TRANSFER OF LICENSE.

A licensee shall not transfer his or her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

(1975 Code, ' 23A-110)

' 114.11 BUSINESS RECORDS.

All adult uses shall file a verified report with the village showing the licensee=s gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of two years the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

(1975 Code, ' 23A-111)

' 114.12 ADULT ENTERTAINMENT CABARETS; RESTRICTIONS.

All dancing and other performances shall occur on a stage intended for that purpose which is raised at least two feet from the level of the floor. No dancing or other performances shall occur closer than ten feet to any patron. In addition, no performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any performer. No patron shall directly pay or give any gratuity to any performer and no performer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to performers by placing the gratuity on the stage.

(1975 Code, ' 23A-112)

' 114.13 VIDEO VIEWING BOOTHS; RESTRICTIONS.

No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions of a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

(1975 Code, ' 23A-113)

' 114.14 HOURS OF OPERATION.

No adult use shall be open prior to 2:00 p.m. or after 12:00 midnight, Monday through Saturday, and closed Sunday.

(1975 Code, ' 23A-114)

