

## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

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- 111. ALCOHOLIC LIQUOR**
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## **CHAPTER 110: GENERAL LICENSING REGULATIONS**

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### **§ 110.01 LICENSE REQUIRED.**

It shall be unlawful for any person or persons, or corporation to be engaged in or carry on any business, occupation or pursuit hereinafter mentioned in this chapter, within the limits of the city, without first having obtained a license therefor in the manner hereinafter provided.  
(Ord. 8, passed 6-11-28) Penalty, see § 10.99

### **§ 110.02 LICENSE FEE SCHEDULE.**

(A) There shall be taxed and collected of and from the person or persons or corporation engaged in or carrying on the different branches of business, occupation or pursuits in this section mentioned, respectfully, license fees for the terms and rates as follows:

- (1) Circus or menagerie shall pay a license fee of \$10 for each term of one day.
- (2) Circus and menagerie combined shall pay a license fee of \$20 for each term of one day.
- (3) Miniature golf courses shall pay a license fee of \$50 per year, payable in advance.
- (4) Peddlers or vendors or itinerant merchants or transient vendors of ware or merchandise, on foot, shall pay a license fee of \$5 for each term of one day.
- (5) Peddlers or vendors as above in wagons or trucks shall pay a license fee of \$10 for each term of one day.

(6) Persons desiring to sell any goods, wares or merchandise, confectionery, soft drinks, medicine, in a stand, enclosed or unenclosed, upon the streets, or commons or alleys thereof, shall pay a license fee of \$10 for each term of one day.

(7) Pool halls shall pay a license fee of \$15 for the first table and \$10 for each additional table.

(8) Shooting galleries shall pay a license fee of \$1 per day.

(9) Skating rinks shall pay a license fee of \$10 per week.

(10) All other tent shows or amusements not selling merchandise shall pay a license fee of \$3 per days. If selling merchandise of any kind, they shall pay a license fee of \$10 dollars per day.

(B) The City Clerk is authorized to issue licenses provided for in this chapter and to collect the fee for same as above provided, and in addition thereto a fee of fifty cents for issuing the same. (Ord. 8, passed 6-11-28; Am. Ord. 7A, passed 5-6-29; Am. Ord. 8, passed 8-4-30) Penalty, see § 10.99

### **§ 110.03 CERTAIN AMUSEMENTS PROHIBITED FROM RESIDENTIAL AREAS.**

(A) Tent shows, skating rinks, or other amusements are prohibited from showing, locating or operating in the residential portion of the city, if any near-by or adjacent resident of the city shall object thereto and file objection with the City Clerk;

(B) All licenses issued under § 110.02 shall be optional with the City Council as to whether they shall be issued or not issued, and for any reasonable cause may instruct the City Clerk to refuse to issue the license.

(Ord. passed 6-2-30) Penalty, see § 10.99

### **§ 110.04 EXEMPTIONS.**

This chapter shall not apply to farmers and others living within the city nor to exhibitions, concerts and lectures given by the citizens of the city nor to any entertainments provided for by subscription of the citizens of the city and vicinity.

(Ord. 8, passed 6-11-28)

## **CHAPTER 111: ALCOHOLIC LIQUOR**

### **Section**

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### ***GENERAL PROVISIONS***

#### **§ 111.01 DEFINITIONS.**

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

***ALCOHOLIC LIQUOR.*** Any alcohol, spirits, wine, beer, ale, or other liquid containing more than one-half of one percent of alcohol by volume and which is capable of being consumed as a beverage for a human being.

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

***CLUB.*** A corporation or limited liability company organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor.

***HOTEL or MOTEL.*** Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay, to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or adjoining buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

***LICENSED PREMISES.*** The premises described in the license.

***ORIGINAL PACKAGE.*** Any bottle, flask, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, usually corked, capped, or sealed or labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor.

**PACKAGE SALE.** The sale of alcoholic liquor in the original package and not to be consumed or in fact consumed in whole or in part on the premises where sold.

**RESTAURANT.** A place of business where food is sold for consumption on the premises and where the sale of alcoholic liquor is not the principal business carried on as defined in ILCS Ch. 65, Act 5, § 1-3.23.

**RETAIL SALE.** The sale for use or consumption, and not for resale in any form.

**SALE.** Any transfer, either by gift or for consideration, exchange or barter in any manner, and includes all sales made by any person, either principal, proprietor, agent, servant or employee.

**SPECIAL EVENT.** Any fund-raising event, festival, carnival, concert, dance, or other public activity sponsored by an educational, fraternal, political, civic, religious or recognized non-profit organization with offices in the city and not otherwise holding a liquor license as set forth in § 111.19. (Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11)

#### **§ 111.02 LIQUOR CONTROL COMMISSION.**

The Mayor is the Liquor Control Commissioner and all members of the City Council shall assist him in his duties.

(Ord. 746, passed 2-14-11)

#### **§ 111.03 COMPLIANCE WITH STATE AND FEDERAL STATUTES.**

All licensees under the terms hereof shall at all times fully comply with the provisions of all federal and state laws and statutes pertaining to the business of such licenses.

(Ord. 514, passed 7-20-91; Am. Ord. 746, passed 2-14-11) Penalty, see § 111.99

#### **§ 111.04 CONSUMPTION OF ALCOHOLIC BEVERAGE IN PUBLIC.**

It shall be unlawful for any person to be or appear in a drunken or intoxicated condition or drink alcoholic liquor on the streets, in the alleys, or in any public place where alcoholic liquor is not legally sold, or in or about such places as are frequented by the public, such as ice cream parlors, stores, drug stores, service stations, commercial businesses, and the like.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11) Penalty, see § 111.99

***LICENSING*****§ 111.15 LICENSE REQUIRED.**

It shall be unlawful for any person to sell or offer for sale at retail in the city alcoholic liquor, without first having obtained a liquor dealer's license issued by the City Clerk or to sell alcoholic liquor in violation of the terms of such license or of this chapter after having first obtained the same.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.16 APPLICATION FOR LICENSE.**

Applications for licenses shall be made to the City Clerk in writing, and under oath, upon forms prepared and furnished by the city. All applications and the licenses issued thereon shall state the name of the applicant and the location of the premises in or on which the applicant seeks to operate under the license. All applications must be approved by the Liquor Control Commissioner before the issuance of the license by the City Clerk.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11)

**§ 111.17 PERSONS INELIGIBLE FOR LICENSE.**

(A) No license shall be issued to:

(1) A person who is not a resident of the city, unless such person's place of business is conducted by a manager or agent who possesses the same qualifications required of the licensee, including place of residence;

(2) A person who is not of good character and reputation in the community in which he resides;

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

(4) A person who has been convicted of a felony under the laws of the State of Illinois;

(5) A person whose liquor license issued under this chapter or ordinance of any other municipality has been revoked for cause;

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

(7) A person who has been convicted of a violation of any ordinance of the City or federal or state law concerning the manufacture, possession, transportation, or sale of alcoholic liquor, subsequent to the passage of the Illinois Dram Shop Act, ILCS Ch. 235, Act 5, § 6-21;



(8) Any policeman or law enforcement officer, any Mayor, City Clerk, City Treasurer or member of the City Council; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

(9) Any person not eligible for a federal and state dealer's license;

(10) A corporation or limited liability company, if any officer, member, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason, other than citizenship and residence within the city; or

(11) A corporation or limited liability company, unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or a foreign limited liability company which is qualified under the Illinois Business Corporation Act or the Illinois Limited Liability Company Act, to transact business in Illinois. The Liquor Control Commission shall permit and accept from an applicant for a license under this section proof provided from the Illinois Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act or the Limited Liability Company Act to transact business in Illinois.

(B) A licensee to whom a license is issued shall continue to meet the qualifications throughout the period of this license; any license issued to any applicant who is later found to be ineligible for such license, whether such ineligibility existed before or came into being after the issuance of the license, may be revoked by the Mayor and Council acting in the capacity of Local Liquor Control Commission upon reasonable notice to the licensee and public hearing thereon. In the event of the revocation of a license, no refund of any license fee therefore paid shall be made.

(Ord. 746, passed 2-14-11; Am. Ord. 910, passed 3-22-21)

#### **§ 111.18 TERM; PRO-RATING FEE.**

Each license shall be issued for the period of one year, commencing on July 1, or a lesser term if application is made therefor after July 1, and the issuance thereof. In the event the license is issued for a period of less than one year, the fee therefor, as herein provided, shall be reduced in the proportion that the period of time for which such license is issued, bears to the 12-month period from July 1 to June 30, but no refunds of any such license fee shall be made or paid by the city.

(Ord. 746, passed 2-14-11)

#### **§ 111.19 CLASSIFICATION OF LICENSES.**

Licenses shall be and are hereby divided into six classes:

(A) *Class A or tavern license.* Class A or tavern license, which shall authorize the retail sale on the premises specified in said license of alcoholic liquor for consumption on or off the premises for which such license is issued.

(B) *Class B or restaurant license.* Class B or restaurant license, which shall be issued only to the operator of a restaurant, as defined in ILCS Ch. 235, Act 25, § 1-3.23, which license shall authorize the licensee to sell alcoholic liquor for consumption at facilities used and provided by the licensee for the service and consumption of food in the interior of the licensee's restaurant building on the licensed premises. No package sale shall be made by the holder of such license for consumption off such licensed premises.

(C) *Class A-B or combined tavern and restaurant license.* Class A-B or combined tavern and restaurant license, which shall be issued to operators of a business premises that has within its building or buildings a restaurant and tavern with bar, with intentions to engage in package liquor sales for off premises consumption, from its tavern site. Such licensees shall meet all other requirements set forth for Class A tavern licenses and Class B restaurant licenses.

(D) *Class C or package liquor store license.* Class C or package liquor store license, which shall authorize the licensee to make package sales of intoxicating liquor on the licensed premises of alcoholic liquor at retail which are not for consumption on the licensed premises or on any of the premises including parking lot or other facilities, connected therewith. If, however, the license holder obtains a state gaming permit, it shall be authorized to sell for consumption on the licensed premises, within a designated gaming area, beer, wine, wine coolers, and pre-mix package drinks sold in bottles or cans. Sale of alcoholic beverages poured from a bottle or dispensed from a tap by employees of the licensee, will not be permitted.

(E) *Class D or club license.* Class D or club license, which shall be issued to a club as defined in ILCS Ch. 235, Act 5, § 1-3.24 and shall entitle such club to make sales and consumption sales of such liquor to bona fide club members and their families and guests introduced by a member, but not to the public generally.

(F) *Class E or hotel license.* Class E or hotel license, which shall be issued to a hotel as defined in § 111.01 and shall entitle such hotel to make sales and consumption sales of such liquor on the licensed premises and to serve liquor to its guests. No package sales shall be made by the holder of such licenses for consumption off such licensed premises, except wines manufactured in the State of Illinois and licensed for retail sale.

(G) *Class G or special event license.* Class G or special event license, which shall authorize the retail sale and distribution of alcoholic liquor for consumption at a special event as defined in § 111.01 on the premises specified. The fee for obtaining such a license shall be \$25 for each 24-hour period of operation. The application for the license shall describe the premises, including the structure and approximate square footage upon which the alcoholic liquors are to be sold at retail, and the period of time to be covered by the license. The hours of the event shall be stated on the application, subject to approval by the Liquor Control Commissioner, but in no event shall the license be effective for more than a seven-day period. Only recognized not-for-profit organizations, educational, fraternal, political, civic, religious, fraternal organizations, clubs and benevolent associations may apply for a special event liquor license. The organization applying for such a license must meet the requirements for a liquor license as set forth in § 111.17. Any organization applying for a special event license as described herein

shall provide to the Liquor Control Commissioner proof of liability and host liquor dram shop insurance in an amount not less than the amount required by the Illinois Liquor Control Commission, and either the policy must name the city as co-insured owner/dram shop operator or the organization must agree in writing to indemnify the city for any damage suffered as result of the hosting and operation of the special event. No organization shall obtain a special event liquor license more than four times in any calendar year. Notwithstanding any provision of this section to the contrary, no alcoholic liquor shall be sold or distributed by the holder of a special event license in violation of this chapter or any other local ordinance or state regulation. Nothing contained in this chapter shall prohibit the holder of a Class D club license from applying for and holding a special event license concurrently with a Class D club license.

(Ord. 746, passed 2-14-11; Am. Ord. 825, passed 6-27-16; Am. Ord. 842, passed 5-8-17; Am. Ord. 881, passed 11-25-19)

**§ 111.20 NUMBER OF LICENSES.**

(A) There shall be issued to be in effect at any one time not more than:

<i>Classification or Type of License</i>	<i>Number of Licenses</i>
Class A (Tavern) license	3
Class B (Restaurant) license	4
Class A-B (combined tavern and restaurant)	3
Class C (Package Liquor Store) license	4
Class D (Club) license	3
Class E (Hotel) license	1
Glass G (Special Event) license	6

(B) No person shall be eligible to hold more than one license of a single classification during any annual period.

(Ord. 514, passed 7-20-92; Am. Ord. 593, passed 7-14-99; Am. Ord. 662, passed 1-12-04; Am. Ord. 679, passed 11-13-06; Am. Ord. 746, passed 2-14-11; Am. Ord. 785, passed 6-9-14; Am. Ord. 829, passed 10-10-16; Am. Ord. 852, passed 1-8-18; Am. Ord. 861, passed 11-1-18; Am. Ord. 881, passed 11-25-19)

***Cross-reference:***

*Classification of licenses, see § 111.19*

**§ 111.21 LICENSE FEES.**

(A) The annual fees for Class A (Tavern) and Class B (Restaurant) licenses shall be \$1,200, payable in quarterly installments of \$300 each due on the first days of July, October, January and April, or semi-annual installments of \$600, due on the first day of July and first day of January, or in a single installment of \$1,200, due on or before July 1.

(B) The annual fee for a Class A-B (Combined Tavern and Restaurant) license shall be \$1,200, payable in quarterly installments of \$300, each due on the first days of July, October, January and April, or semi-annual installments of \$600, due on the first day of July and first day of January, or in a single installment of \$1,200, due on or before July 1.

(C) The annual fee for Class C (Package Liquor Store) licenses shall be \$1,200, payable in the same manner as Class A and Class B licenses.

(D) The annual fee for Class D (Club) licenses shall be \$650, payable in quarterly installments of \$162.50 each on the first days of July, October, January and April, or semi-annual installments of \$325, due on the first day of July and first day of January, or in a single installment of \$650, due on or before July 1.

(E) The annual fee for Class E (Hotel) license shall be \$1,200, payable in quarterly installments of \$300 each on the first days of July, October, January and April, or semi-annual installments of \$600, due on the first day of July and the first day of January, or in a single installment of \$1,200, due on or before July 1.

(F) The applicable fee for Class G (Special Event) licenses shall be \$25 per 24-hour period, payable upon approval of such license application.

(Ord. 746, passed 2-14-11; Am. Ord. 825, passed 6-27-16; Am. Ord. 881, passed 11-25-19)

**§ 111.22 PAYMENT AND DISPOSITION OF FEES.**

All license fees shall be paid to the City Clerk. The first installment or annual payment shall accompany the application for license. In the event the license applied for is denied, the installment/payment shall be returned to the applicant. If such license is granted, then the fee shall be deposited in the general corporate fund, or in such other fund as shall have been designated by the City Council.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11)

**§ 111.23 INSURANCE REQUIRED.**

All applications for license shall be accompanied by a binder from an authorized agent for dram shop insurance coverage in such amounts as appropriate for issuance of a license by the Illinois Liquor Control Commission, conditioned upon compliance by the applicant with the provisions of this chapter and of all other state and local liquor control laws, which insurance binder shall be subject to approval by the Liquor Control Commission. Proof of insurance shall be provided by the applicant following its receipt of the subject license.

(Ord. 746, passed 2-14-11)

**§ 111.24 RECORD OF LICENSE.**

The City Clerk shall keep a complete record of all such licenses issued by the city; and shall furnish the Liquor Control Commissioner and Police Department with a complete record thereof. Upon the revocation of any license, the Mayor shall forthwith give notice of such action to the City Clerk and Police Department.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11)

**§ 111.25 TRANSFER OF LICENSE.**

A license issued under this chapter shall be purely a personal privilege, good for not to exceed one year after issuance, and may be revoked as provided in this chapter, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, nor shall the same be subject to being encumbered or hypothecated. No refund of any license fee or part thereof shall be made by the city.

(Ord. 746, passed 2-14-11)



**§ 111.26 RENEWAL OF LICENSE.**

(A) Written applications for renewal of license in the form prescribed by the City Council with proof of insurance as prescribed in this chapter shall be filed with the City Clerk on or before the second Monday of June. The Clerk shall report all the names of all applicants for renewals of licenses to the City Council at a meeting to be called by the Mayor within ten days after the second Monday of June, together with the location of the places of business of such license, and whether or not any written complaint has been filed as to the manner in which the applicant for such renewal of a license has been carried on the business authorized thereby, or protest against the renewal thereof, setting forth the grounds of protest. Applicants for the renewal of an existing license who are qualified to receive a license, shall have preference over applicants for a new license.

(B) All applications for renewal of license shall be referred by the City Clerk to the City Council acting as the Liquor Control Commission, for rejection or approval, as in the case of applications for original licenses.

(C) An application for renewal of any license upon its expiration shall not be granted if written complaint has been filed with the City Clerk or City Council as to the manner in which the applicant for such renewal has carried on the business authorized by such license, or if a protest as hereinbefore provided has been filed, until hearing has been had on such complaint by the Liquor Control Commission for the approval or rejection of such application for renewal. If a complaint or protest, as in this chapter provided, is filed against the renewal of any license, the City Council acting as Liquor Control Commission shall within ten days after the date when applications for renewal are required to be filed, conduct a hearing after reasonable notice to the applicant at which the complainant and the applicant, and such evidence as the Commission may desire, may be heard and considered. The granting or rejection of a license after such hearing shall be determined by the Commission and its decision shall be final.

(D) The renewal of any license may be denied by the Liquor Control Commission with or without cause for the purpose of decreasing the number of any class of licenses theretofore granted by the city. (Ord. 514, passed 7-20-92)

(E) As a condition to license renewal, licensees shall provide proof that bar tenders and servers of alcohol have received certification from the TIPS alcohol training program. (Ord. 746, passed 2-14-11)

**§ 111.27 CHANGE OF LOCATION.**

A retail liquor license shall permit the sale of alcoholic liquor, as therein provided, only in the premises described in such application. Such location may be changed only upon the written permit to make such change issued by the City Clerk, upon the approval of the City Council acting as the Liquor Control Commission.

(Ord. 746, passed 2-14-11)

**§ 111.28 REVOCATION AND SUSPENSION OF LICENSE.**

The City Council acting as Liquor Control Commission may revoke, or suspend for a definite period of time, any liquor license issued under the provisions hereof, for the violation of any provision of this chapter, or for any violation of any state or federal law or statute pertaining to the possession, sale or handling in any way of alcoholic liquor. The Liquor Control Commission may, if it appears to be to the public interest, suspend any license issued hereunder during the pendency of proceedings properly instituted for the revocation of such license. No licensee shall operate under his license during any period for which a license may have been suspended.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11)

***OPERATION AND SALES*****§ 111.40 PEDDLING PROHIBITED.**

It shall be unlawful to peddle alcoholic liquor in the city.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.41 SANITARY CONDITIONS.**

All premises used for the retail sale of alcoholic liquor, or for the storage of alcoholic liquor for such sale, shall be kept in clean and sanitary condition, and shall be kept in full compliance with the provisions of all ordinances, statutes and laws regulating the condition of premises used for the storage or sale of food for human consumption.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.42 LOCATION RESTRICTIONS.**

No license shall be issued for the sale or other dispensing of any alcoholic liquor on premises within 100 feet of any church or school. No such license shall be issued unless the premises covered thereby are approved by the City Council acting as Liquor Control Commission.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.43 HOLIDAYS.**

It shall be unlawful for the holder of any license to sell or offer to sell, at retail or otherwise, directly or indirectly, or give away or otherwise dispense, any alcoholic liquor in the city on days observed as holidays commonly known as Christmas or Easter Sunday.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99



**§ 111.44 DAYS AND HOURS OF OPERATION.**

(A) The holder of any license issued hereunder may keep his licensed premises open for business between the following hours:

Monday	Between 6:00 a.m. and midnight
Tuesday	Between 6:00 a.m. and midnight
Wednesday	Between 6:00 a.m. and midnight
Thursday	Between 6:00 a.m. and midnight
Friday	Between 6:00 a.m. and 1:00 a.m.
Saturday	Between 6:00 a.m. and 1:00 a.m.
Sunday	Class A (Tavern); Class B (Restaurant); Class A-B (Combined tavern and restaurant), Class C (Package) and Class E (Hotel) between 12:00 Noon and 10:00 p.m. Class D (Club) Between 12:00 noon and midnight.

(B) No person, including entertainers and band members, shall be and remain in the licensed premises when the license holder is not open for business, except for the licensee and employees of the licensee, who will be allowed one hour for necessary closing procedures. Last call for customers of the licensee shall be given not less than 30 minutes before closing, and all bands or other entertainers shall stop performing at least one hour before closing.

(C) License holders may extend their business hours on New Year's Eve, but in no event shall closing be later than 1:00 a.m. on any night. Applications for extended hours on other occasions will be considered. No provisions are made herein for additional or extended hours on the Saturday of the annual Grayville Days celebration. On those days where the license holder offers live entertainment, including but not limited to bands, DJs, wrestling, and karaoke, a minimum of one security representative must be present. Security representatives must be on the licensed premises, and must wear approved apparel. The apparel shall clearly identify the person as a security representative, and shall be approved by the Chief of Police. A minimum of two security representatives shall be required on New Year's Eve, Grayville Days weekend, or any other time extended hours of operation are approved by the City Council, where live entertainment as described above, is offered.

(D) It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any hours within which the sale of such liquor is prohibited; provided that restaurants, hotels and those portions of Class C licensed premises which are devoted to the business of the sale of services or commodities other than alcoholic liquor and which are separated by means making access to those portions of the premises where alcoholic liquor is sold inaccessible to the public after the last allowable time for the sale of alcoholic liquor as provided herein, may be kept open for business during such hours, but no alcoholic liquor may be sold to, or consumed by the public during such hours.

(E) A licensee shall, however, have the right to take no more than two of his employees into the licensed premises between the hours of 7:00 a.m. and 9:00 a.m. on Sundays, and on the holidays of Christmas and Easter Sunday, for cleaning and maintenance purposes only. All licensees shall, at and during the time when their licensed premises are closed as provided herein, keep all shades, blinds, and curtains raised and open and maintain sufficient light in the licensed premises so that a full, complete, unobstructed, and clear view of the interior of the same may be had and obtained from the exterior thereof, occasions of failure of electric current and similar causes beyond the control of the licensee being excepted.

(Ord. 514, passed 7-20-92; Am. Ord. 584, passed 8-28-99; Am. Ord. 593, passed 7-14-99; Am. Ord. 651A, passed 4-14-03; Am. Ord. 668, passed 5-9-05; Am. Ord. 746, passed 2-14-11; Am. Ord. 771, passed 4-22-13; Am. Ord. 812, passed 2-8-16; Am. Ord. 852, passed 1-8-18; Am. Ord. 881, passed 11-25-19) Penalty, see § 111.99

#### **§ 111.45 SALES TO UNDERAGE, INTOXICATED OR INCOMPETENT PERSONS.**

No licensee, his or her agent, or employee, shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to a person known by the person making such sale, gift, or delivery, to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment, and no person shall purchase any alcoholic liquor for, or for delivery to, anyone to whom the sale of alcoholic liquor is forbidden under the provisions of this chapter.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11) Penalty, see § 111.99

#### **§ 111.46 UNDERAGE PERSONS PROHIBITED FROM PURCHASING; MISREPRESENTATION OF AGE.**

(A) No person under the age of 21 years shall purchase any alcoholic liquor in any place where such liquors are lawfully sold, or from any person lawfully authorized to sell the same.

(B) It shall be unlawful for any non-age person to misrepresent his or her age for the purpose of purchasing alcoholic liquor in any place where such liquor is lawfully sold, or to any person authorized to sell such liquor for the purpose of purchasing the same.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11) Penalty, see § 111.99

#### **§ 111.47 RESTRICTION ON SALES.**

No license shall be issued to any person for the sale of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transactions consist of selling school books, school supplies, food, lunches or drinks to such minors.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.48 SALES ON CREDIT.**

No person shall sell or furnish alcoholic liquor to any person on credit, or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise or in payment of any services rendered, provided that nothing herein contained shall be construed to prevent any hotel or motel from permitting checks or statements for liquor to be signed by regular guests residing at the hotel and charged to the accounts of the guests.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.49 REQUIREMENTS IN PREPARATION AND SERVICE OF INTOXICATING LIQUOR.**

The holder of a Class A (Tavern), Class B (Restaurant), Class A-B (Combined Tavern and Restaurant), Class D (Club), or Class E (Hotel) license shall mix, pour or otherwise prepare drinks or alcoholic liquor only in a bar area specifically designated as such by the license holder, with the dining area or any area in which individuals under age 21 are permitted, located at least ten feet from the outer perimeter of the bar. Employees of such licensee preparing or serving intoxicating liquor in the bar room or from the bar room into the dining area of licensee's premises shall be 18 years of age or over. Intoxicating liquor may be served in the bar room whether from a bar or from tables therein located; intoxicating liquor may be served in the dining areas only from tables; and intoxicating liquor may be served in individual rooms only in hotels licensed as Class E.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11; Am. Ord. 881, passed 11-25-19) Penalty, see § 111.99

**§ 111.50 EMPLOYEE AGE REQUIREMENT; SERVING UNDERAGE PERSONS.**

(A) No one under the age of 18 years shall draw, pour or mix any alcoholic liquor as an employee of any licensee; and no licensee shall employ any such person to draw, pour or mix any alcoholic liquor in any licensed premise within the city. Any bands, entertainers or performance groups offering entertainment on a licensed premises, having members who are 18 years of age or younger, must have a parent or legal guardian of the minor present throughout the performance.

(B) The holder of a Class A (Tavern), Class A-B (Combined Tavern and Restaurant), Class C (Package Liquor Store), Class D (Club), or Class E (Hotel) license shall not employ any person under the age of 18 years to work in the bar room where alcoholic liquor is mixed, poured or otherwise prepared. Minors, may, if in the company of a parent or guardian, be permitted to enter the dining or family room of the holder of a restaurant or hotel license, for the purpose of eating and consuming food, provided the minor is seated at least ten feet from the nearest portion of the bar. With respect to Class D (Club) licenses, a minor cannot enter the room where liquor is being mixed, poured, prepared or sold, unless the licensee has upon application, obtained permission from the Liquor Commission to allow minors, in the company of a parent or guardian, to enter such a room, while the licensee is hosting a reception, party, or similar special event. Under no circumstances can a minor be served alcoholic liquor in a dining or family room, or any other room on the licensed premises.

(Ord. 746, passed 2-14-11; Am. Ord. 881, passed 11-25-19) Penalty, see § 111.99

**§ 111.51 EXHIBITING LICENSE.**

Every licensee shall cause his or her license to be framed and hung in plain view in a conspicuous place in or upon the licensed premises.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.52 DANCING PERMITTED.**

Dancing is permitted upon all licensed premises. Each licensed premise will be allowed no more than two disturbances requiring police action within a daily operating period. Should more than two disturbances requiring police action occur, the liquor license for that premise can be revoked or suspended for a definite period of time. Any time a licensee has paid entertainment on his or her licensed premise, all doors must be kept closed.

(Ord. 746, passed 2-14-11) Penalty, see § 111.99

**§ 111.53 ENFORCEMENT POLICIES.**

The Mayor, in his or her capacity as Liquor Control Commissioner, with the assistance of the Chief of Police and Board of Commissioners, shall from time to time establish written policies for the operation of licensed premises within the city, which policies shall be incorporated by reference into this chapter, as if fully set forth herein, and copies of such policies shall be provided to all license holders. Additionally, that certain enforcement policy put into effect on Monday, August 20, 2012, is hereby ratified and adopted.

(Ord. 771, passed 4-22-13) Penalty, see § 111.99

**§ 111.54 MISCELLANEOUS REQUIREMENTS FOR LICENSE HOLDERS.**

(A) All employees of the license holder must refrain from consuming alcoholic beverages while working at the licensed premises. This restriction applies without exception, including bartenders, barmaids and security representatives. All employees of the license holder are subject to alcoholic breath samples (PBT) requested by the Grayville Police Department.

(B) All outside beer gardens or gated areas where the consumption of alcoholic beverages is allowed, shall be locked from within, and secured during all hours of operations. Such areas must have approved non-transparent fencing, such that patrons are not visible to the public at large.

(C) License holders shall be responsible for reimbursing the city for all costs incurred in police officer overtime, resulting from efforts to resolve disturbances arising at the licensed premises. All license holders, officers, directors, and employees must be respectful and cooperative with Grayville police officers while such officers are conducting official police business.

(Ord. 812, passed 2-8-16) Penalty, see § 111.99

### **§ 111.99 PENALTY.**

(A) Any person violating the provisions of this chapter shall, upon conviction, be fined not less than \$25 nor more than \$500 for each offense and costs; a separate offense shall be deemed committed on each day during which or upon which such violation occurs or continues. If a holder is so convicted, it may result in a suspension or revocation of the license issued by the city.

(B) Additionally, violations of the enforcement policy put into effect on Monday, August 20, 2012, (see § 111.53) shall be subject to the following penalties for violations thereof:

(1) First offense will result in a fine of not less than \$100, nor more than \$500, for each offense.

(2) Second offense will result in a 48-hour suspension of the license of the liquor license holder found to be responsible for the violation.

(3) Third offense will result in a seven-day suspension of the license of the liquor license holder found to be in violation.

(C) Additionally, license holders shall be responsible for all fights occurring on the licensed premises, underage consumption of alcoholic beverages within the licensed areas, and patrons leaving the premises with opened containers of alcoholic beverages. If a violation of any of these specifically designated responsibilities occurs, or any of the requirements of §§ 111.44 or 111.54, the license holder shall be subject to the following penalties:

(1) First offense - fined not less than \$25, nor more than \$500 for each offense.

(2) Second offense - a 48-hour suspension of the license holder's liquor license, in addition to the applicable fine.

(3) Third offense - a seven-day suspension of the license holder's liquor license, in addition to the applicable fine.

(Ord. 514, passed 7-20-92; Am. Ord. 746, passed 2-14-11; Am. Ord. 771, passed 4-22-13; Am. Ord. 812, passed 2-8-16)

## CHAPTER 112: JUNK DEALERS

### Section

#### *General Provisions*

- 112.01 Definitions
- 112.02 Physical requirements
- 112.03 Purchases from minors prohibited
- 112.04 Inspections

#### *Licensing*

- 112.15 License required
- 112.16 Application
- 112.17 Disqualifications
- 112.18 Conditions of license
- 112.19 Annual license fee
- 112.20 Revoking license
  
- 112.99 Penalty

### **GENERAL PROVISIONS**

#### **§ 112.01 DEFINITIONS.**

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

***AUTOMOBILE GRAVEYARD.*** Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

***JUNK.*** Old or scrap copper, brass, rope, rags, batteries, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

**JUNK YARD.** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.  
(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)

#### **§ 112.02 PHYSICAL REQUIREMENTS.**

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

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

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

(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 sign of the licensee thereon not exceeding 100 square feet in size.

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

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90) Penalty, see § 112.99

#### **§ 112.03 PURCHASES FROM MINORS PROHIBITED.**

No licensee hereunder shall purchase or receive any article whatsoever from any minors without the written consent of their parents or guardians.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90) Penalty, see § 112.99

#### **§ 112.04 INSPECTIONS.**

Any licensee hereunder shall at all times allow any police officer or patrolman of the city and the public health authorities free access to any and all portions of the junk yard or automobile graveyard for the purpose of inspection, during regular business hours.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90) Penalty, see § 112.99



***LICENSING*****§ 112.15 LICENSE REQUIRED.**

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

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)

**§ 112.16 APPLICATION.**

Before any license under the provisions of this chapter is issued, any person, firm, partnership or corporation desiring to operate a junk yard or automobile graveyard in this city shall first make a verified application in writing to the City Clerk, 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 or automobile graveyard 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 or automobile graveyard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum seven 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 or automobile graveyard to be located has junk thereon. If the applicant is a corporation or partnership, the names and residence addresses of all the partners, and in case of a corporation the names and addresses of the president and secretary, shall be stated in the application.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)

**§ 112.17 DISQUALIFICATIONS.**

Any application for a license to keep, maintain, conduct or operate a junk yard or automobile graveyard 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 or automobile graveyard theretofore issued to the applicant has been revoked during the preceding 24 months.

(D) Failure to meet any one of the minimum physical requirements for a junk yard or automobile graveyard as specified in § 112.02.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)

#### **§ 112.18 CONDITIONS OF LICENSE.**

(A) Any and all licenses issued hereunder shall be for the 12-month period, shall state that such license is issued in the name of the junk yard or automotive graveyard dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard or automobile graveyard, the expiration date thereof, the legal description of the premises where the junk yard or automobile graveyard is to be located, that such license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferrable.

(B) The 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, the junk yard or automobile graveyard shall remain closed for a period of 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 chapter, and all amendments thereof.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90) Penalty, see § 112.99

#### **§ 112.19 ANNUAL LICENSE FEE.**

The annual license fee for each junk yard or automobile graveyard shall be \$50 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 application for or because of revocation of a license; provided, however, that only one said annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards or automobile graveyards on lots, blocks, tracts or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)

#### **§ 112.20 REVOKING LICENSE.**

The Mayor of the city may revoke the license of any licensee hereunder for violating, failing or refusing to comply with any provisions of this chapter.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)

**§ 112.99 PENALTY.**

Any person, firm, partnership or corporation violating any provision of this chapter shall be fined not less than \$25 nor more than \$200 for each and every offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 296, passed 9-7-71; Am. Ord. 492-A, passed 12-3-90)



## **CHAPTER 113: AUTOMATIC, MECHANICAL OR ELECTRONIC AMUSEMENT DEVICES, PINBALL MACHINES AND JUKEBOXES**

### **Section**

- 113.01 Definitions
- 113.02 License required; fees
- 113.03 Application
- 113.04 License tags
- 113.05 Revocation of license
- 113.06 Placement; gambling devices
- 113.07 Inspection
  
- 113.99 Penalty

### **§ 113.01 DEFINITIONS.**

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

***AUTOMATIC, MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE.*** (Also referred to as ***DEVICE*** and ***MACHINE***. Any machine which, upon the insertion of a coin, trade token, slug, or paper currency, or upon receipt of credit, operates or may be operated as a game or contest of skill or amusement of any description, and which contains no automatic payoff device for the return of money or trade tokens or slugs or which makes no provision whatever for the return of money to the player. An ***AUTOMATIC, MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE*** is further defined as a machine, apparatus, or contrivance which is used or may be used as a game of skill and amusement wherein and whereby the player propels a ball, missile, dart, or other device by any force exerted by himself or herself, or wherein or whereby the player initiates, employs, or directs any force generated by the machine and including mechanical musical devices commonly known as jukeboxes or nickelodeons. It shall not include vending machines which do not incorporate amusement features, and is not intended to include pool tables, as defined in the Pool Hall Licensing Ordinance now in effect in the city.

***PROPRIETOR.*** Any person, firm, association, club, partnership, limited liability company, corporation or other business entity owning, leasing or occupying any building, room, or establishment

within the city wherein a video gaming terminal, video amusement device or automatic, mechanical or electronic amusement device is used or played or is placed for use or play or is exhibited for the purpose of use or play.

**VIDEO AMUSEMENT DEVICE.** Any machine which, upon insertion of a coin, trade token, slug, or paper currency, operates or may be operated as a game or contest of skill or amusement of any kind or description with a video display and which contains no automatic payoff device for the return of money or trade tokens or slugs or which makes no provisions whatever for the return of money to the player.

**VIDEO GAMING TERMINAL.** Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up, and blackjack, as authorized by the board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.  
(Ord. 774, passed 6-10-13)

#### **§ 113.02 LICENSE REQUIRED; FEES.**

No person shall engage in the business of a “proprietor” as herein defined within the city without first having obtained a license therefor from the city, for which the following license fee shall be charged:

(A) Each video amusement device: \$50 per year.

(B) Each automatic, mechanical or electronic amusement device: \$25 per year.

(C) Each video gaming terminal: \$25 per year.

(Ord. 774, passed 6-10-13)

#### **§ 113.03 APPLICATION.**

Any person, firm, corporation, limited liability company, partnership, association, club or other business entity desiring to secure a license for a device or devices as defined in § 113.01, shall file an application with the City Clerk, obtainable from the City Clerk, setting forth the name and address of the applicant, and the address of the premises from which the licensed device or device will be distributed and operated. A separate application shall be submitted for each business location that will have licensed devices, and a separate license will be issued to each location for which an application is submitted. Said application shall be signed by a representative of the applicant. It shall then be referred to the City Council for approval. No license is to be issued until the fees are fully paid, or the City

Council agrees to quarterly payments as described herein. No license shall be issued except to person of good character, approved by the Mayor and City Council. All licenses shall be posted in a conspicuous place in the establishment of the license.

(Ord. 774, passed 6-10-13)

#### **§ 113.04 LICENSE TAGS.**

Upon direction of the City Council, the City Clerk shall issue to each proprietor licensed hereunder numbered tags for each device or machine, the same to be affixed to each machine in a conspicuous place thereon. Such license may be transferred from one machine or device to another similar machine or device to another similar machine or device upon application to the Clerk to such effect, and the giving of the description and serial number of such new machine or device, whereupon the Clerk shall issue a new license and tag upon the payment of a transfer fee of \$0, and provided such new machine or device is placed at the location of the supplanted machine; upon such transfer, the supplanted machine shall become an unlicensed machine.

(Ord. 774, passed 6-10-13)

#### **§ 113.05 REVOCATION OF LICENSE.**

Any license issued hereunder may be revoked by the City Council whenever in its judgment the public welfare requires such revocation. The acceptance of any license under this chapter shall constitute an agreement between the parties to such license, even though the license itself does not state such facts, that the same may be revoked.

(Ord. 774, passed 6-10-13)

#### **§ 113.06 PLACEMENT; GAMBLING DEVICES.**

(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. Nothing in this chapter shall be construed to authorize, permit or license any gambling device not otherwise allowed by state statute. It is not intended to be more restrictive than the governing state law, or to otherwise prevent or limit the issuance of state licenses to operate such devices within the city.

(B) *Nontransferable.* Any license granted hereunder shall be nonassignable and nontransferable, and shall apply only to the premises for which such license is issued.

(C) *Transfer of location.* Should a licensee remove his or her business to another location within the city, any license issued and in force hereunder may be transferred to such new location upon application to the City Clerk, giving street and number of the new location, and the approval thereof by the City Council.

(Ord. 774, passed 6-10-13)

**§ 113.07 INSPECTION.**

The city through its officers, agents and employees shall have the right to enter during regular business hours upon any establishment, place, or building in which any such automatic, mechanical or electronic device or devices, video amusement devices or video gaming terminals are operated or set up for operation, and to inspect, investigate, and test such devices. No establishment shall have more machines in the building than indicated on the posted license. Refusal of any proprietor, or of any person, firm, corporation, partnership, association, club or other entity upon whose premises any device may be located, to allow or permit inspection upon request of city officials at any reasonable time, shall be deemed grounds for revocation of the license issued pursuant to this chapter.

(Ord. 774, passed 6-10-13)

**§ 113.99 PENALTY.**

Anyone violating the provisions of this chapter shall be fined a sum of not less than \$100 nor more than \$500 for each amusement device or video gaming terminal not displaying a proper license.

(Ord. 774, passed 6-10-13)



## CHAPTER 114: SOLICITORS/PEDDLERS

### Section

- 114.01 Definitions
- 114.02 License required
- 114.03 Application
- 114.04 Fees
- 114.05 Possession and display
- 114.06 Issuance
- 114.07 Restrictions
- 114.08 Revocation and suspension
  
- 114.99 Penalty

### § 114.01 DEFINITIONS.

***MOTOR VEHICLES.*** Any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered with the Secretary of State of Illinois. The term is to include trailers, trucks and automobiles.

#### ***SOLICITOR.***

(1) As used in this code, the term solicitor shall mean every person who shall sell or offer for sale, barter or exchange, at retail, any goods, wares, food items, or merchandise from a stationary stand or vehicle (including food trucks) or by traveling from place to place in, along and upon the streets, avenues, alleys or public thoroughfares of the City of Grayville, or who shall sell and deliver from any vehicle goods, wares, food items, or merchandise by going from place to place in the City of Grayville. The term shall include all hawkers, peddlers, itinerant merchants, and transient vendors of merchandise, as described in ILCS Ch. 65, Act 5, § 11-42-5. The term ***SOLICITOR*** shall also mean every person who moves from house to house or from place to place in the city, selling or taking orders for goods, wares, food items, subscriptions or merchandise for future delivery.

(2) The term ***SOLICITOR*** shall not include the following groups of persons.

(a) Farmers, fruit growers or gardeners who sell the produce of their farm, orchard, vineyard, from a stand.

(b) Sellers or deliverers of newspapers.

(c) Representatives of civic, patriotic, fraternal, educational or charitable organizations.

(d) Students attending schools in Grayville or within a 20-mile radius of Grayville, selling items for scholastic fundraising projects.

**STAND.** Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered with the Secretary of State of Illinois.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20)

### **§ 114.02 LICENSE REQUIRED.**

No person may engage in the business of a solicitor within the Grayville corporate limits, without first obtaining a license from the City of Grayville to do so.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20) Penalty, see § 114.99

### **§ 114.03 APPLICATION.**

(A) An application for solicitor's license shall be made in writing to the Grayville City Clerk, which shall require the following:

- (1) The name of the individual applying for the license;
- (2) The residence, telephone number and driver's license number of the applicant;
- (3) The address of the principal place of business of the applicant and its telephone number;
- (4) If the applicant is employed by another person or entity, the name of the employer, its address and telephone number;
- (5) The type of goods, wares, food items or merchandise to be sold or offered for sale;
- (6) The location where the applicant plans to sell his goods, wares, food items or merchandise;
- (7) The time period for which the license is being requested, not to exceed 30 days; and

(8) Whether the applicant has been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions, with date and prosecuting jurisdiction.

(B) The applicant shall provide with its application a certificate of insurance issued by an insurance company licensed to do business in Illinois, insuring the applicant for liability for damages for personal injury and property damage caused by the negligence of the solicitor/peddler while carrying out its activities under the license issued by the city, except as otherwise prohibited by law. The certificate must state that it will not be cancelled during the period the license is in effect, and will provide coverage for personal injury of not less than \$500,000 per person and \$1,000,000 per occurrence, and property damage up to \$100,000.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20)

#### **§ 114.04 FEES.**

(A) The applicant shall pay to the City of Grayville when filing an application, a fee of \$25. Should the application be denied, the license fee shall be refunded to the applicant.

(B) No fee shall be required when the applicant is a group or person:

(1) Who sells goods, wares, food items, or merchandise on city owned public grounds as part of an event which has been approved by the City of Grayville; or

(2) Who sells at events which are sponsored by civic, patriotic, fraternal, educational, religious or benevolent organizations, goods, wares, food items, or merchandise which they have made themselves, such as handicrafts and home sewn items.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20)

#### **§ 114.05 POSSESSION AND DISPLAY.**

All licensees shall have in their possession at all times while engaging in business as a solicitor the license issued to them by the city and shall show it to any person who requests to see it.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20) Penalty, see § 114.99

#### **§ 114.06 ISSUANCE.**

The City of Grayville shall issue the license, with copies provided as soon as possible to the White and Edwards County Sheriff's Departments, running for the time period set forth in the permit application, unless the City Clerk, Mayor or Board shall find:

(A) That the applicant has been convicted within the last five years of any offense relating to theft, burglary or fraud; or

(B) That the applicant or his employer has had a license issued pursuant to this chapter, revoked for cause.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20)

**§ 114.07 RESTRICTIONS.**

(A) No one shall engage in the business of a solicitor traveling from place-to-place within the City of Grayville, including door-to-door residential solicitations, between the hours of 5:00 p.m. and 8:00 a.m.

(B) No solicitor shall park or stand within 200 feet of a playground or school during the time that organized recreational activities are in progress.

(C) No person shall engage in the business of peddling at any residence at which there is displayed upon or near the main entrance door a weatherproof card, approximately three inches by four inches which states one of the following:

NO SOLICITOR INVITED OR NO PEDDLERS INVITED.

Or words to the same effect.

(D) No solicitor shall remain at any residence after being asked by an occupant to leave.

(E) No solicitor shall sell or offer for sale goods, wares or merchandise other than at the location approved by the city.

(F) No solicitor shall leave any stand unattended.

(G) No solicitor shall store, park or leave any stand overnight on any street, sidewalk or public right-of-way.

(H) No solicitor shall park any motor vehicle other than in a lawful parking place in conformance with city and state parking regulations.

(I) All solicitors selling food and beverages for immediate consumption shall have available for public use their own litter receptacle, which is available for their patrons' use.

(J) No solicitor shall leave his location without first picking up, removing, and disposing of all trash or refuse from the sales made by him.

(K) No solicitor shall solicit or conduct business with persons in motor vehicles.

(L) No solicitor shall sell anything other than that which he states in his license application.  
(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20) Penalty, see § 114.99

**§ 114.08 REVOCATION AND SUSPENSION.**

(A) Any solicitor's license may be revoked, or suspended for a period not to exceed one year, by the City of Grayville, if the city shall find after a hearing:

(1) That the licensee has violated any of the provisions of this chapter, the laws of the State of Illinois, or the ordinances of the city while engaged in the business as a solicitor, other than traffic or parking offenses.

(2) That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a solicitor's license or an investigation into any such license.

(B) Prior to holding a hearing concerning the question of whether a license issued pursuant to this chapter shall be revoked or suspended, the city shall give at least ten days written notice to the licensee setting forth the alleged violations, specifically. The licensee may present evidence at such hearing and cross-examine witnesses.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20)

**§ 114.99 PENALTY.**

Any person who fails to obtain a license in violation of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$150 and no more than \$500. If paid within ten days after receiving a citation for violation of this chapter, at Grayville City Hall, the fine will be \$150.

(Ord. 720, passed 10-27-08; Am. Ord. 897, passed 11-9-20)



## CHAPTER 115: RAFFLES

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### § 115.01 DEFINITIONS.

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

***BUSINESS.*** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civil interests of a community.

***CHARITABLE.*** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

***EDUCATIONAL.*** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

**FRATERNAL.** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

**LABOR.** An organization composed of workers organized with the objective of betterment of the conditions of a higher degree of efficiency in their respective occupations.

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

**NON-PROFIT.** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

**RAFFLE.** A form of lottery, as defined in § 28-2(b) of the Criminal Code of 2012 (ILCS Ch. 720, Act 5, § 28-2(b)), conducted by an organization licensed under this chapter, in which:

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

(2) 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.

**RELIGIOUS.** Any church, congregation, society, or organization founded for the purposes of religious worship.

**VETERANS.** An organization or association comprised of members of which substantially all are individuals who are veterans of military service, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. (Ord. 786, passed 6-23-14)

## § 115.02 LICENSE.

*License required.* No person, firm, corporation or other entity shall conduct raffles or chances without having first obtained a license therefore pursuant to this chapter and the Illinois Raffles Act (ILCS Ch. 230, Act 15, §§ 0.01 et seq.).

(Ord. 786, passed 6-23-14) Penalty, see § 115.99



**§ 115.03 APPLICATION.**

(A) Applications shall be made in writing through the City Clerk's office at least 30 days prior to the first day intended for sale of the raffle chances. The application shall be on a form furnished by the City Clerk.

(B) Applications for licenses under this chapter must contain the following information:

(1) Name of applicant.

(2) Address.

(3) Purpose of raffle.

(4) Area within the city where the raffle is to be conducted.

(5) Time period during which chances will be sold or issued.

(6) Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by the presiding officer and secretary of the organization.

(7) Date, time and location at which winning chances will be determined.

(8) The aggregate retail value of all prizes or merchandise to be awarded by a single raffle.

(9) The maximum retail value of each prize or each specific type of prize to be awarded by a licensee in a single raffle.

(10) The maximum to be charged for each raffle chance and the number of chances to be issued for each raffle.

(11) The name(s) and address(es) of the operator of the raffle if not an officer or member of the applicant organization.

(Ord. 786, passed 6-23-14)

**§ 115.04 VALIDITY OF LICENSE.**

Each such license shall be valid for one raffle or for a specified number of raffles during a specified period not to exceed one year, and may be suspended or revoked by the corporate authorities in the event of violation of the terms of this chapter or of any applicable state law.

(Ord. 786, passed 6-23-14)

**§ 115.05 INELIGIBILITY FOR LICENSE.**

The following are ineligible for any license under this chapter:

(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 division (A), (B) or (C) above has a proprietary, equitable or credit interest, or in which such a person is active or employed;

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

(F) Any organization in which a person defined in division (A), (B) or (C) above is to participate in the management or operation of a raffle as defined in the Illinois Raffles Act (ILCS Ch. 230, Act 15, §§ 0.01 et seq.).

(Ord. 786, passed 6-23-14)

**§ 115.06 NOT-FOR-PROFIT ORGANIZATIONS.**

Licenses shall be issued only to bona fide not-for-profit religious, charitable, labor, business, fraternal, educational or veterans' organizations as defined in § 115.01, which operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license, and which have had during that entire five-year period a bona fide membership engaged in carrying out their objectives, or to a non-profit fund raising 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 hardships as the result of an illness, disability, accident or disaster.

(Ord. 786, passed 6-23-14)

**§ 115.07 LIMITATIONS.**

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this chapter and in accordance with applicable state law is limited to \$250,000.

(B) The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$200,000.

(C) The maximum price which may be charged for each raffle chance issued or sold is limited to \$100.

(D) The maximum number of days during which chances may be issued or sold is limited to 120 days.

(E) Licenses issued shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of the Illinois Raffles Act (ILCS Ch. 230, Act 15, §§ 0.01 et seq.) or this chapter.

(Ord. 786, passed 6-23-14) Penalty, see § 115.99

#### **§ 115.08 FEES.**

The fee for such a license to conduct a raffle shall be \$0.

(Ord. 786, passed 6-23-14)

#### **§ 115.09 APPROVAL.**

The City of Grayville shall, within 30 days, evaluate and either approve or disapprove of said application. The city's approval of an application for a license shall constitute the license for the conduct of the raffle applied for by the applicant.

(Ord. 786, passed 6-23-14)

#### **§ 115.10 CONDUCT OF RAFFLES.**

The conducting of raffles is subject to the following restrictions:

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

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

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

(D) *Premises.* A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter.

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

(G) *Location for determining winning chance(s)*. The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, government or similar institution. (Ord. 786, passed 6-23-14) Penalty, see § 115.99

#### **§ 115.11 RECORDS.**

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

(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 nonprofit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and shall be placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for 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 promptly after the conclusion of each raffle 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 in this section.

(D) Records required by this section shall be preserved three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(Ord. 786, passed 6-23-14) Penalty, see § 115.99

#### **§ 115.12 MANAGER'S BOND.**

All operations of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall give a fidelity bond in the sum of the total value of the prizes to be awarded in the raffle conditioned upon his or her honesty in the

performance of his or her duties. Terms of the bond shall provide that notice shall be given in writing to the city not less than 30 days prior to its cancellation. The city may waive this bond requirement by including a waiver provision in the license issued to an organization under this chapter, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the City Council.

(Ord. 786, passed 6-23-14) Penalty, see § 115.99

### **§ 115.13 SUSPENSION; REVOCATION.**

Any license granted under this chapter may be suspended or revoked by the city at any time if appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this chapter may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any state or city law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle which license has been suspended or revoked.

(Ord. 786, passed 6-23-14) Penalty, see § 115.99

### **§ 115.99 PENALTY.**

Any raffle license issued under this chapter shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this chapter. Any violation of this chapter shall be subject to a fine up to \$750. Each day that a violation hereof exists shall be considered a separate offense. Each raffle held in violation hereof shall be considered a separate offense.

(Ord. 786, passed 6-23-14)

