

Chapter 6

LICENSES, PERMITS AND REGULATED BUSINESSES

Article I. LICENSES AND PERMITS

Sec. 1. APPLICATIONS

Applications for all licenses and permits required by this Code shall be made in writing to the Village Clerk in the absence of provisions to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

Sec. 2. PERSON SUBJECT TO LICENSE

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

Sec. 3. FORMS

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the Village Clerk.

Sec. 4. SIGNATURES

Each license or permit issued shall bear the signature of the President and Clerk in the absence of any provision.

Sec. 5. INVESTIGATIONS

Upon the receipt of an application for a license or permit where the ordinance of the Village necessitates an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper committee for making such investigation within forty-eight (48) hours of the time of such receipt. The committee charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise within ten (10) days after receiving the application or a copy thereof. The Building Committee shall make or cause to be made any such inspections relative to the construction of building or other structures. All other investigations except where otherwise provided shall be made by the Chief of Police or some other officer designated by the President. The time requirements contained in this Section do not include the required time for publication for public hearings that may be required under the provisions of the Zoning Ordinance (Chapter 14 of this Code).

Sec. 6. FEES

In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Village Clerk. Except as otherwise provided, all license fees shall become a part of the corporate fund.

Sec. 7. TERMINATION OF LICENSES

- a. All annual licenses shall terminate on the last day of the fiscal year of the Village, where no provision to the contrary is made.
- b. The Village Clerk shall mail to all licensees of the Village, a statement at least one (1) month prior to the expiration of the license held by the licensee. Provided that a failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from a failure to secure a new license, or a renewal thereof, nor shall it be a defense in action for operation without a license.

Sec. 8. BUILDING AND PREMISES

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the Ordinances of the Village. (No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Ordinances of the Village.)

Sec. 9. NUISANCE

No business, licensed or not, shall be so conducted or operated as to amount to nuisance in fact.

Sec. 10. INSPECTION

- a. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by Ordinance or are reasonably necessary thereto to secure compliance with any Ordinance provision, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time that admission is requested.
- b. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Ordinance provision, or to detect violations thereof, it shall be the duty of the licensee of the Village whose business is governed by the provision to give any authorized officer or employee of the Village requesting the same, sufficient samples of such material or commodity for such analysis upon request.
- c. In addition to any other penalty which may be provided, the President and Board of Trustees may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection, provided that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection or sample is desired at the time it is sought to make the inspection or to obtain the sample.

Sec. 11. REVOCATION

Any license or permit for a limited time may be revoked by the President and Board of Trustees during the life of such license or permit for the violation by the licensee or permittee of any Ordinance provisions relating to the license or permit the subject of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

Sec. 12. POSTING LICENSE

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

Sec. 13. PENALTY

Any person, firm, or corporation violating any provision of this Chapter shall be fined as designated in accordance to Chapter 1, Article 1, Section 3D.

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Article II. JUNK DEALERS

Sec. 1. LICENSE REQUIRED

It shall be unlawful to operate, to carry on the business of junk dealer, or to keep any junk shop, store or place for the purchase or sale of rags, old rope, paper or bagging, old iron, brass, copper or empty bottles, or auto salvage or machinery salvage, without having first secured a license.

Sec. 2. FEE

The fee to be paid for such licenses shall be twenty-five dollars (\$25.00).

Sec. 3. STOLEN GOODS

Every keeper of a junk shop who shall receive or be in possession of any good articles or things of value which may have been lost or stolen shall on demand produce such article or thing to any member of the police department.

Sec. 4. VEHICLE

Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner or proprietor thereof.

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Article III. KENNELS

Sec. 1. LICENSE REQUIRED

It shall be unlawful to operate a small animal store within the Village without first securing a license therefore. The annual fee for said license shall be twenty-five dollars (\$25.00).

Sec. 2. DEFINITION

The term "small animal store" shall be construed to include an establishment for the raising, training, boarding, or selling of dogs, cats, birds, or other small animals for hire or profit, or where more than three dogs or other small animals are harbored or kept.

Sec. 3. SANITATION

Every place used as a small animal store shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than twenty-four (24) hours. All animals shall be humanely treated; and any animal having any disease shall be properly isolated and treated.

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Article IV. ITINERANT MERCHANTS

Sec. 1. LICENSE REQUIRED

It shall be unlawful for itinerant merchants and transient vendors of merchandise to carry on their business or occupation within the Village without first having obtained a license therefore, as herein provided.

Sec. 2. DEFINITION

Every person, firm or corporation who temporarily engages in mercantile business or who goes from one city or village to another, stopping only for a limited time in each for the purpose of selling goods and wares and merchandise, shall be held and deemed to be an itinerant merchant or transient vendor of merchandise.

Sec. 3. FEE

The fee for such license shall be the sum of one dollar (\$1.00) per day for each individual peddler.

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Article V. TRAILER CAMPS

Sec. 1. DEFINITION OF WORDS AND PHRASES

As used in this Ordinance, the term "Trailer Coach" shall mean and include any vehicle or similar portable structure constructed so as to permit it being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons.

Sec. 2. PERMIT

It shall be unlawful for any person to remove the wheels or other transporting devices from any trailer coach or otherwise to affix said trailer coach permanently to the ground so as to prevent ready removal of such trailer coach, unless a permit to do so is obtained as required for the construction of a new residence.

Sec. 3. COMPLIANCE WITH BUILDING ORDINANCE

It shall be unlawful to occupy for sleeping or other residence purposes, any trailer coach which has been rendered immobile by the removal of wheels or placing the same on a foundation, or on the ground, or any trailer coach not so rendered immobile, which has been so used and parked in the same location for a period of thirty (30) days, unless such trailer coach in construction and location complies with the Ordinance relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to the construction of residence buildings.

Sec. 4. EXCEPTIONS

Nothing in this Ordinance shall be construed to prohibit the storage of any trailer coach for a period not to exceed one year when said trailer coach is not used for living or sleeping purposes, nor does anything in this Ordinance be construed as to prevent existing trailer coaches from being repaired, improved, or replaced by present owners.

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Article VI. BILLIARDS, POOL, AND OTHER GAMES

Sec. 1. LICENSE

That it shall be unlawful for any person or persons within the Village to exercise the business, trade, or avocation of keeper of a billiard table, pool table, bagatelle table, Jenny Lind table, pigeon table, nine or ten pins, shooting gallery, or shuffle board without first being licensed to do so by the Village Board.

Sec. 2. APPLICATION - FEE

The Village Board may grant or reject any application for such license and fix by resolution the amount of license fee at their discretion, and any person desiring such license shall file with the Village Clerk an application thereof in writing setting forth the location of the building or room to be occupied; the kind of license and the length of time the same is wanted.

Sec. 3. CONTENTS OF LICENSE - REVOCATION

License issued under this Chapter shall be signed by the President and attested by the Clerk under Seal of said Village and shall state the nature of the employment thereunder licensed the time for which it is granted, the house or place intended to be occupied, that such license shall be used and the privileges granted thereunder shall be exercised at such place only and such license shall not be transferable nor assignable, and be conditioned that any violation of this Ordinance shall work a forfeiture of such license and all sums of money which may have been paid thereon at the election of the Board.

Sec. 4. MINORS - CONDUCT ON PREMISES

No person holding license under this Chapter shall suffer or permit any minor under age of sixteen (16) years, unless, written permission of parent or guardian is given to the proprietor of such licensed business, to frequent or loiter about the premises so occupied by him, or shall sell, barter, exchange or give away in connection with such business any intoxicating liquors contrary to the Ordinances of the Village, nor shall suffer or permit any betting, gaming or riotous or disorderly conduct upon the premises occupied by him. Any shift or device to evade this Section shall be deemed a violation thereof.

Sec. 5. CLOSING

Every person who shall take out a license under the provisions of this Ordinance shall close his place of business at 12 o'clock midnight every night and keep the same closed until 5 o'clock the next morning, nor shall he be permitted to keep open his place of business on Sunday, or admit any person not belonging thereto, into his place of business on Sunday.

Sec. 6. INSPECTION

Every room or place kept open by virtue of license under this Ordinance shall be subject to inspection by the Village Marshall or any police officer at any time such Marshall or police officer may deem it necessary and no person or persons shall hinder, resist, oppose, or attempt to hinder, resist or oppose the Marshall or police officer while attempting to go into such room or place.

Sec. 7. GAMBLING

No person licensed under the provisions of this Chapter shall permit any gambling in his place of business either by means of cards, dice, balls and pins, or any other device.

Sec. 8. GAMES FOR PROFIT

That the keeper or keepers of all tables or devices by whatever name the same may be called, the devices and schemes however constructed, used or kept by any person or persons in said Village for the purpose of playing games for any gain or profit, direct or indirect to the keeper, shall be and are hereby declared to be subject to the rules and regulations, penalties and forfeitures as provided in this Chapter in relation to the keepers of Billiard Tables.

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Article VII. VIDEO GAMING LICENSES (added 2013-08)

Sec. 1 APPLICATIONS

Applications for all licenses required by this Article VII shall be made in writing to the Village Clerk on an application in substantially the form as indicated in Appendix A to this Article VII. Each application shall be accompanied by the requisite fees due to the Village, which fees shall be determined by the Village in accordance with the fee schedule set forth on the application and in accordance with the laws of the State of Illinois. If the applicant is eligible for the issuance of a license as provided herein, and the applicant has met all of the requirements of the State of Illinois applicable to operators of video gaming terminals, the Village shall issue the required license in accordance with the provisions of this Article VII.

Sec. 2 DEFINITIONS

The following words, terms and phrases, when used in this Article VII, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Gambling shall not include the use or operation of a licensed video gaming terminal offered for play by a licensed establishment.

Video gaming terminal means any licensed electronic video game machine offered for play by licensed establishments operated in accordance with the Video Gaming Act (230 ILCS 40/1, et seq.) (“Act”) and as authorized by the Illinois Gaming Board from time to time.

Sec. 3 PERSONS OR ENTITIES SUBJECT TO LICENSE

Except as otherwise provided herein, it shall be unlawful for any person, firm or entity to operate or offer for use by another any video gaming terminal, without first obtaining a license in accordance with the provisions of this Article VII.

Video gaming terminals, as authorized by the Act, are permitted within licensed establishments, provided however that:

- 1) No licensed establishment shall be permitted to operate any video gaming terminal in the Village unless said establishment has obtained a license and paid the annual fee to the Village in the amount established by the Village from time to time for each video gaming terminal on its premises.
- 2) Every licensee shall strictly comply with all of the conditions, rules and regulations imposed by the State and the Village, and specifically shall comply with the following:
 - a. Each and every video gaming terminal shall be licensed by the State before placement or operation, and the license for each and every terminal shall be maintained within the licensed premises where the video gaming terminal is operated.

- b. No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment.
- c. No licensee shall cause or permit any person under the age of twenty-one (21) years to use or play a video gaming terminal.
- d. Video gaming terminals located within any licensed establishment shall be within an area of the establishment that is restricted to persons who are twenty-one (21) years of age and over, the entrance to which restricted area is within the view at all times of at least one employee of said establishment, which employee must likewise be twenty-one (21) years of age.

Sec. 4 PERSONS OR ENTITIES INELIGIBLE FOR LICENSE

No license shall be issued by the Village to any applicant who:

- 1) Would not be eligible for licensure under any other provision of this Chapter 6;
- 2) Has been convicted within the past three (3) years of illegal gambling;
- 3) Has failed to pay any amount, fine or penalty owing to the Village; or
- 4) Has had a license issued under this Article VII revoked.

Sec. 5 COMPLIANCE

The Mayor and the Chief of Police of the Village, or their authorized designee have the authority to monitor compliance with the provisions of this Article VII. Any inspections, investigations and or penalties imposed hereunder shall be done in accordance with the provisions of Article I of Chapter 6, except as specifically provided for herein to the contrary.

Sec. 6 SUSPENSIONS OR REVOCATION

Licenses issued under this Article VII may be revoked or suspended for a period not to exceed thirty (30) days or a fine imposed up to five hundred dollars (\$500.00) per day per violation or terminal, plus costs, by the Village for any of the following causes:

- 1) Any fraud, misrepresentation or false statement contained in the application for any license.
- 2) Any violation by the licensee of any ordinance of the Village or State statutory provisions applicable to licensees of video gaming terminals or establishments.
- 3) The occurrence of two (2) or more disturbances at the establishment licensed to operate video gaming terminals within a ninety (90) day period, or two (2) or more incidents involving injury or bodily harm to patrons, bystanders or police officers within a ninety (90) day period, provided that the Mayor finds, upon recommendation of the Chief of Police, or the Chief's authorized designee, that as a result of the disturbances or incidents involving injury or bodily harm a public nuisance exists therein or threat endangering the health, safety and welfare of the citizens of the Village.

Licenses receiving a notice of suspension or revocation shall provide notice to the Mayor within Fourteen (14) days of the date of the suspension or revocation if the

licensee wishes to have a hearing to contest the suspension or revocation. The Mayor shall hold a hearing regarding the said suspension or revocation within twenty-one (21) days of said hearing request. During the interim, the suspended or revoked licensee shall be entitled to remain in operation unless the Mayor makes a specific finding in the suspension or revocation notice that safety considerations require the licensee to remain closed until the hearing.

Appendix A

APPLICATION FOR VIDEO GAMING LICENSE

Date: _____

The undersigned hereby certifies the following facts:

1. Applicant's (exact) corporate name: _____

(Corporate representative making Application)

2. Name under which business is authorized to conduct business: _____

3. Location of place of business for which license is sought: _____

(exact address by street and number)

(telephone number)

4. Number of Video Gaming Terminals to be operated: _____ @ \$25 / terminal = \$_____ Total

5. Type(s) of Video Gaming Terminals to be operated: 1. _____

2. _____

3. _____

4. _____

5. _____

6. Name of Licensed Video Gaming Terminal Operator: _____

7. Have you made application for a similar license for a premise(s) other than described in this Application? _____ (Yes/No)

If so, give date, location of each premises and disposition of application: _____

8. Has any license previously issued to you by State, Federal or local authorities been revoked? _____ (Yes/No)

If so, state reasons for the revocation and date of revocatio: _____

Please submit the following with this Application:

a) A copy of a valid Illinois Gaming Board License (Mandatory requirement for consideration of this Application)

b) A copy of a valid Illinois Liquor License (Mandatory requirement for consideration of this Application)

c) A twenty-five and 00/100s dollar (\$25.00) nonrefundable registration fee per video gaming terminal

**Each Video Gaming Terminal requires an individual license*

AFFIDAVIT

State of Illinois)
County of McLean) SS

The undersigned, being first duly sworn on oath or affirmation, warrants and represents that the undersigned has the authority to bind the undersigned and bind the business entity making application to the Village of Downs as set forth in said Application. The undersigned further warrants and represents that the undersigned, individually and on behalf of the officers and directors of any business entity named in this application, shall not violate any of the ordinances of the Village of Downs or the laws of the State of Illinois or of the United States of America in the operation of the place of business described herein and that the statements contained in this application are true and correct to the best of the knowledge of the undersigned.

(Any intentional misrepresentation made by any applicant shall be cause for denial or revocation of any license granted by the Village of Downs)

SUBSCRIBED and sworn to _____
before me this _____ day _____ Signature and Title
Of _____,
A.D. 20__ .

Notary Public

(Corporate Seal)