

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 required for the proper guidance of the Village officials or personnel in the issuance of any permit or license.

Sec. 2. PERSON SUBJECT TO LICENSE

Whenever in this Code a license is required for the conducting of business or for engaging in any activity or occupation for the operation or maintenance of any business or establishment, every person, firm or corporation, including any officer, director, member, partner, or agent shall be required to adhere to all licensing requirements applicable to the business or activity being issued a license by 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 and made available on the Village website.

Sec. 4. SIGNATURES

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

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 or person(s) for making such investigation(s) within forty-eight (48) hours of the time of such receipt. The committee or person(s) overseeing the investigation(s) and or inspection(s) shall make a report thereon, favorable or otherwise within ten (10) days after receiving the application or a copy thereof. The Building Trustee shall make or

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cause to be made any such inspection(s) or investigation(s) relative to the construction of any building or other structure(s). Any other investigation(s) not otherwise provided for herein shall be made by the Chief of Police or some other officer designated by the President. The time periods set forth in this Section may be extended beyond the time set forth herein if the completion of the investigation(s) is subject to any requirement for publication or the holding of any public hearing(s) under the provisions of the Zoning Ordinance (Chapter 14 of this Code) or any other applicable law or statute of the State of Illinois.

Sec. 6. FEES

In the absence of any provision to the contrary, all fees and charges for licenses or permits shall be paid in advance and at the time application 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 operation or maintenance of any business or for engaging in any business activity or occupation if the premises and or building(s) to be used for any business operation or maintenance of any business activities fails to comply with the requirements of any applicable Ordinances of the Village. No such license or permit shall be issued for the operation or maintenance of any business, occupation or business activities that would require any act or omission that would violate any Ordinances of the Village.

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Sec. 9. NUISANCE

No business, whether licensed or permitted, shall be allowed to operate or continue operations if the maintenance or operation of the business or any business activities engaged in by the business create a nuisance as that term is defined in the Ordinances of the Village.

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 possession or in charge of the business premises to be inspected, to admit thereto for the purpose of making the inspection, any officer or personnel of the Village who is authorized or directed to make such inspection at any reasonable time as 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(s) to give any authorized officer or personnel of the Village requesting the same, sufficient samples of such material or commodity for analysis..
- c. In addition to any other penalty which may be provided for in the Ordinances of the Village, the President and Board of Trustees may revoke the license of any licensed business operating in the Village which refuses to allow any officer or personnel of the Village authorized to make an inspection or to take any sample access to the business, or who interferes with such officer or personnel of the Village in the performance of their inspection, provided that no license shall be revoked for such cause unless written demand is made upon the licensee or person in possession of the business premises, in the name of the Village, stating that such inspection and or obtaining of any sample is required on a specific date and time. Failure by the business licensee to grant access as requested in the notice shall result in automatic revocation of the business license.

Sec. 11. REVOCATION

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Any license or permit may be revoked by the President and Board of Trustees during the life of such license or permit after issuance to the licensee or permittee of notice of any violation of any Ordinance by the licensee or permittee in the operation or maintenance of any business, occupation or as a result of any business or permitted activities of any kind or violations at any premises or building(s) used by the business or permittee. Any revocation may be given in addition to any fine or other penalties provided for in any Ordinance or applicable law or statute of the State of Illinois.

Sec. 12. POSTING LICENSE

It shall be the duty of any person, firm or entity that is issued a license by the Village to post a copy of the license in a prominent place on the premises or building(s) used by the licensee in the operation or maintenance of any business or occupation.

Sec. 13. PENALTY

Any person, firm, or corporation violating any provision of this Chapter shall be fined in accordance with the provisions set forth in 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: i) a license for the same; and ii) proper zoning for such operation and or business.

Sec. 2. FEE

The annual fee to be paid for such licenses shall be One Hundred and 00/100s dollars (\$100.00). The yearly license period shall be the same as the Village fiscal year. License fees shall be paid to the Village Clerk via the Village Hall Office each year prior to the start of the fiscal year.

Sec. 3. STOLEN GOODS

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

Sec. 5. ENCLOSURE OR SCREENING OF JUNK

- a. Enclosed Building Or Fence Required: Any junk store or junkyard establishment situated in the Village shall keep all materials, junk, discarded or abandoned items and the like within a fenced in area, which fenced in area shall entirely enclose the location at which the junk store or junkyard is established.
- b. Fence Specifications; Maintenance: Any required fence shall be of solid, nontransparent material; and shall be constructed of plank board or corrugated iron, so as to completely obscure the premises from public view. Any required

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- fence must be well maintained with paint, stain or other material to prevent rust or decay; and must be repaired, if damaged, within thirty (30) days of any condition of ill repair.
- c. Height of Stored Materials: Stored Materials required to be enclosed in a building or behind a solid fence shall not be of a height greater than the height of the enclosed building or fence.
 - d. Advertisements on Fences Prohibited: The required fence shall not be used for billboard postings or other advertising purposes; except, that a sign may be placed thereon in compliance with the sign regulations for the zoning district in which such premises are located.

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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.

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 treated in a humane manner; and any animal having any disease shall be properly isolated and treated.

Sec. 4. PENALTY

Any person, firm or corporation violating any provision of this Article shall be fined twenty-five and 00/100s dollars (\$25.00) for the first occurrence; fifty dollars and 00/100s dollars (\$50.00) for the second occurrence; and one hundred and 00/100s dollars (\$100.00) for each subsequent occurrence.

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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 the Village of Downs to another village, city or town, stopping only for a limited time in each for the purpose of selling goods, wares, merchandise or services shall be held and deemed to be an itinerant merchant or transient vendor of merchandise or services. For the purposes of this Article, the following words, as used herein, shall be construed to have the meanings ascribed to them:

ITINERANT VENDOR: Any person who transports tangible personal property for retail sale within the Village of Downs who does not maintain in the state an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the Village of Downs who is fulfilling an order for such property which was solicited or placed by mail or other means. It shall be prima facie evidence that a person is an "itinerant vendor" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

PEDDLING: Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the Village of Downs or from residence to residence therein, but shall not include soliciting or canvassing for future delivery. "Peddling" may, in some instances, include the activities of an "itinerant vendor" or "transient merchant", as defined in this section. If a peddler is also an "itinerant vendor" or "transient merchant", as defined in this section, then those provisions shall also be applicable. To the extent that the provisions of this chapter relative to "peddling" are inconsistent with those relating to "itinerant vendors" and/or "transient merchants", the more restrictive provisions shall apply.

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REGISTERED SOLICITOR AND REGISTERED PEDDLER: Means and includes any person who has obtained a valid certificate of registration as herein provided, where such certificate is in the possession of, and on the person of, the one soliciting or peddling during all soliciting or peddling.

REGISTERED TRANSIENT MERCHANT AND REGISTERED ITINERANT VENDOR: Any person who is a "transient merchant" or "itinerant vendor" as defined in this section and who has obtained and has in his possession a valid certificate of registration.

RESIDENCE: Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING: Means and includes any one or more of the following activities:

- a. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be soliciting, and such activities are not regulated by this Article.
- b. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

TRANSIENT MERCHANT: Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the Village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by him, to any person selling vegetables, fruit or perishable farm products at an established Village of Downs market, to any person operating a store or refreshment stand at a resort, or to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides. It shall be prima facie evidence that a person is a "transient merchant" if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which such business is conducted.

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Sec. 3. CERTIFICATE OF REGISTRATION

- a. Certificate Required: A written application for a certificate of registration as herein provided shall be secured by every person desiring to engage in "soliciting" or "peddling", as defined in Article IV, Section 2 of this Chapter, from persons in residences within the Village and, in addition, by every person desiring to engage in soliciting from any business, office or manufacturing facility within the Village for gifts or contributions of money, clothing or other valuable thing except for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

- b. Application for Certificate:
 1. Application Form; Oath: Application for a certificate of registration shall be made upon a form provided by and filed with the Village Clerk. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this Chapter and such other relevant information as determined by the Village Clerk.
 2. Fingerprints and Photographs: The Village Clerk shall require every applicant to submit to fingerprinting in connection with the application for certificate, and the applicant will submit to identification photographing conducted by the Village Clerk, and such identification photograph shall be affixed to the certificate of registration.
 3. Criminal History: Each applicant shall also apply to the office of the Chief of Police for a certified copy of his or her personal criminal history, and such applicant shall provide such information and fees to the Chief of Police as required by the Chief of Police to obtain such certified copy, and the applicant shall further request that the Chief of Police also directly provide to the Village for review by the President a certified copy of the applicant's personal criminal history prior to the approval of such certificate for such applicant.

- c. Prohibited Registrants: No certificate of registration shall be issued:
 1. To anyone seeking to solicit for a charitable or nonprofit association, organization, corporation or project unless such charity or nonprofit group is specifically approved in advance by the Village Board of Trustees which may waive requirement of individual registration and fees if a list of names and addresses of individuals to be involved are supplied to the Village Clerk.

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- d. Certificate Fees: The following is the fee schedule to be used for all applicants:
 - 1. One day \$5.00
 - 2. In excess of one day; but not more than seven (7) days \$25.00
 - 3. In excess of seven (7) days \$50.00.

- e. Waiver of Fees: The President may waive such fee in their discretion, but all fee waivers shall be reported to the Village Board of Trustees.

- f. Issuance or Denial of Certificate; Contents:
 - 1. Denial: The President, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the President upon the application or the denial of the application.
 - 2. Issuance: When the applicant is found to be fully qualified, the certificate of registration shall be issued by the President or their designees.
 - 3. Time Limit for Action: All applications shall be acted upon by the President within seven (7) days after receipt of a completed application.
 - 4. Contents: Each certificate of registration shall state the expiration date thereof.

- g. Revocation of Certificate: Any certificate of registration issued hereunder may be revoked by the President if the holder of the certificate is convicted of a violation of any of the provisions of this Article, or if the holder of the certificate has made any false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this Article. Immediately upon such revocation, written notice thereof shall be given by the President to the holder of the certificate in person or by certified U.S. mail addressed to the holder's address set forth in the application. Immediately upon the giving of such notice of revocation, the certificate of registration shall become null and void.

- h. Records Kept: The Village Clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and of all certificates of registration issued under the provisions of this chapter, and of the denial of

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

Sec 4. NOTICE REGULATING PEDDLERS AND SOLICITORS

- a. Notice Requirements: The owner or occupant of any residence who desires to forbid trespasses by solicitors or peddlers, or unlicensed solicitors and peddlers, may attach or exhibit upon or near the main front door, and the main rear or side door (if any and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-
SOLICITORS AND PEDDLERS NOT INVITED
UNLESS REGISTERED WITH THE VILLAGE OF DOWNS
- b. Nonexclusive Notice Provided by Village of Downs: For the convenience of residents of the Village of Downs and for purposes of uniformity, cards or plaques containing the foregoing legend shall be made available by the Village. The form of card or plaque provided for in this section shall not be deemed to be an exclusive form of notice. Such card or plaque so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

Sec 5. DUTIES OF SOLICITORS AND PEDDLERS

- a. It shall be unlawful for any person to enter upon any property of another in the Village of Downs after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant within the meaning of this Article if the person has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.
- b. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Sec 6. UNINVITED SOLICITING OR PEDDLING

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- a. Uninvited Soliciting or Peddling Prohibited: Any person soliciting or peddling who is forbidden entry by notice given in compliance with this Article shall be deemed guilty of remaining on the property if that person rings the doorbell or knocks or creates any sound calculated to attract the attention of the occupant.
- b. Exemptions: Notices exhibited pursuant to this Article shall not be deemed applicable to and shall not prevent access to residential property by a solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof.

Sec 7. TIME LIMIT ON SOLICITING AND PEDDLING

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap on the door or part thereof to gain the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in "soliciting" as defined in Article prior to nine o'clock (9:00) A.M. or after seven o'clock (7:00) P.M. In addition, no soliciting and/or peddling will be allowed on any Sunday or recognized holiday.

Sec 8. VIOLATION; PENALTIES

- a. Violation; Penalty: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating any provision of this Article, or of failing to comply with any requirement hereof, or of violating any permit, any approval, or any directive issued under the provisions of this Article shall be punishable as provided in the Ordinances of the Village;, and a separate offense shall be deemed committed on each day during or on which a violation occurs. In addition to the fines provided for herein, such violator shall be obligated to reimburse the Village for its attorney fees, court costs, court reporter costs, and expert witness fees, and all other out of pocket costs incurred by the Village in the prosecution of the said violation or violations.
- b. Injunctive Relief: The Village may make application to the Circuit Court for an injunction requiring conformance with this Article or make such other request as the Court deems necessary to secure compliance with this Article.

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Sec 9. CONSTITUTIONAL RIGHTS

Nothing in this Article shall be interpreted or enforced to deprive any person of any rights guaranteed under the Constitutions of the State of Illinois or the United States.

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Article V. TRAILER CAMPS

Sec. 1. DEFINITION OF WORDS AND PHRASES

As used in this Article, 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 Article 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 shall anything in this Article be construed to prevent existing trailer coaches from being repaired, improved, or replaced by their current owner(s).

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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. Such license shall state the nature of the employment thereunder licensed, the time for which it is granted, the house or place intended to be occupied. 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. Such license shall 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.

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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

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:

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

- a. 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.

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- b. 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:
 1. 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.
 2. 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.
 3. No licensee shall cause or permit any person under the age of twenty-one (21) years to use or play a video gaming terminal.
 4. 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:

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

Sec. 5 COMPLIANCE

The Village President 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.

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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:

- a. Any fraud, misrepresentation or false statement contained in the application for any license.
- b. Any violation by the licensee of any ordinance of the Village or State statutory provisions applicable to licensees of video gaming terminals or establishments.
- c. 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 Village President 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 Village President 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 Village President makes a specific finding in the suspension or revocation notice that safety considerations require the licensee to remain closed until the hearing.

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Chapter 6

LICENSES, PERMITS AND REGULATED BUSINESSES

Article VII. MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

Sec 1. TAX IMPOSED; RATE

- a. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village of Downs at the rate of 3% of the gross receipts from these sales made in the course of that business.
- b. The imposition of this tax is in accordance with the provisions of Sections 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

Sec 2. COLLECTION OF TAX BY RETAILER

- a. The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.
- b. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

Adopted: November 2, 1995 via Ordinance 1995-06

Modified: August 1, 2013 via Ordinance 2013-28

Modified: September 26, 2019 via Ordinance 2019-12

Modified: March 5, 2020 via Ordinance 2020-02