

## **Title 5**

### **BUSINESS LICENSES AND REGULATIONS**

#### **Chapters:**

- 5.04**        **Repealed by 2003-09**
- 5.08**        **BUILDING CONTRACTORS**
- 5.12**        **LIQUOR CONTROL**
- 5.16**        **PEDDLERS AND SOLICITORS**
- 5.20**        **POOL TABLES, JUKE BOXES AND COIN-OPERATED AMUSEMENT  
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## Chapter 5.08

### BUILDING CONTRACTORS

#### Sections:

- 5.08.010**      **Definition.**
- 5.08.020**      **Registration required.**
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#### **Section 5.08.010**      **Definition.**

The term "building contractor" shall mean and include anyone engaged in the business of cement or concrete contracting, either flat, form or wall work, or as a masonry contractor; or as a carpenter contractor; or as a general building contractor; and any person engaged in the construction, alteration, enlargement, repair, demolition, removal or conversion of buildings or other structures for profit, including, but not limited to, electricians, roofers, plumbers, siding and window installers, heating and air conditioning contractors, drywallers, painters and insulators. (Ord. 96-61 § 1 (part))

#### **Section 5.08.020**      **Registration required.**

It is unlawful to engage in business in the City as a building contractor without first having registered with the City Clerk as hereinafter provided. (Ord. 96-61 § 1 (part))

#### **Section 5.08.030**      **Subcontractors.**

Any person doing business as a subcontractor shall be construed as engaged in the business of building contractor for which registration is required by this chapter. (Ord. 96-61 § 2)

#### **Section 5.08.040**      **Regulations.**

It shall be the duty of all building contractors to comply with all ordinances relating to the construction of buildings or other structures, to the construction of streets or sidewalk pavements, and all laws or ordinances pertaining to or regulating the activities engaged in. (Ord. 96-61 § 3)

#### **Section 5.08.050**      **Registration requirements and fee.**

Every building contractor shall cause his or her name, residence and place of business to be registered with the City Clerk of the City of Olney. A fee of twenty-five dollars (\$25.00) shall be paid annually to the City for such registration. (Ord. 06-08A, Sec. 3: Ord. 96-61 § 4)

#### **Section 5.08.060**      **Insurance.**

No person shall be registered with the City Clerk as a building contractor unless a certificate or other proof is filed showing that the contractor carries workers' compensation insurance and public liability insurance with limits of at least fifty thousand dollars (\$50,000.00) for each person and one hundred

thousand dollars (\$100,000.00) for each accident on bodily injury liability and twenty-five thousand dollars (\$25,000.00) on property damage liability. (Ord. 96-61 § 5)

**Section 5.08.070            Violation--Penalty.**

Any person violating any of the provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 96-61 § 6)

## Chapter 5.12

### LIQUOR CONTROL

#### Sections:

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#### Section 5.12.010 Definitions.

A. All words and phrases used in this chapter which are defined in an act entitled "An Act Relating to Alcoholic Liquors" approved January 31, 1934, and now contained in Chapter 235, Illinois Compiled Statutes, 2012, as amended from time to time, shall have the meaning accorded to such words and phrases in said Act except as specially defined herein, which instance the words and phrases shall be given the meaning ascribed to them herein.

#### B. Special Definitions.

"Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one per cent, or less, of alcohol by volume.

"Banquet room" means one or more separate rooms used for accommodating banquets, parties, meetings, receptions, and similar planned events or occasions during which the room is not open for the general service of food and beverages to the public at large and from which the service of food and

beverages is to persons or groups who have a common or shared relationship to the other members of the group for the planned event or occasion.

"Bar" means a counter and surrounding area designed with seating or standing areas for patrons and tended by a person who regularly delivers alcoholic liquor to patrons for consumption at such counter.

"Club" means means a corporation organized under the laws of the state of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the Mayor as the local liquor control commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his or her name and address; and, provided further, that its affairs and management are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its Board of Directors or other governing body out of the general revenue of the club.

"Hotel and motel" means 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 twenty-five (25) or more rooms are used for 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 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.

"Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. In addition, any business claiming to be a "restaurant" must document, upon demand, that seventy-five percent (75%) or more of its purchases are derived from the purchase of food (including non-alcoholic beverages) as distinguished from alcoholic liquor.

Sale. The term "sale of alcoholic liquor" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee, and includes, but is not limited to, all of the following acts when done for consideration:

1. The selling of liquor;
2. The giving away of liquor;
3. The dispensing of liquor;
4. The providing of mix, ice, water or glasses for the purpose of mixing drinks containing alcoholic liquor for consumption on the same premises;
5. The pouring of liquor;
6. The providing of "set-up" containing alcoholic liquor;
7. The storage of any alcoholic liquor.

"Service bar" means a place or location not within view of the general public where beer and wine may be poured and served through a drafting system. A service bar may only be located in a kitchen,

food preparation area, or waiter or server station area of a retail licensee who primarily serves meals. (Ord. 2015-12 § 1: Ord. 2011-22 § 1: Ord. 2011-2 § 1: Ord. 2009-25 § 1: Ord. 1998-28 § 1; Ord. 1978-16 (part): prior code § 110.01)

**Section 5.12.020 Licenses required.**

It is unlawful for any person either by himself or herself or his or her agent, or any person acting as an agent, barkeeper, clerk or servant of another to sell or offer for sale at retail any alcoholic liquor or engage in any sale as defined in the City without first having obtained a license to do so as provided in this chapter. It is unlawful for any such person to sell or offer for sale any alcoholic liquors, alcoholic or malt or vinaceous liquors, or engage in any sale as defined in violation of the terms and conditions of such license. (Ord. 2015-12 § 2: Ord. 1998-27 § 1: Ord. 1980-2 § 1: Ord. 1978-16 (part): prior code § 110.02)

**Section 5.12.030 Applications for license required--Procedure--Contents.**

An application for a City retailer's license for the sale of alcoholic liquors shall be made in writing to the City Clerk on a form provided by the City who shall forward the application to the Mayor as the local Liquor Control Commissioner, for such action as the Mayor may see fit to take pursuant to the laws of the state of Illinois and the ordinances of the City. The application must be signed by the applicant, if an individual, all partners, if a partnership, or by a duly authorized agent thereof, if a club, corporation or limited liability company, verified by oath or affidavit, and shall contain the following information and statements:

A. The name, date of birth, address and fingerprints of the applicant in the case of an individual; in the case of a partnership, the names, addresses, and fingerprints of the persons entitled to share in the profits thereof; and in the case of a corporation for profit, club or limited liability company, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors and the fingerprints of the president and secretary, and if five per cent (5%) of the stock of such corporation is owned by one person or his or her nominee, the name, address and fingerprints of each person and his or her nominee, if any;

B. The citizenship of the applicant, his or her place of birth and if a naturalized citizen, the time and place of his or her naturalization;

C. The character of business of the applicant; and in case of a corporation or limited liability company, the objects for which it was formed;

D. The length of time said applicant has been in business of that character, or in the case of a corporation or limited liability company, the date on which its charter was issued;

E. The amount of goods, wares and merchandise on hand at the time application was made;

F. The location and description of the premises or place of business which is to be operated under such license;

G. A statement whether applicant has made a similar application for a similar other license on premises anywhere and the disposition of such application;

H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of the state of Illinois, this code or the ordinances of this City;

I. Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor;

J. A statement that the applicant will not violate any of the laws of the state of Illinois or of the United States, or any provision of this code or the ordinances of the City in the conduct of his or her place of business. (Ord.2015-12 § 3: Ord. 1978-16 (part): prior code § 110.03)

**Section 5.12.040 Reserved.**

(Ord. 2015-12 § 4: Ord. 1978-24: prior code § 110.03A)

**Section 5.12.050           Persons ineligible for license.**

No license required by this chapter shall be issued to:

- A. Any person or persons who have not reached the age of twenty-one (21);
- B. A person who is not of good character and reputation in the community in which he or she resides;
- C. A person who is not a citizen of the United States;
- D. A person who has been convicted of a felony under any federal or state law, unless the local liquor control commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the local liquor control commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- E. A person who has been convicted of keeping a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution;
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- G. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- H. A person whose license issued under this chapter has been revoked for cause;
- I. A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision;
- J. A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the City;
- K. A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;
- L. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required by the licensee;
- M. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Liquor Control Act of 1934 and provisions regulating the retail sales of alcoholic liquors in this City or has forfeited his or her bond to appear in court to answer charges for any such violation;
- N. Any law enforcing public official of the City, including the Mayor or any member of the City Council; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to any member of the City Council in relation to premises that are located within the City if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the City Council to which the license holder is elected. Notwithstanding any provision of this paragraph N to the contrary, a member of the City Council may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, or mayor. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the mayor may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the City Council over which he or she presides has made a local liquor control commissioner appointment that

complies with the requirements of Section 402 of the Liquor Control Act of 1934;

O. A person who is not a resident of the City, except in case of railroad or boat licenses;

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

Q. A person, firm or corporation which does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

R. A person who has been convicted of a gambling offense as proscribed by any of subsection (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1962 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforementioned statutory provisions;

S. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act;

T. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for the premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Liquor Control Act of 1934 and Section 5.12.250 of the chapter. (Ord. 2015-12 § 5: Ord. 1978-16 (part): prior code § 110.04)

### **Section 5.12.060 Classification of licenses.**

A. Licenses shall be divided into the following classes and designated by the classification letter herein provided:

1. Class A (Tavern License). Class A liquor licenses shall authorize the sale of alcoholic liquor at retail on the premises specified for consumption on or off the premises. This license shall be issued only to businesses that primarily sell by the drink for consumption on the premises with fifty percent (50%) or more of the revenue coming from the sale of alcoholic liquor for consumption on the premises. Supermarkets, grocery stores, and other retail establishments not fully qualifying for the sale of alcoholic liquor on the premises of the establishment do not qualify for a Class A liquor license.

2. Class B (Package Sales License). Class B liquor licenses shall authorize the sale in sealed packages of alcoholic liquor at retail on the premises specified, but not for consumption on the premises where sold.

3. Class C (Restaurant License). Class C liquor licenses shall authorize the sale of alcoholic liquor only at retail on the premises specified for consumption on the premises only if such sale is secondary to and related to the retail sale of prepared food within a restaurant. The licensee shall make no package sales. Upon application for a license, the applicant shall submit the following information for the most recently available three (3) consecutive months: (a) ST-1 Sales and Use Tax Returns filed with the Illinois Department of Revenue, and (b) invoices from the applicant's food vendors. The amount of food purchases shall be more than fifty percent (50%) of the total purchases during any three-month period. Restaurants shall be subject to an audit ordered by the liquor control commissioner for the purpose of verifying compliance. A restaurant with a Class C license may have a bar as defined in this Chapter.

4. Class D (Club License). Class D liquor licenses shall authorize the sale of alcoholic liquor by a club at retail on the premises specified and only for consumption on the premises. A Class D license shall be issued only to a club. To obtain a club license, the applicant must have the qualifications as provided by the laws of the state of Illinois and this chapter relating to alcoholic liquor. No Class D licenses shall be issued until the local Liquor Control Commissioner has satisfied himself or herself that the club applying for the license was actually and is in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor.

Class D-S (Club Special Use License). Class D-S liquor licenses shall authorize the sale of alcoholic liquor by a club at retail on the premises for which a Class D license is issued and only for consumption on the premises. A Class D-S license shall be issued only to a club for the purpose of conducting an event that is open to the public. The public event may only be a state-licensed bingo or casino night



event or an event that is held for the purpose of raising funds for charitable organizations or for the benefit of a specific family or individual. All Class D-S liquor licenses shall be approved by the liquor control commissioner, subject to the following terms, conditions, and restrictions:

(i) An application shall be submitted on a form provided by the City. The application may be submitted on the same form submitted by the applicant for the Class D liquor license.

(ii) The fee for a Class D-S liquor license shall be \$100.00 annually and the license shall run concurrently with the Class D liquor license.

5. Class E (Restaurant License - Beer and Wine Only). Class E liquor licenses shall authorize the sale of beer and wine only at retail on the premises specified for consumption on the premises only if such sale is secondary to and related to the retail sale of prepared food within a restaurant. The licensee shall make no package sales. Upon application for a license, the applicant shall submit the following information for the most recently available three (3) consecutive months: (a) ST-1 Sales and Use Tax Returns filed with the Illinois Department of Revenue, and (b) invoices from the applicant's food vendors. The amount of food purchases shall be more than fifty percent (50%) of the total purchases during any three-month period. Restaurants shall be subject to an audit ordered by the liquor control commissioner for the purpose of verifying compliance. A restaurant with a Class E license may only have a service bar as defined in this Chapter.

6. Class G. Class G (Banquet Room) liquor licenses shall authorize the sale of alcoholic liquor at retail for consumption in a banquet room on the premises specified during banquets, parties, meetings, receptions, and similar planned events or occasions which are not open for the general service of food and beverages to the public at large. The manager or other employee of the licensee must be on duty and on the licensed premises at all times any person or persons are upon the premises and all events shall be under the supervision and direction of the employee or employees of the licensee. A Class G liquor license may be issued to a Class A liquor licensee at no additional cost to the licensee.

7. Class S. Class S (Special Use Permit) liquor licenses shall allow a licensed liquor retailer to transfer a portion of its alcoholic liquor inventory from its licensed retail premises to a designated site for a special event. All Class S liquor licenses shall be approved by a majority vote of the City Council. Class S liquor licenses shall be subject to the following terms, conditions, and restrictions:

i) A Class S liquor license may be issued to a licensed liquor retailer that holds a valid and current City of Olney Class A, C, D, E or G liquor license.

ii) An application shall be submitted on a form provided by the City at least 30 days prior to the date of the intended sale of alcoholic beverages. In addition to the information required on the standard application for liquor license, the applicant shall include the following information: a) the location for which the license is sought; b) a copy of the written, signed lease or rental agreement or other written authority for the use of the location if the applicant is not the owner of the location; c) a statement setting forth the purpose for the issuance of the license; d) a statement setting forth the applicant's arrangement for crowd control; e) a certificate of insurance showing evidence of insurance coverage required by Section 5.12.250 for the specific location for which the application is submitted; and f) the specific times and dates requested for the term of the license.

iii) The fee for a Class S liquor license shall be \$100.00 for each calendar day or part thereof for which the license is issued and shall be paid in full at the time the license is issued.

iv) A Class S liquor license may be issued for a period not to exceed four consecutive calendar days. A qualified licensed liquor retailer may be issued Class S liquor licenses for a maximum of twelve calendar days during the term of the annual retailer's liquor license.

v) The holder of a Class S liquor license may serve alcoholic beverages for consumption only on the premises for which the application is submitted and only those alcoholic beverages which are authorized by the Class A, C, or D liquor license held by the applicant. The premises for which the application is submitted must be properly zoned to permit the sale and distribution of alcoholic beverages on the premises.

vi) The holder of a Class S liquor license may serve alcoholic beverages only during the hours and dates approved and set forth in the license. The authorized hours must be within the following hours:

10:00 a.m. to 10:00 p.m. Monday through Thursday and 10:00 a.m. to 12:00 midnight Friday and Saturdays.

vii) The applicant shall comply with all provisions of this Chapter 5.12 (Liquor Control) except as specifically modified by this Subparagraph 5.

viii) The Class S liquor license shall be a permissive license, and shall entitle the holder to the privilege of selling alcoholic beverages pursuant to all Code requirements the same as any other liquor license; however, the holder of this permit upon acceptance of the permit specifically waives any and all claims or rights that he may obtain in being granted this special permit, and specifically authorizes the Liquor Control Commissioner to revoke the permit at any time for any reason whatsoever, no reason would have to be given to revoke the permit at any time at the absolute discretion of the Liquor Control Commissioner; and upon acceptance of this type of special permit the holder specifically acknowledges the special privilege of obtaining this type of permit, and consents to all requirements, including the requirements of immediate forfeiture without reason.

ix) The City Council of the City of Olney may require such additional requirements of an applicant for a Class S liquor license as it may deem appropriate.

x) The City Council of the City of Olney shall not be obligated to approve any specific number of Class S liquor licenses in any one (1) year and may, by failure to approve an application for a Class S liquor license, restrict the number of licenses so issued without further authority by ordinance.

8. Class W (Winemaker's Retail License). Class W liquor licenses shall authorize the package sales of wine only at public events and consumption on the premises for wine-tasting events only (limited to twelve wine-tasting events per calendar year), but not for the retail sale of alcoholic liquor for consumption on the premises of the public events. This license shall be issued only to a winery that is engaged in the manufacture of wine in Richland County, Illinois, and has valid state and county liquor licenses. All Class W liquor licenses shall be approved by a majority vote of the City Council. During the term of a Class W liquor license, the Local Liquor Commissioner may approve the use of the Class W liquor license at specific public events or wine-tasting events for the specific dates, times and locations at which the sale of alcoholic liquor is not otherwise prohibited. A certificate of insurance showing evidence of insurance coverage required by Section 5.12.120 shall be filed in the office of the City Clerk for (a) the specific location and date for each public event at which packaged wine is sold or (b) blanket coverage for all public events in the City of Olney.

9. Class V (Video Gaming Establishment License) - Class V liquor licenses shall authorize the sale of alcoholic liquor at retail on the premises specified for consumption on the premises only if such sale is secondary to the business of video gaming. This license shall be issued only to businesses that operate primarily for the purpose of video gaming with a majority of the revenue coming from video gaming receipts. (Ord. 2015-12 § 6: Ord. 2014-07 § 1: Ord. 2012-06 § 1: Ord. 2011-22 § 2: Ord. 2011-21 § 1: Ord. 2011-2 § 1: Ord. 2009-25 § 2: Ord. 2008-34 § 1: Ord. 2006-09 § 1: Ord. 1981-25; Ord. 1979-54 § 1; Ord. 1978-16 (part): prior code § 110.05)

#### **Section 5.12.070            Restriction on number of licenses authorized.**

The total number of liquor licenses to be issued by the City shall be, unless otherwise changed by action of the City Council: three (3) Class A licenses, four (4) Class B licenses, five (5) Class C licenses, five (5) Class D licenses, one (1) Class E license, zero (0) Class G licenses, and one (1) Class V license. If any licensee then or thereafter holding a liquor license under the provisions of this chapter fails to renew his or her license, as by law provided, or the same is surrendered, cancelled, revoked or otherwise terminated, such license of any class shall not be reissued for at least sixty (60) days to allow the City Council to review the class and number of licenses outstanding and to provide for such amendment as may be deemed necessary at that time.

(Ord. 2017-03 § 1: Ord. 2016-23 § 1: Ord. 2016-13 § 1: Ord. 15-25 § 1: Ord. 14-26 § 1: Ord. 14-25 § 1: Ord. 14-16 § 1: Ord. 14-07 § 2: Ord. 13-17 § 1: Ord. 13-12 § 1: Ord. 12-58 § 1: Ord. 12-33 § 1: Ord. 12-17 § 1: Ord. 11-22 § 3: Ord. 11-2 § 1: Ord. 09-25 § 3: Ord. 08-36 § 1: Ord.

08-31 § 1: Ord. 08-05 § 1: Ord. 07-16 § 1: Ord. 06-17 § 1: Ord. 04-21 § 1: Ord. 00-24 § 1: Ord. 99-31 § 1: Ord. 98-94 § 1: Ord. 97-86 § 1: Ord. 96-29 § 1: Ord. 95-29 § 1: Ord. 95-4 § 1; Ord. 85-9 § 1; Ord. 84-6 § 1; Ord. 78-16 (part): prior code § 110.06)

**Section 5.12.080 License period.**

All licenses shall be for one year and run from May 15th through May 14th of the following year. (Ord. 78-16 (part): prior code § 110.07)

**Section 5.12.090 License fees established.**

The annual fee for licenses shall be as follows:

- A. Class A liquor licenses shall be one thousand seven hundred dollars (\$1,700.00).
- B. Class B liquor licenses shall be one thousand one hundred dollars (\$1,100.00).
- C. Class C liquor licenses shall be one thousand seven hundred dollars (\$1,700.00).
- D. Class D liquor licenses shall be seven hundred dollars (\$700.00).
- E. Class E liquor licenses shall be eight hundred dollars (\$800.00).
- F. Class G liquor licenses shall be five hundred dollars (\$500.00), except there shall be no fee for a Class G liquor license issued to a Class A liquor licensee.
- G. Class W liquor licenses shall be fifty dollars (\$50.00) for each date on which the sale of packaged wine occurs at a public event under the license or two hundred fifty dollars (\$250.00) annually.
- H. Class V liquor licenses shall be two thousand eight hundred dollars (\$2,800.00) (Ord. 14-07 § 3: Ord. 12-07 § 1: Ord. 11-21 § 1: Ord. 11-02 § 1: Ord. 10-20 § 1: Ord. 09-25 § 4: Ord. 06-08A § 4: Ord. 78-16 (part): prior code § 110.08)

**Section 5.12.100 Payment of license fee.**

The entire annual license fee shall be paid in advance; however, the fee for any licenses issued after May 1st of any year shall be reduced in proportion to the calendar months which have expired after May 15th prior to the issuance of the license. No part of the license fee after the issuance of said license shall be refunded. (Ord. 78-16 (part): prior code § 110.09)

**Section 5.12.110 Disposition of fees.**

All fees shall be paid to the local liquor control commissioner at the time application is made, and shall be forthwith turned over to the City Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the 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 Council. (Ord. 78-16 (part): prior code § 110.10)

**Section 5.12.120 Records of licenses kept.**

The local Liquor Control Commissioner shall keep, or cause to be kept, a complete record of all such licenses issued by him or her, and shall furnish the Clerk and Chief of Police each with a copy thereof. Upon the issuance of any new licenses, the revocation of any old license or the suspension of any license, the local Liquor Control Commissioner shall give written notice of such action to each of the aforesaid officers within forty-eight (48) hours of such action. (Ord. 78-16 (part): prior code § 110.11)

**Section 5.12.130 Hours of sale regulated.**

- A. It is unlawful to sell, or offer for sale at retail, any alcoholic liquor except during the hours

expressly permitted. It is lawful to sell or offer for sale at retail alcoholic liquor in the City on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from six (6:00) a.m. until one-thirty (1:30) a.m. of the following day. Class A, B, C, D, E, G, and V license holders may sell, or offer for sale at retail, alcoholic liquor from twelve (12:00) noon until twelve (12:00) midnight on Sunday; however, if Sunday shall fall on December 31 (New Year's Eve), such license holders may sell, or offer for sale at retail, alcoholic liquor on that Sunday from twelve (12:00) noon until one-thirty (1:30) a.m. of the following day.

B. It is 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 premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, however, Class A and Class D license holders may remain open for an additional fifteen (15) minutes only for the purpose of allowing patrons an opportunity to consume alcoholic liquor purchased during lawful hours before leaving the premises. In the case of restaurants and hotels, such establishments may be kept open for business during such hours, however, alcoholic liquor may not be sold or consumed by the public during such hours and any bar must be closed. (Ord. 14-47 § 1: Ord. 13-20 § 1: Ord. 11-2 § 1: Ord. 06-43 § 1: Ord. 98-27 § 2: Ord. 78-16 (part): prior code § 110.12)

#### **Section 5.12.140 Sanitary conditions.**

All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinance regulating the conditions of premises used for storage or sale of food for human consumption. (Ord. 78-16 (part): prior code § 110.14)

#### **Section 5.12.150 Employees.**

A. It is unlawful to employ, in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with, or who is a carrier of any contagious, infectious or venereal disease. It is unlawful for any person who is afflicted with, or a carrier of any such disease, to work in or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor; provided the Liquor Control Commissioner may require such employee to submit to a physical examination at the expense of the City, by a duly licensed physician named by the Liquor Control Commissioner if he or she suspects such employee of being afflicted as herein set forth.

B. It is unlawful for any person under the age of twenty-one (21) years to engage in any way in the preparation of mixed drinks, alcoholic liquor or otherwise to act as bartender. Persons under the age of twenty-one (21) years of age but at least eighteen (18) years of age may work as waiters or waitresses who handle alcoholic liquor if such handling is limited to the pickup of prepared drinks and the distribution of the prepared drinks to customers. (Ord. 98-95 § 1: Ord. 79-54 § 2; Ord. 78-16 (part): prior code § 110.15)

#### **Section 5.12.160 Minors purchasing liquor restrictions.**

A. It is unlawful for any person under the age of twenty-one (21) years to purchase or obtain any alcoholic liquor in any tavern, club or other place in the City where alcoholic liquor is sold, or to procure any person or persons to purchase for him or her any alcoholic liquor.

B. It is unlawful for any person under the age of twenty-one (21) years to represent he or she is twenty-one (21) years of age or over for the purpose of purchasing or obtaining alcoholic liquor from any tavern, club or other place in the City where alcoholic liquor is sold.

C. It is unlawful for any licensee to suffer or permit any person under twenty-one (21) years of age to be or remain in any licensed premises with a Class A liquor license or at any bar as defined in this Chapter in a restaurant with a Class C license, including hours within which the sale of alcoholic liquor

does not occur. This paragraph shall not apply to any such person under twenty-one (21) years of age who is accompanied by his or her parent or guardian. Persons under the age of twenty-one (21) years of age but at least eighteen (18) years of age may be in any rooms or on the licensed premises to work if such work does not involve handling alcoholic liquor, or to work as waiters or waitresses or other employees who handle alcoholic liquor if such handling is limited to the pickup of prepared drinks and the distribution of the prepared drinks to customers on the licensed premises.

D. It is unlawful for any person under twenty-one (21) years of age to attend any bar to draw, pour or mix any alcoholic liquor including beer and wine, in any licensed retail premises.

E. It is unlawful for any person under twenty-one (21) years of age to be or remain in any licensed premises with a Class A liquor license or at any bar as defined in this Chapter in a restaurant with a Class C license, including hours within which the sale of alcoholic liquor does not occur. This paragraph shall not apply to any such person under twenty-one (21) years of age who is accompanied by his or her parent or guardian. Persons under the age of twenty-one (21) years of age but at least eighteen (18) years of age may be in any rooms or on the license premises to work if such work does not involve handling alcoholic liquor, or to work as waiters or waitresses or other employees who handle alcoholic liquor if such handling is limited to the pickup of prepared drinks and the distribution of the prepared drinks to customers on the licensed premises. (Ord 11-2 § 1: Ord. 98-95 § 2: Ord. 96-2 §§ 1, 2; Ord. 80-2 § 2; Ord. 79-54 §§ 3--5; Ord. 78-16 (part): prior code § 110.16)

**Section 5.12.170 Sale of liquor to intoxicated persons.**

It is unlawful for any holder of a retail liquor license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him or her to be a habitual drunkard, spendthrift, or an insane, feeble-minded, or distracted person. (Ord. 78-16 (part): prior code § 110.17)

**Section 5.12.180 Gambling prohibited; Video Gaming Act exception.**

It is unlawful to permit any gambling on any premises licensed to sell alcoholic liquor, except as permitted pursuant to the Video Gaming Act (230 ILCS 40) and the rules adopted by the Illinois Gaming Board implementing the Act. (Ord. 12-29 § 1: Ord. 78-16 (part): prior code § 110.18)

**Section 5.12.185 Nudity and other conduct prohibited.**

A. No licensee nor any manager, agent, or employee of licensee shall permit or allow any waitress, waiter, hostess, bartender, employee, agent, patron, or any other person to enter or remain upon any licensed premises nor shall any such licensee, manager, agent, waitress, waiter, hostess, bartender, employee, patron, or any other person enter or remain upon the licensed premises unless dressed in non-transparent and opaque clothing which completely covers from view the human male genitals in a discernibly turgid state, even if opaquely covered, and the human male or female genitals, pubic area, vulva, buttocks, anus, anal cleft and anal cleavage, and the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola or nipple is not exposed in whole or in part. This subparagraph shall not be construed to apply to a person engaged in the bona fide use of a single sex restroom for its intended purpose or to an occupant(s), not otherwise visible to the public, within a hotel or motel room situated upon a licensed premise.

B. No licensee nor any manager, agent, or employee of licensee shall knowingly permit or allow any employee, agent, patron, or any other person upon the licensed premises to engage in nor shall any licensee, manager, employee, agent, patron, or any other person knowingly engage in or knowingly participate in the fondling, caressing, or erotic touching of human genitals, pubic area, vulva, buttocks, anus, anal cleft or cleavage, or female breasts, whether covered or not, of another person. This subparagraph shall be construed so that the person engaged in the touching and the recipient of the

touching are each in violation of the Ordinance. (Ord. 06-3, Sec. 1)

**Section 5.12.190            Transfer of licenses prohibited.**

A. A license issued under this chapter shall be purely a personal privilege, good for a period not to exceed one year after issuance, unless sooner revoked as herein provided, and shall permit the sale of alcoholic liquor only in the premises described in the application and licenses, and only under the conditions and restrictions imposed in this chapter on the particular class of license described therein. The location described in the license and application may be changed only upon a written permit to make such change issued and authorized by action of the City Council and approved by the local Liquor Control Commissioner and only then if the proposed new location is a proper one for the retail sale of alcoholic liquor under the ordinances of the City and the laws of the state of Illinois.

B. A license issued under this chapter shall not be subject to attachment, garnishment or execution, nor shall it be subject to being hypothecated or encumbered. Such licenses shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license, but no longer than six months after the death, bankruptcy or insolvency of such licensee. (Ord. 78-16 (part): prior code § 110.19)

**Section 5.12.200            Renewal of licenses.**

Any licensee may renew his or her license at the expiration thereof, provided that he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. An application for renewal must include evidence of a valid state retail liquor license for the premises and evidence that the premises is open and operated as a licensed liquor establishment. The renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Council from decreasing the number or kinds of licenses to be issued within its jurisdiction. (Ord. 2015-12 § 7: Ord. 1978-16 (part): prior code § 110.20)  
(2015-12, Amended, 03/09/2015, Amended)

**Section 5.12.210            Owners of premises responsible for violations.**

If the owner of the licensed premises or any persons from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment. (Ord. 78-16 (part): prior code § 110.21)

**Section 5.12.220            Liability of licensee for acts of employees.**

Every act or omission of whatsoever nature constituting a violation of any provisions of this chapter, by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done by him or her personally. (Ord. 78-16 (part): prior code § 110.22)

**Section 5.12.230            Sign warning underage persons required.**

A. Every holder of an alcoholic liquor license in the City where alcoholic liquor is sold shall display at all times in a prominent place a printed card which shall read substantially as follows:

**WARNING TO PERSONS UNDER 21 YEARS OF AGE**

You are subject to a fine of up to \$750 under the ordinances of the City of Olney, Illinois, if you purchase or accept alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

This sign does not have to be displayed by a tavern that displays the sign required in Paragraph B of this Section.

B. Every holder of a Class A liquor license in the City shall display at all times in a prominent place a printed card which shall read substantially as follows:

**WARNING TO PERSONS UNDER 21 YEARS OF AGE**

You are subject to a fine of up to \$750 under the ordinances of the City of Olney, Illinois, if you remain in this establishment, purchase or accept alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

C. Every holder of an alcoholic liquor license in the City, other than Class A, which has a bar as defined in this Chapter, shall display at all times in a prominent place at the bar a printed card which shall read substantially as follows:

**WARNING TO PERSONS UNDER 21 YEARS OF AGE**

No one under the age of 21 is permitted at the bar. You are subject to a fine of up to \$750 under the ordinances of the City of Olney, Illinois, if you remain at the bar.

This sign must be displayed in addition to the sign required in Paragraph A of this Section.

(Ord. 11-2 § 1: Ord. 80-2 § 3; Ord. 78-16 (part): prior code § 110.23)

**Section 5.12.240 Revocation, suspension & fine of licenses--Power of Liquor Control Commissioner.**

The Mayor as the Liquor Control Commissioner of the City may revoke or suspend for up to thirty (30) days any license issued by him if he determines that the licensee has violated any of the provisions of the Liquor Control Act of 1934 or of any valid ordinance or resolution enacted by the City Council of the City or any applicable rule or regulation established by the local liquor control commissioner of the State commission which is not inconsistent with law.

In addition to the suspension, the local liquor control commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1,000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of the license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury.

No such license shall be so revoked or suspended and no licensee shall be fined except in accordance with the provisions of 7-5 of the Liquor Control Act of 1934. (Ord. 2015-12 § 8: Ord. 78-16 (part): prior

code § 110.24)

**Section 5.12.250 Insurance required.**

A. No license shall be issued hereunder unless the applicant shall file evidence of dram shop liability insurance covering the entire period of the license in the form of a certificate of insurance issued by an insurance company authorized to do business in the state of Illinois. The insurance shall insure applicant and owner or lessor of the premises in such amounts as may be required by the Liquor Control Act of 1934, or in an amount of not less than \$1,000,000, whichever is greater. The certificate shall be submitted to the local liquor control commissioner upon application for or renewal of the liquor license. (Ord. 2015-12 § 9: Ord. 1986-9 § 1: Ord. 1985-29 § 1: Ord. 1978-16 (part): prior code § 110.25)

**Section 5.12.260 Adoption of state law.**

All of the provisions of the Illinois Liquor Control Act and of the rules and regulations issued by the Illinois Liquor Control Commission which are or may hereafter be in force, which are applicable to the City, are incorporated into and declared to be a part of this chapter the same as if they were expressly set forth herein. (Ord. 78-16 (part): prior code § 110.26)

**Section 5.12.270 Violation--Penalty.**

Whoever violates any provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 78-16 (part): prior code § 110.27)



## Chapter 5.16

### PEDDLERS AND SOLICITORS

#### Sections:

- 5.16.010**      **Definitions.**
- 5.16.020**      **Unlicensed, uninvited solicitors and peddlers.**
- 5.16.030**      **Illegal solicitation.**
- 5.16.040**      **Procedures for issuance of license.**
- 5.16.050**      **Denial of License.**
- 5.16.060**      **License fees.**
- 5.16.070**      **Display of license.**
- 5.16.080**      **Reserved.**
- 5.16.090**      **Unlawful solicitation hours.**
- 5.16.100**      **Ignoring "No Peddlers" and other signs.**
- 5.16.110**      **Reserved.**
- 5.16.120**      **Misrepresentation of identity--Public solicitation.**
- 5.16.130**      **Nontransfer and transfer of licenses.**
- 5.16.140**      **Exceptions to certain sections.**
- 5.16.150**      **Chapter exceptions.**
- 5.16.160**      **License revocation--Notice--Appeal.**
- 5.16.170**      **Payment of license fee despite conviction.**
- 5.16.180**      **Violation--Penalty.**

#### **Section 5.16.010**      **Definitions.**

For the purposes of this chapter words are defined as follows:

"Fixed place of business" means a business operated and conducted from the same location, for a period of at least ninety (90) continuous days in the City.

"Peddle" means to sell and make immediate delivery, or offer for sale and immediate delivery, at any place within the City, other than from a fixed place of business, any goods, wares or merchandise in possession of the seller.

"Peddler" means any person who peddles, as herein defined.

"Person" means individuals, associations of individuals, partnerships or corporations.

"Solicit" means to sell or take orders, or offer to sell or take orders, at any place within the City, other than a fixed place of business, for goods, wares or merchandise for future delivery or for services to be performed.

"Solicitor" any person who solicits, as herein defined. (Prior code § 111.01)

#### **Section 5.16.020**      **Unlicensed, uninvited solicitors and peddlers.**

The practice of going in and upon residential property, ringing a doorbell or knocking on a door of a private residence, including an apartment, in the City, by any solicitor or peddler not having been requested or invited so to do by the owner or owners, occupant or occupants or lessee of such private residence or apartments, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for services to be performed, or peddling the same, is declared to be a nuisance.

Any peddler or solicitor, being uninvited, who goes on or upon residential property in the City, without a license as provided by this chapter shall be deemed to have committed a nuisance, unless such entry shall be exempted from the operation of this chapter. (Ord. 03-25, Sec. 1: Prior code § 111.02)

**Section 5.16.030            Illegal solicitation.**

It is unlawful for any person to peddle or solicit without having complied with the provisions of this Chapter 5.16. (Ord. 03-25, Sec. 1: Prior code § 111.03)

**Section 5.16.040            Procedures for issuance of license.**

A. Applicants for a peddlers or solicitors license shall complete an application on a form provided by the Clerk of the City. All information requested on the application shall be completed, including, but not limited to the following:

1. Name, present address and permanent address of the applicant;
2. A brief description of the nature of the business and the kinds of goods or property, or service to be peddled or solicited;
3. Dates during which applicant plans to peddle or solicit;
4. Name and address of the business or person whom the applicant represents, if any;
5. Names and addresses of at least two references as to the applicant's moral character, honesty and integrity; and
6. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof.

B. The applicant shall present to the Clerk of the City the following:

1. A valid form of identification with a photograph of the applicant; and
2. Credentials showing that the applicant is an authorized employee or representative of the business or person named on the application; and
3. Certificate of registration under the Retailer's Occupation Tax Act for the applicant or the applicant's employer.

C. After the application and documentation is submitted in proper form, the applicant shall pay to the City a license fee as required by Section 5.16.060. The Clerk of the City sign the application and copy the documentation submitted by the applicant. The Clerk of the City shall retain a copy of the application and the documentation submitted by the applicant.

D. The applicant shall submit the completed application with the documentation to the Olney Police Department which shall verify the accuracy of the application by running a criminal history on the applicant. The Police Department shall photograph the applicant.

E. A license shall be valid through December 31<sup>st</sup> of the year in which it is issued.

F. As evidence of compliance with the provisions of this Chapter 5.16, the Police Department shall issue to each person who complies with this Chapter a license which shall show the name and address of the applicant, the name of the person he or she represents or by who he or she is employed, if any, and the kind of goods or property to be peddled or solicited, and a photograph of the applicant. (Ord. 03-25, Sec. 1: Prior code § 111.04)

**Section 5.16.050            Denial of License.**

A. Upon the Police Chief or his designee's review of the application, the Police Chief or his designee may refuse to issue a license to the applicant under this Chapter for any of the following reasons:

1. An investigation reveals that the applicant falsified information on the application;
2. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application; or
3. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or

misrepresentation has been entered within the five (5) years immediately preceding the date of application. (Ord. 03-25, Sec. 1: Prior code § 111.05)

**Section 5.16.060 License fees.**

Every person desiring a solicitor's or peddler's license shall pay to the City a license fee of seventy-five dollars (\$75.00), payable in advance; provided, however, that any person desiring a solicitor's or peddler's license who is representing a company already represented by a person with a current solicitor's or peddler's license shall pay to the City a license fee of fifteen dollars (\$15.00), payable in advance. (Ord. 06-08A, Sec. 5: Ord. 03-25, Sec. 1: Prior code § 111.06)

**Section 5.16.070 Display of license.**

Every solicitor or peddler licensed under this chapter shall have his or her photograph attached to his or her license and shall have his or her license in his or her immediate possession at all times. When peddling or soliciting he or she shall display the same upon demand of any Police Officer of the City and upon demand of any person to whom he or she is peddling or soliciting. (Prior code § 111.07)

**Section 5.16.080 Reserved.**

**Section 5.16.090 Unlawful solicitation hours.**

It is unlawful for any person to peddle or solicit before the hour of eight a.m. or after the hour of eight p.m., Monday through Saturday. (Ord. 03-25, Sec. 1: Ord. 98-130 § 6: prior code § 111.09)

**Section 5.16.100 Ignoring "No Peddlers" and other signs.**

It is unlawful for any peddler or solicitor, or any person pretending to be a peddler or solicitor, for the purpose of peddling or soliciting or pretending to peddle or solicit, to ring the bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing any or all of the following words, to-wit: "No Peddlers," "No Solicitors" or "No Agents" or which otherwise purports to prohibit peddling or soliciting on the premises. (Prior code § 111.10)

**Section 5.16.110 Reserved.**

**Section 5.16.120 Misrepresentation of identity--Public solicitation.**

A. It is unlawful for any peddler or solicitor to represent by words, writing or action that he or she is some other peddler or solicitor, that he or she is a partner, employee or agent of any peddler or solicitor when in fact he or she is not the partner, agent or employee of such peddler or solicitor, or that he or she is the employee, representative, agent or partner of any person, when in fact he or she is not the employee, representative, agent or partner of such person.

B. No peddler or solicitor shall cry his or her wares in a loud voice or use any noise-producing device other than a soft chime, the limit of audibility of which shall be one hundred (100) feet from the source of such sounds, nor shall any peddler commit any breach of peace in crying his or her wares or soliciting the sale of his or her products.

C. No person, firm or corporation shall sell or distribute on the streets, alleys, parks or other public grounds of the City any goods, wares or merchandise, except as permitted by Section 12.12.070. (Ord. 03-25, Sec. 1: Prior code § 111.12)

**Section 5.16.130 Nontransfer and transfer of licenses.**

A. Licenses and permits issued pursuant to this chapter shall not be assigned or transferred, nor shall they, or either of them, be used by any person other than the person to whom they were issued, except as herein provided.

B. It is unlawful for any person to transfer, loan or permit the use of his or her license or permit by any other person, except as herein provided. (Prior code § 111.13)

**Section 5.16.140 Exceptions to certain sections.**

The provisions of Sections 5.16.020, 5.16.060 and 5.16.090 of this chapter shall not apply to the following:

A. Any person soliciting or peddling anything which such person has personally manufactured or produced. This exemption shall apply only to individual persons;

B. Any farmer, poultryman or horticulturist soliciting or peddling his or her own produce. This exemption shall apply only to individual persons and shall apply to farmers, poultrymen or horticulturists who buy goods for resale, as well as selling their own produce;

C. Any individual person soliciting, peddling or selling tickets or merchandise for, any approved religious, charitable, school, educational, veteran's or character building organization;

D. Fraternal organizations having established local chapters. (Ord. 03-25, Sec. 1: Ord. 81-33 § 1; prior code § 111.14)

**Section 5.16.150 Chapter exceptions.**

The provisions of this chapter shall not apply to peddling or soliciting newspapers, ice, milk, cream, butter, eggs, cheese, laundry, baked goods, dry cleaning or dairy products.

The provisions of this chapter shall not apply to salespeople or agents for wholesale houses or firms who solicit orders from, or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies. (Prior code § 111.15)

**Section 5.16.160 License revocation--Notice--Appeal.**

A. Licenses issued pursuant to this chapter may be revoked by the Mayor of the City after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or any false statement contained in the application for a license;
2. Fraud, misrepresentation or any false statement made to the Police Department in furnishing the information required by Section 5.16.040;
3. Any violation of this chapter;
4. Conviction of the licensee of any felony or crime involving moral turpitude;
5. Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the City.

B. Notice of the hearing for revocation of a license shall be given in writing, stating the grounds of the complaint, and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at the address given on the application for the license, at least five days prior to the date set for the hearing.

C. Any person aggrieved by the decision of the Mayor shall have the right to appeal to the Council. Such appeal shall be taken by filing, with the Clerk, a written statement of the grounds for the appeal within fourteen (14) days after notice of the decision by the Mayor has been given. The City Council shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Clerk in the manner hereinabove provided for notice of hearing of revocation by the Mayor. (Ord. 03-25, Sec. 1: Prior code § 111.16)

**Section 5.16.170 Payment of license fee despite conviction.**

Conviction and punishment of any person for peddling or soliciting without a license shall not excuse or exempt such person from the payment of any license fee due or unpaid at the time of such conviction, and nothing in this chapter shall prevent criminal prosecution for any violation of any provision of this chapter. (Prior code § 111.17)

**Section 5.16.180 Violation--Penalty.**

Whoever violates any provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 111.99)

## Chapter 5.20

### POOL TABLES, JUKE BOXES AND COIN-OPERATED AMUSEMENT DEVICES

#### Sections:

- 5.20.010**        **Definitions.**
- 5.20.020**        **License required.**
- 5.20.030**        **Application.**
- 5.20.040**        **License fee.**
- 5.20.050**        **Display of license.**
- 5.20.060**        **Operation.**
- 5.20.070**        **Violation--Penalty.**

#### **Section 5.20.010**        **Definitions.**

As used in this chapter:

"Coin-operated amusement device" means each machine which, upon the insertion of a coin, trade-token or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money or trade-token or slugs or which makes no provision whatever for the return of money to the player. A "coin-operated amusement device" shall further mean any machine, apparatus or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine.

"Juke box" means any music vending machine, contrivance or device which upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated, for the emission of songs, music or similar amusement.

"Person," "firm," "corporation" or "association" means and includes the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in which place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this section. (Ord. 87-12 § 1 (part): prior code § 112.01)

#### **Section 5.20.020**        **License required.**

Any person, firm, corporation or association displaying, keeping or permitting to be kept any pool, billiard or pigeonhole table, jukebox or coin-operated amusement device as defined in Section 5.20.010 in any public or private place for general operation by or for amusement of the public shall be required to obtain a license from the City upon payment of a license fee. Application for such license shall be made to the City Clerk upon a form to be supplied by the City Clerk for that purpose. (Ord. 87-12 § 1 (part): prior code § 112.02)

#### **Section 5.20.030**        **Application.**

The application for any license required by Section 5.20.020 shall contain the following information:

A. The name and address of the applicant, and if a firm, corporation or association, the principal officers thereof and their addresses;

B. The place where the machine or device is to be displayed or operated and the business conducted at that place;

C. The description, type and number of the various machines or devices intended to be kept for use

on the premises, including factory model and other distinguishing numbers or identification. (Ord. 87-12 § 1 (part): prior code § 112.03)

**Section 5.20.040 License fee.**

The annual license fee for a license for each pool, billiard or pigeonhole table, juke box, or coin-operated amusement device shall be one hundred dollars (\$100.00) and shall be payable in advance on or before April 1st of each year. No license shall be issued for less than one year and in no case shall any portion of such license fee be repaid to the licensee. (Ord. 10-16 § 1: Ord. 06-08A § 6: Ord. 87-12 § 1 (part): prior code § 112.04)

(2010-16, Amended, 04/26/2010, Increase fee from \$50 to \$100; 2006-08A, Amended, 03/13/2006, Increase fee from \$25 to \$50)

**Section 5.20.050 Display of license.**

A. The license or licenses herein provided for shall be posted permanently and conspicuously at the premises wherein the machine or device is to be displayed, kept or operated.

B. Such license may be transferred from one machine or device to another similar machine.

C. A license shall not be transferable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license. (Ord. 87-12 § 1 (part): prior code § 112.05)

**Section 5.20.060 Operation.**

No license issued under this chapter shall permit the operation of any pool, billiard or pigeonhole table, juke box, or coin-operated amusement device at any place or in any manner which would disturb the peace and quiet of persons outside the premises. Nothing in this chapter shall be construed to authorize, permit or license any slot machine or any gambling device of any kind or nature whatsoever that is prohibited by any other ordinance of the City or by the laws of the state of Illinois. (Ord. 87-12 § 1 (part): prior code § 112.06)

**Section 5.20.070 Violation--Penalty.**

Whoever violates any provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 87-12 § 2(A): prior code § 112.99(A))

(2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)

## Chapter 5.24

### RAFFLES

#### Sections:

<b>5.24.010</b>	<b>Definitions.</b>
<b>5.24.020</b>	<b>License required.</b>
<b>5.24.030</b>	<b>License restrictions.</b>
<b>5.24.040</b>	<b>License application.</b>
<b>5.24.050</b>	<b>License ineligibility.</b>
<b>5.24.060</b>	<b>Conduct of raffles.</b>
<b>5.24.070</b>	<b>Raffle manager--Bond.</b>
<b>5.24.080</b>	<b>Records and reports.</b>

#### Section 5.24.010 Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings given them:

"Business" means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

"Charitable" means 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" means 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" means 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" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

"Net proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

"Nonprofit" means 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" means a form of lottery, as defined in Section 28-2(b) of the Illinois Criminal Code of 1961, 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" means any church, congregation, society or organization founded for the purpose of religious worship.

"Veterans" means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, 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. 97-16 § 1 (part): prior code § 114-1)

**Section 5.24.020 License required.**

No person, firm, organization or corporation shall conduct a raffles or chances without first obtaining a license therefor pursuant to this chapter. (Ord. 97-16 § 1 (part): prior code § 114-2)

**Section 5.24.030 License restrictions.**

A. Location. Sales of raffle chances shall be only at locations designated in the license application and which are within the City of Olney.

B. Eligibility for License. Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that 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 nonprofit fundraising organization that the City Council determines is organized for the sole purpose of providing assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

C. Duration of License. Licenses shall permit the applicant to issue or sell raffle chances only for those dates stated in the license application, but in no event shall the period of sales exceed ninety (90) days.

Each license is valid for one raffle only 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 violation of this chapter.

D. Maximum Value of Prizes. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed thirty-five thousand dollars (\$35,000.00).

E. Price of Chances. The price charged for each raffle chance sold or issued shall not exceed one hundred dollars (\$100.00). (Ord. 2016-05 § 1: Ord. 97-21 §§ 1, 2; Ord. 97-16 § 1 (part): prior code § 114-3)

(2016-05, Amended, 02/22/2016, Amend Par. E - Price of Chances - \$100.00)

**Section 5.24.040 License application.**

A. Each application for a license shall be in writing upon forms provided by the City Clerk and shall contain the following:

1. Name and address of individual making application;
2. Name and address of organization applying for a license;
3. Approximate number of members of the organization that reside in the City of Olney and the length of existence of the organization;
4. Name and address of the raffle manager;
5. The location(s) at which raffle chances are to be sold or issued;
6. The time period during which raffle chances will be sold or issued;
7. The maximum number of raffle chances to be sold;
8. The time of determination of winning chances;
9. The location(s) at which winning chances will be determined;
10. A sworn statement, signed by the presiding officer and secretary, if there is one, of the organization attesting to the not-for-profit character of the organization, and attesting to the fact the organization is not otherwise ineligible to receive a license.

B. Each application for a license shall be accompanied by payment of a fee in the amount of ten dollars (\$10.00).

C. Application for licenses shall be submitted to the City Council which shall act to either issue or deny the license within thirty (30) days. (Ord. 10-22 § 1: Ord. 97-16 § 1 (part): prior code § 114-4) (2010-22, Amended, 04/26/2010, Increased raffle license fee from \$5 to \$10)

**Section 5.24.050 License ineligibility.**

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 subsections A, B or C of this section 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 subsections A, B or C of this section is an officer, director or employee, whether compensated or not;
- F. Any organization in which a person defined in subsections A, B or C of this section is to participate in the management or operation of a raffle. (Ord. 97-16 § 1 (part): prior code § 114-5)

**Section 5.24.060 Conduct of raffles.**

The conducting of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct the game.
- B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. A licensee may 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. Raffle chances may be sold or issued only at the locations specified on the license and winning chances may be determined only at those locations specified on the license.
- F. A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his or her parent or guardian. (Ord. 97-16 § 1 (part): prior code § 114-6)

**Section 5.24.070 Raffle manager--Bond.**

All operation of, and the conduct of, raffles shall be under the supervision of a single raffles manager designated by the organization. At the time the application is submitted to the City Clerk the manager shall give a fidelity bond in the amount of the maximum dollar amount of all raffle chances to be sold, as stated on the application, in favor of the organization 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 Council not less than thirty (30) days prior to its cancellation.

The above bond requirement may be waived by the unanimous vote of the members of the organization. The occurrence of said unanimous vote shall be by affidavit of the organization's presiding officer, filed with the City Clerk. (Ord. 97-16 § 1 (part): prior code § 114-7)

**Section 5.24.080 Records and reports.**

- A. Each organization licensed to conduct raffles and chances shall keep records of its gross receipts,

expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

B. Gross receipts from the operation of raffles 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 therefor issued by the Department of Revenue of the state of Illinois, and placed in a separate account. Each organization should have separate records for 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 such raffle to its membership, and to the City Council, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this section.

D. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (Ord. 97-16 § 1 (part): prior code § 114-8)

## Chapter 5.28

### ROLLER SKATING RINKS

#### Sections:

**5.28.010 License requirements, fee and restrictions.**

**5.28.020 Forfeiture of license.**

**5.28.030 Violation--Penalty.**

#### **Section 5.28.010 License requirements, fee and restrictions.**

A. No person, co-partnership or corporation shall open, conduct or operate any roller skating rink, to be operated in any building within the corporate limits of the City, without first obtaining a license therefor. No license therefor shall be issued for more than a period of one year, and the license fee to be charged for operating and conducting the amusement device for such period shall be the sum of twenty-five dollars (\$25.00), payable in advance.

B. All licenses shall cease at the end of the one-year period, but may be renewed for a like period; provided the provisions of this chapter and all ordinances of the City are faithfully obeyed.

C. No license shall be issued if the building used as a roller skating rink is within three hundred (300) feet of any residence or permanent dwelling place; nor shall the license issued authorize the conducting or operating of any roller skating rink after the hour of eleven p.m. on any evening. (Prior code § 112.15)

#### **Section 5.28.020 Forfeiture of license.**

Any license that may be issued under Section 5.28.010 to any person, co-partnership or corporation shall be subject to forfeiture and cancellation upon the conviction of any violation of this chapter or of any ordinance of the City, and upon the presentation to the Council of the fact of such violation, the Council by a majority vote may, in its discretion, pass a resolution declaring a forfeiture and cancellation of such license and upon adoption of such resolution the Clerk shall notify the holder of such license of such resolution by delivering or mailing a certified copy of the same to said licensee, which shall operate as a cancellation of all rights and privileges of such licensee. When and if any cancellation is made, if the holder of such license shall thereafter violate the terms of Section 5.28.010 the holder shall be subject to the penalties provided herein in this chapter. (Prior code § 112.16)

#### **Section 5.28.030 Violation--Penalty.**

Whoever violates any provisions of this chapter shall for each offense be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 87-12 § 2(B) (part) and (C); prior code § 112.99(B) (part) and (C))

(2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)

## Chapter 5.32

### TAXICABS

#### Sections:

5.32.010	Definitions.
5.32.020	License required.
5.32.030	Term.
5.32.040	Fee.
5.32.050	Application.
5.32.060	Number of licenses to be issued.
5.32.070	Public hearing.
5.32.080	Review of the application at public hearing.
5.32.090	Issuance of license.
5.32.100	Renewal and transfer.
5.32.110	Inspection and safety certificate--Inspection of taxicabs by police.
5.32.120	Revocation or suspension.
5.32.130	Location of office and office hours.
5.32.140	License sticker or tag.
5.32.150	Designation of taxicabs.
5.32.160	Rate of fare.
5.32.170	Carrying alcohol prohibited.
5.32.180	Power to change rates of fare.
5.32.190	Rate card displayed.
5.32.200	Receipts.
5.32.210	Prohibited solicitation.
5.32.220	Receipt and discharge of passengers on sidewalk only.
5.32.230	Additional passengers.
5.32.240	Restriction on the number of passengers.
5.32.250	Driver's requirements.
5.32.260	Driver's permit fee.
5.32.270	Rate of speed.
5.32.280	Accidents.
5.32.290	Violation--Penalty.

#### Section 5.32.010 Definitions.

As used in this chapter:

"License" means the authorization granted by the Mayor and City Council to allow a person to engage in the business of operating taxicabs in this City.

"Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing the time, and place or origin, car odometer reading at the origination of the trip, the destination of each trip, the number of passengers, the ending odometer reading at destination, and the amount of fare of each trip. Said manifest must permit space for the initialing by passengers of both the beginning odometer reading and the odometer reading at final destination. If said readings are not initialed by the passengers, then the taxicab driver may only charge the minimum fee established herein.

"Rate card" means a card which contains the rates of fare for taxicab service and which is on clear display in each taxicab.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven passengers, including the driver, and not operated on a fixed route. This shall include, but not be limited to, payment for real-time ridesharing (also known as instant

ridesharing, dynamic ridesharing, ad-hoc ridesharing, on-demand ridesharing, and dynamic carpooling) through the use of GPS navigation devices, Smartphones, computers, the internet, social networks, and/or similar mechanisms.

"Taxicab drivers permit" means the permission granted by the Mayor and City Council to a person to drive a taxicab on the streets of this City. (Ord. 2016-03 § 1: Ord. 79-41 § 1)  
(2016-03, Amended, 02/22/2016, Amended definition of Taxicab)

**Section 5.32.020 License required.**

It is unlawful for any person, firm or corporation to operate or drive any taxicab on any of the streets and public ways in the City without a license therefor, as is herein provided. (Ord. 79-41 § 2)

**Section 5.32.030 Term.**

Licenses hereunder shall be for the term of one year and shall expire on April 30th of each year. Said licenses shall not be assignable. (Ord. 79-41 § 3)

**Section 5.32.040 Fee.**

The fee for the license required hereunder shall be thirty-five dollars (\$35.00) for each taxicab operated by any owner. This fee must be paid each year. (Ord. 2016-03 § 2: Ord. 06-08A § 7: Ord. 79-41 § 4)  
(2016-03, Amended, 02/22/2016, Increased from \$30 to \$35/yr.; 2006-08A, Amended, 03/13/2006, Increase from \$20 to \$30/yr.)

**Section 5.32.050 Application.**

Application for a taxicab license shall be made in writing by the owner of the taxicab to the City Clerk of the City upon forms to be supplied by said Clerk. The application must contain the following information:

- A. The full name of the applicant;
- B. The address of the applicant;
- C. The experience of the applicant in transportation of passengers;
- D. Amounts of all unpaid judgements against the applicant and the nature of the transaction or acts giving rise to said judgments;
- E. Any facts which the applicant believes to tend to prove that the public convenience and necessity require the granting of a license;
- F. The number of vehicles to be operated or controlled by the applicant and the location of the proposed terminal. (Ord. 79-41 § 5)

**Section 5.32.060 Number of licenses to be issued.**

The number of licenses issued pursuant to the terms of this chapter shall be limited to eight vehicles. The City Council may provide by appropriate amendment to this chapter that the number of licenses issued shall be increased should such action become necessary in the interest of public convenience. Said limitation is not to be construed as affecting or limiting the number of outstanding licenses issued to the owners of currently operating taxicabs. (Ord. 79-41 § 6)

**Section 5.32.070 Public hearing.**

The City Clerk is directed to give notice of a public hearing to be held upon each application before the City Council of the City. This notice shall not require publication. Notice shall contain the time and place of said public hearing and in addition, notice shall be sent by registered mail at least five days prior to the hearing to all owners of licensed taxicabs in the City and to the applicant. (Ord. 2016-03 § 3: Ord. 79-41 § 7)  
(2016-03, Amended, 02/22/2016, Added sentence that notice shall not require publication. )

**Section 5.32.080            Review of the application at public hearing.**

A. The City Council shall review the application submitted in said public hearing and receive evidence as to the following:

1. Whether or not the public is or is not at the time adequately served;
2. Whether or not convenience and necessity require the proposed service;
3. Whether or not the vehicles proposed to be used comply with the intent of this chapter;
4. Whether or not the license should be granted.

B. In reaching the decision of whether or not the license should be granted, the City Council should consider the financial responsibility and experience of the applicant, the vehicles the applicant proposes to use, the increase of traffic and of demand for parking space, whether or not the safe use of the streets by vehicles and pedestrians will be served, and such other relevant facts as the Council shall deem requisite or advisable.

C. Before reaching its conclusion, the City Council may request additional information from the Chief of Police of the City or any other persons the Council deems appropriate. (Ord. 79-41 § 8)

**Section 5.32.090            Issuance of license.**

Upon approval of the City Council of a license to any particular applicant and the receipt of evidence that the applicant has filed with the Secretary of State an insurance policy issued by an insurance company licensed to do business in the state of Illinois, and providing public liability insurance coverage for each and every taxicab owned, operated or leased by the applicant with minimum policy limits in the amount of three hundred thousand dollars (\$300,000.00), and a further certificate or report by the Chief of Police of the City that each vehicle to be used complies with the requirements hereinafter set forth and after the payment of the fees required herein, the City Clerk of the City shall issue the license approved by the City Council to the applicant. (Ord. 2016-03 § 4: Ord. 79-41 § 9)  
(2016-03, Amended, 02/22/2016, Amended minimum policy limits from \$50,000 to \$300,000)

**Section 5.32.100            Renewal and transfer.**

No city license shall be renewed or transferred from one cab to another belonging to the same owner except upon proof of compliance with the terms of this chapter and upon approval of the Chief of Police or his or her designee; provided, however, that no public hearing need be held for renewal or transfer of the license. (Ord. 79-41 § 10)

**Section 5.32.110            Inspection and safety certificate--Inspection of taxicabs by police.**

A. No taxicab shall be permitted to be used or operated in this municipality until such vehicle has been thoroughly and carefully inspected and examined under the supervision of the Chief of Police and has been found to comply with such reasonable rules and regulations respecting safety and sanitation as may be prescribed by said Chief of Police. These rules and regulations shall be promulgated to assure safe and sanitary transportation and shall specify such equipment and regulatory devices as the Chief of Police shall deem necessary therefor. In general, the rules and regulations established must require that the

taxicabs meet at least those requirements which the state of Illinois has for inspection of Class B vehicles. Once reasonable rules and regulations have been prescribed by the Chief of Police, he or she shall submit them to the City Council for approval.

B. When it has been determined that a vehicle has met the standards established by the Chief of Police, a certificate to that effect shall be issued, which certificate shall also state the authorized seating capacity of said vehicle. Such certificate may be withdrawn and the vehicle relating thereto suspended from operation at any time by the Chief of Police if such vehicle is found to be unsafe or not in compliance with any regulations promulgated by such officer or imposed by this section.

C. Periodic inspections of taxicabs shall be made at such intervals as may be established by the Chief of Police and at not less than each three months to insure that such vehicles are kept in a condition of continued fitness for public use.

D. The certificate of safety issued hereunder shall be issued during April of each year or upon the initial usage of the taxicab and six months thereafter. (Ord. 79-41 § 11)

#### **Section 5.32.120            Revocation or suspension.**

The City Manager, Chief of Police, or other designee of the City Manager of the City is also authorized in the power to revoke or suspend the license of any taxicab found to be in an unsafe condition or in a poor state of repair with respect to appearance, cleanliness, or mechanical operation. Licenses so suspended or revoked shall not be reissued until said taxicab shall be put into a satisfactory condition for use by the public and satisfactory to the City Manager or Chief of Police or until the City Council so directs. (Ord. 79-41 § 12)

#### **Section 5.32.130            Location of office and office hours.**

Any person, firm or corporation owning or operating any vehicle licensed hereunder shall have at least one licensed vehicle and permitted driver operating and on-call, via either cellphone, telephone, or other similar device, within the City limits of the City of Olney, from 6:00 a.m. to 6:00 p.m. each day, Monday through Saturday, and 8:00 a.m. to 1:00 p.m. each Sunday. (Ord. 2016-03 § 5: Ord. 90-14 § 1: Ord. 80-4 § 1: Ord. 79-41 § 13)

(2016-03, Amended, 02/22/2016, Amended paragraph)

#### **Section 5.32.140            License sticker or tag.**

The City Clerk shall deliver to the licensee a sticker or tag for each taxicab license. The sticker shall have stamped or printed thereon the words "Taxicab License." Said sticker or tag shall be affixed to the left rear door glass of the cab. (Ord. 2016-03 § 6: Ord. 79-41 § 14)

(2016-03, Amended, 02/22/2016, Amended paragraph)

#### **Section 5.32.150            Designation of taxicabs.**

Each taxicab shall bear on the outside on the side rear in a visible location and on the rear of the vehicle in painted or securely affixed letters not less than two inches high, the name of the company or individual owning or operating the vehicle and the word "Taxicab," and, in addition, may bear an identifying design approved by the Chief of Police.

There shall also be painted or securely affixed on each side and on the rear of every taxicab a number, such number to be a separate and distinct number from that on any other taxicab in the municipality. The number shall be assigned to the taxicab by the Chief of Police and shall not be alternated or changed without the consent of such officer.

A register of the name of each person owning or operating a taxicab in the City shall be kept by the



City Clerk and such register shall contain for each owner or operator the description, make of car, and number assigned to the vehicle by the Chief of Police. (Ord. 2016-03 § 7: Ord. 79-41 § 15)  
(2016-03, Amended, 02/22/2016, Added language "or securely affixed" to 1st & 2nd paragraphs.)

**Section 5.32.160 Rate of fare.**

A. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following schedule:

1. Mileage rated: five dollars (\$5.00) for the first mile; ten cents (\$.10) for each additional one-tenth of a mile thereafter;
2. Trunks: one dollar and fifty cents (\$1.50) for each trunk;
3. Hand baggage: There will be no charge for hand baggage;
4. No charge shall be made for children under the age of twelve (12) if accompanied by an adult.

B. However, any owner or driver of a taxicab may elect to charge a flat fee for any trip to a destination within the City limits of the City of Olney in lieu of the schedule above. Said flat fee may not exceed the sum of ten dollars (\$10.00) for the one-way trip from pick-up point to destination for the first person. The taxicab company may charge an additional five dollars (\$5.00) for each additional adult passenger. (Ord. 2016-03 § 8: Ord. 89-38 § 1; Ord. 82-10 § 1; Ord. 79-41 § 16)  
(2016-03, Amended, 02/22/2016, Amended fees in A(1), (2), and B.)

**Section 5.32.170 Carrying alcohol prohibited.**

No taxicab shall be used for the delivery of any type of alcoholic liquor. (Ord. 79-41 § 17)

**Section 5.32.180 Power to change rates of fare.**

The City Council shall have the power at all times to change the rate and schedule of fares herein before prescribed by resolution after hearing on such matter, provided five days' notice of the time and place of such hearing shall be given to all duly licensed taxicab operators in the City. (Ord. 79-41 § 18)

**Section 5.32.190 Rate card displayed.**

Every taxicab shall have a rate card setting forth the rates of fares prescribed in the above schedule, which rate card shall be displayed in such a place in the taxicab as to be in the full view of all passengers. Said rate card shall contain the following words in all capital letters:

NOTICE TO PASSENGERS: BY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OLNEY EACH PASSENGER MUST BE CHARGED ONE OF ONLY TWO WAYS:

1) **MINIMUM PLUS PER MILE:** EACH PASSENGER MUST INITIAL THE ODOMETER READING INDICATED ON THE DRIVER'S MANIFEST AT THE BEGINNING OF THE TRIP. EACH PASSENGER MUST THEN INITIAL THE ODOMETER READING WRITTEN ON THE DRIVER'S MANIFEST AND TAKEN FROM THE CAR ODOMETER AT THE ARRIVAL AT EACH PASSENGER'S DESTINATION. THE FAIR THEN MUST BE BASED ON THE ACTUAL MILEAGE TRAVELED AS INDICATED BY THE DRIVER'S ODOMETER. IF THE DRIVER DOES NOT OBTAIN EACH PASSENGER'S INITIALS AND VERIFICATION OF THE ODOMETER READINGS, THEN EACH PASSENGER IS ONLY REQUIRED TO PAY THE MINIMUM FEE FOR THE FIRST MILE.

**OR**

2) **FLAT RATE:** AS AN ALTERNATIVE TO THE ABOVE, DRIVER MAY SET A FLAT FEE FOR THE ONE-WAY TRIP FROM PICK-UP POINT TO DESTINATION FOR THE FIRST PERSON. SAID FLAT FEE MAY NOT EXCEED \$10.00. DRIVER MAY THEN CHARGE AN ADDITIONAL \$5.00 FOR EACH ADDITIONAL ADULT PASSENGER. UNDER THIS FLAT RATE CHARGING STRUCTURE, EACH PASSENGER MUST INITIAL THE DRIVER'S MANIFEST INDICATING THE FLAT RATE PRIOR TO DEPARTURE FROM THE PICK-UP POINT.

(Ord. 2016-03 § 9: Ord. 79-41 § 19)

(2016-03, Amended, 02/22/2016, Amended Rate Card Language)

**Section 5.32.200 Receipts.**

The driver of any taxicab shall, upon request by the passenger, render to such passenger a receipt for the amount charged on which shall be the name of the owner, the license number, identifying number of the vehicle, amount of the charge, the odometer reading at origination, place of origination, odometer reading at destination, place of destination, and the date of the transaction. (Ord. 79-41 § 20)

**Section 5.32.210 Prohibited solicitation.**

No driver shall solicit patronage in any loud or annoying tone of voice, or by sign, or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage. (Ord. 79-41 § 21)

**Section 5.32.220 Receipt and discharge of passengers on sidewalk only.**

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left sidewalk or side of the roadway in absence of a sidewalk. (Ord. 79-41 § 22)

**Section 5.32.230 Additional passengers.**

No driver shall permit any other person to occupy or ride in said taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. When an additional passenger is picked up at a second location, each passenger shall pay the minimum of five dollars (\$5.00). (Ord. 2016-03 § 10: Ord. 79-41 § 23)

(2016-03, Amended, 02/22/2016, Changed fee for each additional passenger from \$1.50 to \$5.00)

**Section 5.32.240 Restriction on the number of passengers.**

No driver shall permit more persons to be carried in a taxicab as passengers than the seating capacity of his or her vehicle as stated in the inspection certificate issued by the Police Department. All drivers shall at all times comply with the Illinois Child Passenger Protection Act and such successor statutes. (Ord. 2016-03 § 11: Ord. 79-41 § 24)

(2016-03, Amended, 02/22/2016, Added sentence to comply with Illinois Child Passenger Protection Act.)

**Section 5.32.250 Driver's requirements.**

A. No person shall drive any taxicab as defined herein on the streets and public ways of the City without a permit therefor. No operator of a taxicab shall employ any person to drive any taxicab on the streets and public ways of the City who does not have a taxi driver's permit issued to such person by the City Clerk. Each applicant for a taxi driver's permit must fulfill the following requirements:

1. Be at least eighteen (18) years of age;
2. Fill out a blank form to be provided by the City Clerk or Chief of Police and requiring:
  - a. Statement giving his or her full name,
  - b. His or her residence,
  - c. His or her age, height, color of eyes and hair, place of birth, and length of time he or she has resided in the City;
3. State whether or not he or she has previously been licensed as a driver or a chauffeur and if so, when and by what authority, whether or not his or her license has ever been revoked or suspended, and if so, for what cause;
4. State whether or not previously convicted of felony. If so, of what nature.

B. No applicant shall be granted a taxicab driver's permit until he or she has obtained a driver's license with appropriate classification from the state of Illinois. (Ord. 2016-03 § 12: Ord. 91-1 § 1: Ord. 79-41 § 25)

(2016-03, Amended, 02/22/2016, Remove language in 1st Par. that Police Chief may issue a temporary permit. )

#### **Section 5.32.260 Driver's permit fee.**

The fee for a taxi driver's permit shall be twenty-five dollars (\$25.00) for the first year. Renewals may be granted by the Clerk upon payment of a twenty-five dollar (\$25.00) renewal fee. All permits shall expire on April 30th in each year. (Ord. 2016-03 § 13: Ord. 06-08A, Sec. 8: Ord. 98-37 § 2: Ord. 79-41 § 26)

(2016-03, Amended, 02/22/2016, Increased permit fee from \$20 to \$25 per year.; 2006-08A, Amended, 03/13/2006, Increase from \$10 to \$20 per year)

#### **Section 5.32.270 Rate of speed.**

All taxicabs shall be driven at all times and places at a rate of speed which is within the City and state speed limits and if any driver is convicted of violating any speed statute or ordinance, his or her permit to drive a taxicab may be suspended or revoked by the City Manager or Chief of Police. (Ord. 79-41 § 27)

#### **Section 5.32.280 Accidents.**

All accidents arising from or in connection with the operation of any taxicab which results in death or injury to any person, or in damage to any vehicle or to any property, shall be reported within twenty-four (24) hours from the time of the occurrence to the Police Department on a form to be furnished by such department. (Ord. 79-41 § 28)

#### **Section 5.32.290 Violation--Penalty.**

Any person, firm or corporation violating the provisions of this chapter shall pay a fine of not less than seventy-five dollars (\$75.00) or not more than seven hundred fifty dollars (\$750.00) for each offense or violation and each day said offense occurs or continues shall constitute a separate and distinct offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 79-41 § 29)

(2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)

## Chapter 5.36

### THEATERS

#### Sections:

#### **5.36.010 Theater regulations.**

#### **5.36.020 Violation--Penalty.**

#### **Section 5.36.010 Theater regulations.**

No person, co-partnership or corporation shall conduct and operate, in any theater building or other building, any theater, opera, vaudeville or moving picture show, or any combination of the same in the City without first obtaining a license therefor. The license fee to be charged for operating the same shall be the sum of two hundred fifty dollars (\$250.00) per year. All licenses shall cease at the end of each fiscal year. (Ord. 06-08A, Sec. 9: Prior code § 112.20)

(2006-08A, Amended, 03/13/2006, Increase fee from \$200 to \$250 per year)

#### **Section 5.36.020 Violation--Penalty.**

Whoever violates any provisions of this chapter shall for each offense be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 87-12 § 2(B) (part): prior code § 112.99(B) (part))

(2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)

## Chapter 5.40

### VIDEO GAMING TERMINALS

#### Sections:

- 5.40.010**      **Definitions.**
- 5.40.020**      **Video gaming terminals allowed.**
- 5.40.030**      **Permit required.**
- 5.40.040**      **Filing of application and fee provisions.**
- 5.40.050**      **Display of permit.**
- 5.40.060**      **Right of entry.**
- 5.40.070**      **Violations and penalty.**
- 5.40.080**      **Gambling prohibited.**

#### **Section 5.40.010**      **Definitions.**

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

“Licensed Establishment” means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. “Licensed establishment” does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act.

“Licensed Fraternal Establishment” means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

“Licensed Veterans Establishment” means the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

“Licensed Truck Stop Establishment” means a facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code.

“Video Gaming Act” means the Video Gaming Act (230 ILCS 40).

“Video Gaming Terminal” means 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 Illinois Gaming 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. 12-57 § 1)

(2012-57, Added, 11/13/2012, New Section)

#### **Section 5.40.020**      **Video gaming terminals allowed.**

A. Video gaming terminals are permitted within the corporate limits of the City of Olney only if licensed and registered by the Illinois Gaming Board under the Video Gaming Act.

B. The number of video gaming terminals permitted to be operated in each establishment licensed by the Illinois Gaming Board at any time is the number established by the Video Gaming Act. (Ord. 12-57 § 1)

(2012-57, Added, 11/13/2012, New Section)

#### **Section 5.40.030**      **Permit required.**

A. It shall be unlawful to operate any video gaming terminal in any licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment within the corporate limits of the City of Olney without first having obtained a video gaming terminal permit signed by the Mayor of the City of Olney.

B. Each video gaming terminal shall require a separate permit. No permit issued pursuant to the provisions of this Chapter shall be transferable or assignable. (Ord. 12-57 § 1)

(2012-57, Amended, 11/13/2012, New Section)

#### **Section 5.40.040 Filing of application and fee provisions.**

A. Every applicant for a permit to place a video gaming terminal in a licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment shall file an application with the City Clerk of the City of Olney upon a form provided by the City Clerk.

B. The fee for each permit required by Section 5.40.030 shall be \$25.00. In no case shall any portion of said permit fee be refunded to the permittee.

C. Each video gaming terminal permit issued pursuant to Sections 5.40.030 and 5.40.040 shall terminate on April 30th of each year. The permittee shall be required to apply for renewal of the permit between January 1<sup>st</sup> and March 31<sup>st</sup> of each year on a form provided by the City Clerk. (Ord. 12-57 § 1)

(2012-57, Amended, 11/13/2012, New Section)

#### **Section 5.40.050 Display of permit.**

Every permit issued shall be framed and hung in a conspicuous place in the permitted premises.(Ord. 12-57 § 1)

(2012-57, Amended, 11/13/2012, New Section.)

#### **Section 5.40.060 Right of entry.**

The Chief of Police, or his designee, has the power to and shall inspect any licensed establishment, licensed veterans establishment, licensed truck stop establishment, or licensed fraternal establishment within the corporate limits of the City of Olney at such times and intervals as he may deem necessary for the proper enforcement of this Chapter. (Ord. 12-57 § 1)

(2012-57, Amended, 11/13/2012, New Section.)

#### **Section 5.40.070 Violations and penalty.**

Any person who shall violate or fail to comply with any provision of this Chapter shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues for each video gaming terminal. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 12-57 § 1)

(2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75; 2012-57, Amended, 11/13/2012, New Section.)

#### **Section 5.40.080 Gambling prohibited.**

Nothing in this Chapter shall be construed to authorize, permit, or license any gaming device of any nature whatsoever, except as specifically authorized by the Illinois Gaming Board pursuant to the Video Gaming Act. (Ord. 12-57 § 1)

(2012-57, Amended, 11/13/2012, New Section)