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## CHAPTER 9 -- LICENSES

### ARTICLE 1 -- DEFINITIONS

**Section 9-101. DELIVERY VEHICLE - FOOD:** Any vehicle, including wagons and motor vehicles and vehicles propelled by human power, for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products, milk or any other provisions intended for human consumption, including beverages, used for the purpose of delivering any such foodstuffs to any place in the Village for use and consumption at wholesale or retail.

**Section 9-102. DELIVERY VEHICLE - GENERAL:** Any vehicle, including wagons and motor vehicles and vehicles propelled by human power, for the storage or carrying of any laundry, dry cleaning and other wares or merchandise delivered to stores and/or homes within the Village.

**Section 9-103. WHOLESALE AND RETAIL:** In all cases where the words "wholesale" or "wholesale dealer" are used in this Chapter, unless otherwise specifically defined, they shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

**Section 9-104. FOOD DEALER.** The term "food dealer" as used in this Chapter shall be construed to mean and include every person, firm or corporation engaged in conducting or operating any of the following businesses:

- (A) Fruit and vegetable store or establishment for the retail sale of fresh fruits, berries or vegetables.
- (B) Grocery store or establishment for the sale at retail of butter, cheese, vegetables or other provisions.
- (C) Ice Cream parlor.
- (D) Meat market or establishment for the sale at retail of any fresh meat, poultry or fish.
- (E) Retail beverage store or establishment for the sale at retail of any malted, cereal, carbonated or vinous non-intoxicating beverages as defined by law.
- (F) Confectionery or establishment for the sale of candy.

**Section 9-105. PEDDLERS, HAWKERS, TRANSIENT VENDORS/ITINERANT MERCHANTS, AND SOLICITORS/CANVASSERS FOR NON-PROFIT ORGANIZATIONS.**

- (A) PEDDLER: Any person who shall sell, barter or exchange, or offer for sale, barter or exchange, any goods, wares, merchandise, fruits or vegetables, traveling from place to place on, along or upon the streets, alleys or sidewalks of the Village or at the doors of houses, apartments or stores or from a wagon, pushcart or other vehicle, without outcry, blowing of horn or in a similar manner attracting attention to his goods, wares or merchandise.
- (B) HAWKER: Any peddler, as defined in subsection (A) above, who seeks purchasers either by outcry or by means of a horn, whistle, rattle, bell, drum or other signal or by actual exhibition or exposure of his goods, wares or merchandise or by placards.

- (C) TRANSIENT VENDOR/ITINERANT MERCHANT: Any person, transiently or temporarily engaged in the business of selling, bartering or exchanging, or offering for sale, barter or exchange, any goods, wares or merchandise.
- (D) SOLICITOR/CANVASSER FOR NON-PROFIT ORGANIZATION: Any person who shall solicit funds for charitable organizations or religious organizations, or who shall solicit support for any such cause or canvass the residents of the Village for any such purpose.

## **ARTICLE 2 -- GENERAL PROVISIONS**

**Section 9-201. LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in or carry on any business, occupation or trade for which a license is required by this Chapter 9 without first having obtained such license.

**Section 9-202. APPLICATION FOR LICENSE: INSPECTION; ISSUANCE.** Except where other provisions of this Chapter establish specific application procedures for particular licenses, the following general procedures shall be followed:

All applications for the licenses herein provided shall be made to the Village Clerk. Such applications shall be in writing signed by the applicant, shall specify the nature of the business in connection with which the license is sought and the location or proposed location thereof, and such other information as may be required by the Village Clerk, or by other provisions of this Chapter 9. Upon receipt of a proper application, the Village Clerk shall, if he deems it necessary or if such is required by other provisions of this Chapter, cause a proper officer of the Village to make an inspection or investigation relative to the applicant's business or occupation. If the Village Clerk is satisfied that all laws and ordinances relating to health, safety, sanitation and location, or otherwise regulating the business or occupation for which a license is applied, are being complied with by the applicant, the Village Clerk shall then report to the President of the Board of Trustees and if said President is satisfied that said laws are being complied with by the applicant, and upon payment of the required license fee, said license shall be issued under the hand of the President of the Board of Trustees and the Village Clerk.

**Section 9-203. REVOCATION OR SUSPENSION OF LICENSE.** Except where other provisions of this Chapter establish specific procedures for the revocation or suspension of particular licenses, the following general procedures shall be followed: The President, with the advice and consent of the Board of Trustees, may revoke or suspend any license issued pursuant to this Chapter 9 if it shall appear to his satisfaction from the report of any Village officer making an inspection or investigation or from any other available information that the Licensee is violating any law or ordinance or is operating in a manner not conducive to the public health, morals or safety.

**Section 9-204. DURATION.** All licenses required by this Chapter 9 shall be valid for a term of not more than one (1) year and shall expire on December 31 of the year of issue unless otherwise specifically provided. The full license fee shall be paid for any license unless specifically provided otherwise in this Chapter. (Ordinance 10-029, 05.11.10)

**Section 9-205. EXEMPTION FROM DOUBLE LICENSING.** Where more than one business, trade or occupation is carried on or operated at the same location or premises and by the same person, the payment of the highest fee established by this Chapter 9 shall permit the engaging in or operation of such other business, trade or occupation without the payment of any additional fee; provided, however, that this exemption shall not apply to vending machine and tobacco sales.

**ARTICLE 3 -- LICENSE FEES**

**Section 9-301. CIGARETTES, CIGARS AND TOBACCO.** The license fee for the retail sale of cigarettes, cigars and tobacco shall be Two Hundred Fifty Dollars (\$250.00). The initial license fee shall be prorated on a monthly basis if the term of the initial license is for less than one year. For vending machines only, in addition to the vending machine fee set forth in Section 9-304, the license fee for each premises shall be Fifty Dollars (\$50.00.) per year. (Ordinance 10-029, 05.11.10)

**Section 9-302. DELIVERY VEHICLES.** The license fee for delivery vehicles having no fixed place of business in the Village shall be as follows:

Wholesale - per vehicle	\$25 per year
Retail - per vehicle	\$50 per year

This includes all vehicles operating on a yearly, established route basis, such as: food, milk, eggs, bakery, beverages, laundry, dry cleaning, ice, ice cream, meats or produce, or other goods, wares or merchandise delivered to stores or homes. Credit is given up to the total cost of the fee for any other Village license purchase.

**Section 9-303. PEDDLERS.** The license fee for itinerant and transient merchants shall be as follows:

**1st Class**

Peddlers of merchandise for immediate delivery (excluding established routes and vendors). (Ordinance 04-052, 05.03.04)	\$5 - one day \$25 - one week \$50 - six months \$125 - one year
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**2nd Class**

Peddlers, hawkers and canvassers. \$5,000 surety bond shall be posted with the Village Clerk under this classification and directed to the Village of Bolingbrook.	\$10 - one day \$50 - one week \$100 - six months \$200 - one year
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**3rd Class**

Itinerant or transient photographers. \$5,000 surety bond shall be posted with the Village Clerk under this classification and directed to the Village of Bolingbrook.	\$10 - one day \$50 - one week \$100 - six months \$200 - one year
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**4th Class**

Miscellaneous canvassers solicitors for non-profit organizations. Approval of the President and Board of Trustees and a permit required.	\$ None -- as and designated by permit.
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**Section 9-304. VENDING MACHINES.** The license fee for each machine which dispenses goods or services shall be as follows:

A. Vending up to ten (10) items	\$25.00/year/machine
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(except as provided in Subsection C or D)

- |  |                      |
|--|----------------------|
| B. Vending ten (10) or more items<br>(except as provided in Subsection C or D)   | \$50.00/year/machine |
| C. Vending items where the sale price is<br>five cents or less per individual sale<br>(except as provided in Subsection D) | \$25.00/year/machine |
| D. Vending machines operated on the premises<br>of not-for-profit organizations or units of<br>government                  | No fee               |

(Ordinance 89-086, 08.22.89)

## **ARTICLE 4 -- SOLICITORS**

**Section 9-401. DEFINITIONS.** For purposes of this Article, the following terms shall have the meanings herein ascribed:

(A) "Soliciting" shall mean and include any one or more of the following activities: seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind or description whatsoever; seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or, seeking to obtain contributions or donations of money, or any other thing of value, for the use or benefit of any benevolent, charitable, philanthropic, patriotic, or eleemosynary association, organization, or not-for-profit corporation.

(B) "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more persons and contained within any type of building or structure.

(C) "Registered Solicitor" shall mean and include any person who has obtained a valid Certificate of Registration, as hereinafter provided, and who has such certificate in his possession and on his person while engaged in soliciting.

**Section 9-402. CERTIFICATE OF REGISTRATION REQUIRED.** It shall be unlawful for any person, firm or corporation to go in or upon any private residence, apartment or premises in the Village for the purpose of soliciting from the occupants thereof or to canvass for orders for goods, wares, merchandise or service of any character or description, or for the purpose of offering to give or to furnish, or giving or furnishing, any goods, wares, merchandise or service to any such occupant to induce or invite such orders, without having first applied for and receiving a Certificate of Registration, as hereinafter provided.

**Section 9-403. APPLICATION.** Application for a Certificate of Registration shall be made upon a form provided by the Chief of the Bolingbrook Police Department and filed with such Chief.

- (A) The applicant shall truthfully state in full the information requested on the application, which shall include at least the following:
- (1) Name and address of present place of residence and length of residence at such address; also business address if other than residence address, and Social Security number.
  - (2) Address of place of residence during the past three years if other than present address.
  - (3) Age of applicant. (Ordinance 86-061, 10.18.86)
  - (4) Physical description of applicant.
  - (5) Name and address of person, firm, corporation or association whom the applicant is employed by or represents, and length of time of such employment or representation.
  - (6) Name and address of employer during past three years if other than present employer.
  - (7) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.

- (8) Period of time for which the certificate is applied for.
- (9) Date, or approximate date, of latest previous application for a Certificate of Registration under this Article, if any.
- (10) Whether a Certificate of Registration issued to the applicant under this Article has ever been revoked.
- (11) Whether the applicant has ever been convicted of a violation of any of the provisions of this Article or any ordinance of any other Illinois Municipality regulating soliciting.
- (12) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or the Federal law of the United States.
- (13) Such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

- (B) Each applicant shall furnish with the foregoing application a recent photograph of Passport size. Such photograph shall be affixed to the Certificate of Registration when issued to the applicant. In lieu thereof, an applicant may utilize a separate piece of identification having his or her photograph affixed thereto. (Ordinance 86-061, 10.18.86)
- (C) Each applicant shall pay an application fee of \$25.00 provided, however, that persons soliciting for charitable or not-for-profit corporations shall not be required to pay an application fee. Only one application shall be required of the charitable or not-for-profit organization conducting fund raising drives or other charitable solicitations, and such application shall be filed by the person in charge of a fund raising drive or other solicitation. The application shall contain the name and address of each person who will be participating in the fund raising drive or solicitation. (Ordinance 04-052, 05.03.04)
- (D) The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and all Certificates of Registration issued under the provisions of this Article and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued. All applications shall be processed within forty-eight (48) hours of the receipt of the application by the Chief of Police. (Ordinance 86-061, 10.28.86)
- (E) No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or the Federal law of the United States within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Article; nor to any person who has engaged in solicitation prior to the issuance of a Certificate of Registration hereunder; nor to any person whose

Certificate of Registration issued hereunder had previously been revoked, as herein provided. (Ordinance 86-061, 10.28.86)

**Section 9-404. ISSUANCE, DENIAL AND REVOCATION OF CERTIFICATES.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the Chief of Police upon the application of the denial of the application.

**Section 9-405. EXHIBITION OF CERTIFICATE.** A Certificate of Registration issued pursuant to this Article and one piece of identification with a photograph of the solicitor, if the Certificate of Registration does not have a photograph affixed thereto, shall be carried at all times by the solicitor to whom issued when soliciting or canvassing in the Village and shall be exhibited by such solicitor whenever he or she shall be requested to do so by any police officer or ordinance enforcement officer of the Village or by any person being solicited. (Ordinance 86-061, 10.28.86)

**Section 9-406. DUTY TO OBSERVE NOTICE.** It shall be the duty of every solicitor upon going onto premises in the Village to first examine any notice which may have been placed on such premises and to be governed by any statement contained in such notice.

If the notice states, "NO TRESPASSING OR SOLICITING ALLOWED, Chapter 9, Article 4 of the Bolingbrook Municipal Code," then the solicitor, whether registered or not, and whether required to be registered under this Article 4 or not, shall immediately and peacefully depart from the premises. Any such solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ordinance 86-061, 10.28.86)

**Section 9-407. SOLICITING IN VIOLATION OF NOTICE -- NUISANCE.** It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant to such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting either as herein defined or otherwise, in defiance of the notice exhibited at the residence.

**Section 9-408. HOURS OF SOLICITATION.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated for the purpose of securing an audience with the occupant thereof and engage in soliciting, as herein defined, prior to 9:00 A.M. and after 9:00 P.M. or at any time on a Sunday or the following holidays: New Year's Day, Martin Luther King's Birthday, President's Day or Lincoln's Birthday (as designated by the Valley View School District), Memorial Day, Independence Day (July 4th), Labor Day, Veterans' Day, Thanksgiving Day and the day following Christmas Eve and Christmas Day. (Ordinance 05-024, 03.08.05)

**Section 9-409. PENALTY.** The penalty for violation of any provision of this Article shall be One Hundred Dollars (\$100.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance 94-087, 07.26.94)

## **ARTICLE 5 -- CHARITABLE SOLICITATION ON PUBLIC STREETS**

(Revised in its entirety by Ordinance 95-198, 12.19.95)

**Section 9-501. DEFINITIONS.** For purposes of this Article, the following terms shall have the meanings herein ascribed:

(A) "Charitable solicitation" shall mean seeking to obtain contributions or donations of money, or any other thing of value, for the use of benefit of any benevolent, charitable, philanthropic, patriotic, or eleemosynary association, organization, or not-for-profit corporation.

(B) "Public street" shall mean any public thoroughfare, roadway, street or highway within the Village of Bolingbrook.

(C) "Soliciting" shall have the meaning set forth in Section 9-401 of this Chapter.

**Section 9-502. CHARITABLE SOLICITATION PERMIT REQUIRED.** It shall be unlawful for any person, firm or corporation to go upon any public street in the Village for the purposes of soliciting from motorists or others using the public street; provided, however, charitable solicitation may be permitted on public streets in accordance with the provisions of this Article when a permit therefore has been issued.

**Section 9-503. NUMBER OF CHARITABLE SOLICITATION PERMITS LIMITED.** The number of charitable solicitation permits for use of public streets shall be limited to 24 permits. Each permit shall be valid only for one period of three consecutive days during the course of a calendar year. The permit shall only be valid during daylight hours on the dates specified and for the public street locations identified in the permit. No charitable organization shall be issued more than one charitable solicitation permit in any calendar year.

**Section 9-504. ELIGIBILITY.** Charitable solicitation permits under this article shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) 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.

### **Section 9-505. APPLICATION FOR CHARITABLE SOLICITATION PERMIT.**

(A) Any eligible organization seeking to conduct charitable solicitation on public streets shall file an application for a permit with the Village Administrator in the same calendar year as, and not less than seven (7) days before, the date that the solicitation is proposed to occur.

(B) The application shall contain the following information, which must be updated by the applicant as circumstances warrant:

- (1) The name, address and telephone number of the person signing the application.
- (2) The name, address and telephone number of the authorized and responsible leaders of the organization.
- (3) The date(s) of the proposed charitable solicitation.
- (4) The public streets on which the charitable solicitation will occur.

- (5) The approximate number of people who will participate in the charitable solicitation.
- (C) Except as hereafter provided, all applications for a charitable solicitation permit shall be processed on a first-in-time basis. During the first business day of each calendar year, the Village Administrator shall accept all applications for a charitable solicitation permit filed hereunder without giving priority to applications filed first in time. Any conflict between or among two or more such applications filed during that period for the same day shall be resolved by a lottery to be conducted by the Village Administrator. Applications for charitable solicitation permits received during the first business day of the calendar year shall be given priority over applications received thereafter.
- (D) No eligible organization shall be entitled to more than one charitable solicitation permit for three consecutive days during any calendar year.

**Section 9-506. PENALTY.** The penalty for violation of any provision of this Article by any person shall be One Hundred Dollars (\$100.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **ARTICLE 6 -- ALARM SYSTEM INSTALLATION AND REGISTRATION**

(Changed in its entirety by Ordinance 08-114, 11.18.08)

**Section 9-601. DEFINITIONS.** For the purpose of this Article, the following terms shall have the meanings herein ascribed to them:

(A) Alarm System. Any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the Village of Bolingbrook of a burglary, robbery, or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire, or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through electronic signal devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the Fire or Police Department. Alarm systems also include those designed to register a signal, which is so audible, visible, or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located, who in turn may notify the police or fire department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems that might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems, even though owned by the same person or entity.

(B) Audible Alarm. Any security device that sounds an alarm on the premises. An audible alarm shall include but not be limited to any security device that sounds an alarm to alert others of an unauthorized entry on the premises, the commission of an unlawful act, or any other emergency.

(C) False Alarm. An alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions or nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:

1. Criminal activity or unauthorized entry.
2. Earthquake causing structural damage to the protected premises.
3. High winds sufficient to activate motion detection system or causing physical damage to the protected premises.
4. Flooding of the protected premises due to overflow of natural drainage.
5. Lightning bolt causing physical damage to the protected premises.
6. Telephone line malfunction verified in writing to the Village by at least a first-line telephone company supervisor.
7. Wireless radio transmission malfunction verified by the Police or Fire Department.
8. Electrical service interruption verified in writing to the department by local power company.

9. Communication to the Police or Fire Department before a unit is dispatched to investigate, clearly indicating that the alarm is resulting from authorized entry, authorized system test, or other non-criminal cause.

(D) Private Central Station Alarm. An alarm that relays or is capable of relaying a signal to a private company providing watchman or security service.

(G) Public Central Station Alarm. An alarm that relays or is capable of relaying a signal or message which is received at the Police Station or Fire Department on a special device designed for the particular purpose of receiving such signals.

(H) Village Alarm Monitoring Equipment. Facilities and equipment which are located at Village Hall, 375 West Briarcliff Road, Bolingbrook, Illinois, and which are capable of receiving wireless radio transmissions from an alarm system.

**Section 9-602. ALARM SYSTEM REGISTRATION REQUIRED.**

(A) The owner of an alarm system which is presently installed and operative shall register such alarm system with the Village Clerk on a form provided by the Village Clerk within thirty (30) days after the effective date of this Article.

(B) An alarm system business or alarm agent who installs an alarm after the effective date of this Article shall register the alarm system installed for its customer before it is activated with the Village Clerk on a form provided by the Village Clerk.

(C) Each alarm system registration shall contain the following information and statements:

(1) Alarm System owner's name, address and telephone number; additionally, in the case of a partnership, the names, addresses and telephone numbers of the persons entitled to share in the profits thereof; and in the case of a corporation or club, the names, addresses and telephone numbers of the officers and directors.

(2) A statement listing the names, addresses and telephone numbers of persons responsible for the premises where the alarm system is located and who should be contacted to deactivate the alarm system.

(3) A statement listing the names, addresses and telephone numbers of persons, including the alarm system business or alarm agent, authorized to deactivate the alarm system when no person described in (2) can be reached.

(4) A statement setting forth the type, make and specifications the alarm system which is subject to the registration requirements of this Article.

(5) A statement setting forth the location of the alarm system shut off and the method to be employed in deactivating the alarm system.

(6) A statement authorizing the Bolingbrook Police to deactivate the alarm if no authorized person shuts off the alarm within thirty (30) minutes after it has been activated; and saving the Village and its personnel and agents harmless from any damage resulting from any action in connection with or consequences of such deactivation.

(7) A release of Village liability for wireless transmitter or monitoring malfunctions.

**Section 9-603. LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of installing, causing to be installed, maintaining, servicing, repairing, altering or replacing in or on any building, place or premise within the Village of Bolingbrook, any alarm system without having first obtained an Electrical Subcontractor's license in accordance with the provisions of Chapter 25 of this Code.

**Section 9-604. AUDIBLE ALARM SYSTEMS.**

(A) No owner, alarm system business or alarm agent shall install or cause to install an audible alarm which sounds in excess of thirty (30) minutes.

(B) Any audible alarm that is presently installed and capable of sounding in excess of thirty (30) minutes shall be and is hereby declared to be a nuisance, and shall, within ten (10) days of notice be modified so as not to be capable of ringing in excess of thirty (30) minutes.

**Section 9-605. AUTOMATIC TELEPHONE ALARM PROHIBITED.** Any automatic telephone alarm installed and operative on the effective date of this Article shall be and is hereby declared to be a nuisance. No person, owner, alarm system business or alarm agent shall install, or cause to be installed, or maintain any automatic telephone alarm in the Village. Any such automatic telephone alarm shall be removed by the owner thereof within sixty (60) days following the effective date of this Article.

**Section 9-606. WIRELESS TRANSMISSION ALARM SYSTEM REQUIRED.**

(A) All occupancies which, pursuant to Section 26-403/F-512.4 of the Municipal Code, are required to have installed fire alarm detection or extinguishing systems, manual or automatic, are hereby required to connect such systems to the Village wireless alarm monitoring equipment. The connection to the Village alarm monitoring equipment shall be by means of wireless radio transmission. The Village shall own and be responsible for the operation of the wireless radio transmitters and the Village alarm monitoring equipment.

(B) All alarm equipment to be installed shall be UL listed for Remote Station Direct Contact application. Shop drawings, product literature, standby battery calculations that provide for 24 hours of standby followed by 5 minutes of alarm, and voltage loss calculation for notification device circuits showing total length of wire, size and type, and current draw shall be submitted to the Fire Department for its review and approval.

**Section 9-607. WIRELESS TRANSMISSION ALARM SYSTEM DEVELOPMENT.**

(A) For each alarm system which is licensed for connection to the Village alarm monitoring equipment as of December 1, 2008, the Village shall supply and shall cause the wireless radio transmitters to be installed at the Village's own cost and expense. For each alarm system licensed for connection to the Village alarm monitoring equipment after December 1, 2008, the alarm system owner shall pay the Village for the Village's actual cost of the wireless radio transmitter and its installation. Said payment shall be made to the Village not less than five (5) business days prior to the designated installation date.

(B) Not less than 10 days prior to the designated installation date, the Village shall cause notice to be provided to the licensed alarm system owner of the day and approximate time that the wireless radio transmitter will be installed at the owner's property. The owner shall make the alarm system readily accessible to the Village-appointed wireless radio transmitter installer on the designated installation date and shall fully cooperate with such installation.

**Section 9-608. ALARM SYSTEM MONITORING CHARGES.** The monthly charge for the monitoring of alarm systems by the Village shall be determined periodically by the Chief of

the Fire Department based upon Village personnel, administrative, operating, maintenance, and other costs associated with the operation of the Village wireless alarm monitoring system; provided, however, the monthly charge shall not exceed \$125.00 without the prior approval of the Village Board of Trustees. Statements for alarm system monitoring charges shall be mailed to each customer on a quarterly basis. If such statement remains unpaid 20 days following the day of mailing of such statement, there shall be added to such statement a penalty in the amount of 5% of the amount due. The penalty date and the total amount due thereafter shall be separately listed on such statement. All statements, including penalties and false alarm charges, still remaining unpaid 25 days following the penalty date as established herein shall be deemed and hereby declared to be delinquent, as provided by law.

**Section 9-609. FALSE ALARMS.**

(A) Response to Alarms.

- (1) Whenever an alarm is activated in the Village, thereby requiring an emergency response to the location by the Police or Fire Department and the Police or Fire Department does respond, the Police or Fire Department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.
- (2) If the Police or Fire Department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm.
- (3) When an alarm has been activated at a business or private residence and the police respond, the owner or his representative shall be present at such location after being requested to do so. Response by the subscriber will be as soon as possible but shall not exceed one (1) hour from time of request.
- (4) The Chief of Police or Fire Department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

(B) Excessive False Alarms and Fee Assessment.

- (1) If any alarm system produces three (3) false alarms in any twelve (12) month period, the chief of the involved department shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing the subscriber of the false alarm fee schedule provided herein.
- (2) Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease thirty (30) days after installation of or modification to an alarm system.

- (3) Upon any alarm system producing a fourth (4th), fifth (5th), or sixth (6th) false alarm in any twelve (12) month period, a fee of seventy-five dollars (\$75.00) per false alarm shall be charged to the subscriber. For each additional false alarm over six (6) and up to eleven (7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> or 10<sup>th</sup>) in any twelve (12) month period, a fee of two hundred fifty dollars (\$250.00) per false alarm shall be charged to the subscriber. For each additional false alarm over ten (10) and up to twenty (20) in any twelve (12) month Period (11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup>), a fee of three hundred dollars (\$300.00) per false alarm shall be assessed. For each additional false alarm after nineteen (19) in any twelve (12) month period (20<sup>th</sup> and up), a fee of one thousand dollars (\$1,000) shall be assessed. All fees assessed must be paid to the Village Finance Department, or a written appeal must be submitted to the Village Administrator within three (3) days of fee assessment.
- (4) Any alarm user with a direct connect to the Bolingbrook Police Department Telecommunications Center who has had fifteen (15) or more false alarms requiring response by the Police Department in a calendar year or who refuses to pay the fee assessed in subsection (3) herein, may, at the order of the Chief of Police, have the alarm equipment disconnected from the Bolingbrook Police Department Telecommunications Center. Prior to disconnection, the Police Department shall provide written notice, by certified mail, to the alarm user. All costs or fees resulting from said disconnection of alarm equipment shall be the sole and express responsibility of the alarm user.
- (5) In addition to any fees or charges established herein, any person or firm or corporation convicted of a violation of any provision of this section may be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

(C) Appeal of False Alarm.

- (1) Any subscriber who has been notified of a false alarm or assessed a false alarm fee or who has been notified that his alarm equipment will be disconnected from the Bolingbrook Police Department Telecommunications Center may appeal to the Village Manager by giving written notice and posting a bond equal to the amount of the fee, if applicable, within three (3) working days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.
- (2) The appellant shall be given reasonable notice of such hearing, and failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond and application of such bond toward the false alarm fee assessed by the Village.
- (3) The Village Manager or his designee shall serve as hearing officer, and the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm.
- (4) After receipt of all relevant evidence, the hearing officer shall, within three (3) days, render his decision. If the hearing officer determines that the appellant has met the burden of proof, then he shall order bond released

to the appellant and/or rescind the false alarm determination. If the hearing officer determines that the appellant has not met the burden of proof, then he shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the Village and/or enter such alarm as a false alarm.

- (5) All decisions made pursuant to this section are final.

**Section 9-610. AUTHORITY.** It shall be the duty of the Chief of the Fire Department or his designated representative to investigate any violation and to serve notice to such person or company that is in violation of this Article. Such notice shall normally mean that the person or company in violation has 10 working days (2 weeks) to correct such violation unless immediate hazard to the public will result, in which case appropriate action shall be taken immediately by the violator or Village as required. If the Village or its employees perform such corrective action, a bill will be submitted to the violator in addition to any appropriate fine. Notification shall be by letter or citation as is appropriate for the particular instance.

**Section 9-611. PENALTY.**

- (A) Except as provided in Section 9-609 with respect to false alarms, the penalty for violation of any provision of this Article shall be \$100.00, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (B) In addition to the fine provided for in this Section, a violation of this Article shall be deemed sufficient cause for the suspension or revocation of the violator's business license in accordance with the procedures set forth in Chapter 9, Article 2 of the Municipal Code.

**Section 9-612. SEVERABILITY.** Each of the provisions of this Article are severable, and if any provision is held invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

## **ARTICLE 7 -- BUSINESS LICENSES**

**Section 9-701. DEFINITIONS.** For the purpose of this Article, each of the following terms shall have the meaning herein ascribed to it:

- (A) **BUSINESS** - any occupation, profession, establishment, concern or enterprise conducted for profit except those occupations or professions licensed exclusively by the State of Illinois or instrumentally thereof.

In addition, where two or more separate businesses, by the above definition, separately owned or operated, share floor space in the same building or on the same parcel of ground and the floor space is subdivided, then each shall be deemed a separate business and shall be required to obtain a separate business certificate based on the floor area each separately uses.

The businesses herein to be licensed shall specifically include shopping center developers and owners of buildings leased to another business or businesses as defined herein.

- (B) **FOOD ESTABLISHMENT** - a building or premises or a portion thereof, the principal use of which is the sale or dispensing or distribution or serving of food, foodstuffs or drinks for consumption on or off the premises or in or out of the building.
- (C) **INDUSTRIAL/MANUFACTURING - WAREHOUSE AND DISTRIBUTION** - a building or premises or a portion thereof, the principal use of which is manufacturing, including assembly, processing, fabrication and storage or scientific research and development.
- (D) **RETAIL AND WHOLESALE ESTABLISHMENT** - a building or premises or portion thereof, the principal use of which is the sale or distribution on any commodity for a price or fee by a seller to a consumer or by one business to another business.
- (E) **SERVICE/COMMERCIAL ESTABLISHMENT** - a building or premises or a portion thereof, the principal use of which is the rendering of personal or material services for a price or fee, whether or not a commodity is worked upon or exchanged.
- (F) **TOTAL FLOOR AREA** - shall include the sum total of all the floor area in use or reserved for or retained for the use of business, including, but not restricted to, principal and accessory floor area, cellars, and basements, storage or detached accessory buildings, even though any such floor area may be temporarily vacant or not in use. (Ordinance 00-076, 04.25.00)

**Section 9-702. LICENSE REQUIRED.** No person, firm or corporation shall conduct, engage in, maintain, operate, carry on or manage any business, occupation, activity or establishment, either by himself or itself, or through an agent, employee or partner, for which a license is required by this Ordinance, without first having obtained a license for such business, occupation, activity or establishment.

The obtaining of a business license pursuant to this Article in no way precludes the responsibility for obtaining other licenses as required by the Municipal Code of the Village of Bolingbrook.

Whenever a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any

person, firm or corporation shall be subject to the requirement, if, by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor, actively or passively, or if he or it performs or attempts to perform any part of such business, activity, or occupation in the Village.

**Section 9-703. EXISTING BUSINESSES.** Persons with existing businesses within the Village of Bolingbrook shall apply for a business license within thirty (30) days following the effective date of this Article.

**Section 9-704. APPLICATIONS.** Applications for all licenses and permits shall be made to the Director of Finance in writing on a form provided for that purpose, except as otherwise provided. Application forms shall be made available by the Director of Finance at Village Hall.

If the applicant is an individual (sole proprietorship), the application shall contain his name, residence address and telephone number. If the applicant is a partnership or other non-corporate business entity, the application shall contain the name and address of each partner, principal or member thereof. If the applicant is a corporation, the application shall contain the name and address of each principal officer and the registered agent thereof.

Each application also shall contain:

- (A) a designation of the type or kind of license or permit desired;
- (B) the location or proposed location of the place of business, occupation or activity;
- (C) the applicable fee to be paid as provided in Section 9-721 hereof;
- (D) the number of the certificate of registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax, if applicable; and
- (E) such additional information as may be needed for the proper guidance of Village officials in the evaluation of such application, including proof of any insurance policy or bond required by this Ordinance.

**Section 9-705. APPLICATION FEE.** Repealed by Ordinance 10-029, 05.11.10.

**Section 9-706. INVESTIGATION.**

(A) Upon the receipt of an application for a license or permit where the Village President has deemed an investigation or inspection necessary before the issuance of such permit or license, the Director of Finance shall refer such application to the proper officer for making such investigation within five (5) days of time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The appropriate officer shall make or cause to be made an inspection in regard to such licenses in the connection of the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health; the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Village President.

(B) Upon receipt of all related investigative and inspection reports, the Director of Finance shall forward such reports, together with the application, to the Village President for final determination.

**Section 9-707. ISSUANCE OR DENIAL OF LICENSE.**

(A) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Village President shall determine that the application is satisfactory, the application shall be approved. Thereupon, the Village Clerk shall notify the applicant that his or its application is approved. The license or permit shall be signed by the President, attested by the Clerk, and then issued to the licensee.

(B) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Village President shall determine that matters concerning the application are unsatisfactory, the application shall be disapproved, indicating the reasons therefor. Thereupon, the Village Clerk shall notify the applicant that his or its application has not been approved and that no license or permit will be issued.

**Section 9-708. DURATION OF LICENSE: RENEWAL** A business license as provided for herein shall expire on June 30th of each year following issuance and shall be renewable upon payment of the required annual fee unless previously revoked. In cases where a license is issued after the 1st day of July, the regulatory fee shall be pro-rated monthly for the unexpired term of the regulatory year.

**Section 9-709. LICENSES NOT ASSIGNABLE: UNLAWFUL USE**

(A) No license or permit may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person, firm or corporation shall use or display any license certificate, tag, badge, or sticker which has been improperly acquired.

(B) No person, firm or corporation shall alter, deface, forge or counterfeit any license, certificate, plate, tag, badge or sticker issued by the Village.

**Section 9-710. BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village of Bolingbrook and the State of Illinois.

**Section 9-711. LOCATION.**

(A) No license or permit for the operation of a business, establishment, or activity in the Village of Bolingbrook shall be construed to permit its operation in more than one location in the Village; a separate license or permit shall be required for each location. For the purpose of this Ordinance, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses:

- (1) shall be connected or shall be located on the same lot or parcel;
- (2) shall be operated and managed by the same person or owner; and
- (3) shall be an establishment with the same classification.

(B) The location of any licensed business or occupation, other than for the sale of alcoholic liquors, or the location of any permitted act, may be changed provided that the Village Clerk's office

shall be given sufficient notice of such intended change in location to determine that the operation for which the license is required conforms with all applicable ordinances and regulations of the Village at its new location.

**Section 9-712. NUISANCES PROHIBITED.**

(A) Generally. No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

(B) Unsafe or unhealthful business.

- (1) No building or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.
- (2) No substance, matter, or thing of any kind whatever, which shall be dangerous or detrimental to health in the manner in which it is used shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed by the Village.

(C) Refuse disposal.

- (1) Duty to provide refuse containers. The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
- (2) All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers unless another type of container is approved by the Village due to unusual nature or the refuse produced by the business.
- (3) Refuse removal. It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.
- (4) Removal of refuse by some businesses or occupations. Every person owning or controlling any hotel, restaurant, cafe, retail food establishment or other business or occupation shall cause all substances deposited in such containers to be removed as often as shall be necessary including daily removal from his premises to insure the healthful environment surrounding such establishment. Such removal shall be at his own expense.

**Section 9-713. WORKING CONDITIONS.**

(A) Health Requirements. No owner, lessee, manager or superintendent of any store, factory, workshop, or other place, shall permit or cause any store, factory, workshop, or other place, or any room or part thereof, to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

(B) Sanitation. All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust, or otherwise which are injurious to health. Sufficient washroom facilities for employees shall be provided and such facilities shall be properly ventilated.

(C) Inspection. The appropriate Village officials shall visit or cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

**Section 9-714. BUSINESSES OPEN TO PUBLIC.** All businesses or commercial establishments licensed under this Ordinance which invite the public generally into their establishments for the purpose of conducting business, commercial activity or any other activity licensed under this Ordinance shall be subject to the following: All areas within the licensed premises shall be kept in a safe and sanitary condition.

**Section 9-715. INSPECTIONS.**

(A) Whenever inspections of the premises used for or in connection with the operation of licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the Village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulations, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Village President may revoke under the provisions of Section 9-716, the license of any owner or operator of a licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties.

**Section 9-716. SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

(A) When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, or where the holder of any license shall have refused to allow an inspection of his premises or has refused to furnish a sample of his goods for testing, the Village President shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists, and the suspension of any license or permit for a period not to exceed ten (10) days.

(B) Within eight (8) days after a license or permit is suspended, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(C) In addition to the emergency summary revocation provided for above, licenses and permits issued under the ordinances of the Village, unless otherwise after notice and hearing as provided in subsections (D) and (E) of this Section for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the license or permit.
- (2) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied.
- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor where such conclusion indicates their inability to operate a safe, honest and legitimate business operation within the Village.
- (4) Failure of the licensee or permittee to pay any fine or penalty or charge owing to the Village.
- (5) Refusal to permit an inspection or sampling, or any interference with a duly authorized Village officer or employee while in the reasonable performance of his duties in making such inspections, as provided in Section 9-915.
- (6) Possession of stolen property.
- (7) A finding by a state or federal agency that the licensee has engaged in deceptive trade or other similar practices.

Such revocation or suspension, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.

(D) Notice of the hearing for revocation or suspension of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his last known address at least five (5) days prior to the date set for the hearing. Service may also be had by personal delivery, in which case a statement under oath by the persons making such delivery shall be presented at the hearing. Attendance at the hearing by the licensee without objection shall be a waiver of any defect in notice. If the licensee shall request a continuance, suspension shall be in effect until two (2) days after the final hearing date.

(E) At the hearing, the Village Attorney shall present the complaint and shall represent the Village. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine the witnesses. The Village President shall preside and shall render the decision.

**Section 9-717. APPEAL.** Any person aggrieved by the decision of the Village President as provided in Section 9-707 here and above, in regard to the denial of an application for a business license, or by the decision of the Village President in connection with the revocation or suspension of a license or permit, as provided in Section 9-716 hereinabove, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of a denial of an application or a revocation or a suspension of a license or permit, a written statement under oath setting forth specifically the grounds for an appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 9-716 hereof. The decision of the Board of Trustees on such appeal shall be final.

**Section 9-718. LICENSE TO BE POSTED; DESTRUCTION, REMOVAL OF LICENSE.**

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

(B) No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate or sticker which has been issued by the Village except when such license, certificate, plate or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Village President or his duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his premises, any vehicle or any machine when said license has been revoked under the provisions of this Ordinance.

**Section 9-719. BUSINESS VEHICLES.**

(A) Whenever the number of vehicles used is the basis, in whole or in part, for a license fee, the Village Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted or affixed in a conspicuous place on each such vehicle.

(B) Whenever any licensee under this Chapter shall make use of one or more motor vehicles in the licensed activity, such licensee shall carry at all times public liability insurance with a responsive insurer qualified to do business in Illinois, to secure payment of loss or damage resulting from an occurrence arising out of or caused by the operation or use of any such vehicles. The public liability insurance may cover one or more vehicles, but each one shall be insured for the sum of at least Five Thousand Dollars (\$5,000) for the property damage and the amount of at least Fifty Thousand Dollars (\$50,000) for injuries to or death of any one person, and for the sum of at least One Hundred Thousand Dollars (\$100,000) for injuries to or death of more than one person, in any one accident. Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any final judgment rendered against the owner, or any person driving any insured vehicle; and that suit may be brought in any court of competent jurisdiction upon such policy or use of such vehicles; it shall contain a description of each vehicle insured, manufacturer's name and serial number, and the state license number.

**Section 9-720. LICENSE FEES.** No business license shall be issued, renewed or continued in operation unless the licensee shall have paid to the Director of Finance appropriate yearly fees in accordance with the following schedule:

(A) FOOD ESTABLISHMENTS

	TOTAL FLOOR AREA IN SQUARE FEET	FEE
Step 1	0 - 2,500	\$ 70
Step 2	2,501 - 5,000	135
Step 3	5,001 - 7,500	210
Step 4	7,501 - 10,000	275
Step 5	10,001 - 12,500	350
Step 6	12,501 - 15,000	415

Step 7	15,001 - 17,500	490
Step 8	17,501 - 20,000	555
Step 9	20,000 or more	625

(B) INDUSTRIAL/MANUFACTURING WAREHOUSE AND DISTRIBUTION ESTABLISHMENTS

	TOTAL FLOOR AREA IN SQUARE FEET	FEE
Step 1	0 - 10,000	\$ 110
Step 2	10,001 - 20,000	215
Step 3	20,001 - 30,000	315
Step 4	30,001 - 40,000	420
Step 5	40,001 - 50,000	520
Step 6	50,001 - 75,000	630
Step 7	75,001 -100,000	730
Step 8	100,001 - 200,000	850
Step 9	200,001 or more	940

(C) RETAIL AND WHOLESALE ESTABLISHMENTS

	TOTAL FLOOR AREA IN SQUARE FEET	FEE
Step 1	0 - 2,500	\$ 80
Step 2	2,501 - 5,000	145
Step 3	5,001 - 7,500	220
Step 4	7,501 - 10,000	285
Step 5	10,001 - 12,500	360
Step 6	12,501 - 15,000	425
Step 7	15,001 - 17,500	490
Step 8	17,501 - 20,000	565
Step 9	20,001 or more	635

(D) SERVICE/COMMERCIAL ESTABLISHMENTS

	TOTAL FLOOR AREA IN SQUARE FEET	FEE
Step 1	0 - 2,500	\$ 65
Step 2	2,501 - 5,000	130
Step 3	5,001 - 7,500	205
Step 4	7,501 - 10,000	270
Step 5	10,001 - 12,500	345
Step 6	12,501 - 15,000	410
Step 7	15,001 - 17,500	485
Step 8	17,501 - 20,000	550
Step 9	20,000 or more	620

(E) VENDOR MOBILIZED VEHICLE (per vehicle) \$ 80

(Ordinance 04-052, 05.03.04)

All fees and charges for licenses and permits shall be paid prior to the license or permit being issued and shall be in the amounts prescribed in the schedule set forth above. In no event shall any refund be made of any license or permit fee, or any part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business, or activity.

The initial fee shall be prorated on a monthly basis if the term of the initial license is for less than one year. (Ordinance 10-029, 05.11.10)

**Section 9-721. HOURS RESTRICTION FOR BUSINESSES.**

(Changed in its Entirety by Ordinance 02-093, 08.13.02)

Notwithstanding anything to the contrary set forth in this Chapter 9, no business use shall be open to the public between the hours of 10:00 p.m. and 5:00 a.m. daily unless a special use permit for extended hours has been approved by the Village Board of Trustees under Article 8 or 9 of Chapter 29.

The foregoing restriction on business hours shall apply to businesses located in buildings or structures or units thereof for which a certificate of occupancy has been issued on or after September 1, 2002.

For businesses located in buildings or structures or units thereof for which a certificate of occupancy has been issued before September 1, 2002 and after November 1, 2000, no business use shall be open to the public between the hours of 10:00 p.m. and 5:00 a.m. daily unless a

special use permit for extended hours has been approved by the Village board of Trustees under Article 8 or 9 of the Zoning Ordinance (Chapter 29).

The Village Clerk shall cause all business licenses issued to businesses to which the foregoing business hour restrictions apply to have the restriction on hours included on the face of such license, and the Zoning Administrator shall cause the restriction to be placed on the face of the certificate of occupancy.

## **ARTICLE 8 -- RAFFLES**

**Section 9-801. DEFINITIONS.** For the purposes of this Article, the terms defined in this Section have the meanings given them:

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) 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.

(F) NON-PROFIT 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.

(G) RAFFLE means a form of lottery conducted by an organization licensed under this Article 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.

(H) RELIGIOUS means any church, congregation, society, or organization founded for the purpose of religious worship.

(I) 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.

**Section 9-802. LICENSE REQUIRED.** No person, firm or corporation shall conduct raffles or chances within the Village of Bolingbrook without having first obtained a license therefor pursuant to this Article. Such license must specify the area or areas within the Village in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or

issued, the time of determination of winning chances, and the location or locations at which winning chances will be determined. Such license shall be good for only one raffle, except that a license which is issued to an organization described in this Article, which organization has been issued a state license to conduct bingo games (and which state license is in good standing) at a specific location within the Village (which location has received a special use permit to conduct bingo games under the provisions of the Zoning Ordinance (Chapter 29 of the Municipal Code) shall be valid for a period of one year from the date of issuance. (Ordinance 98-099, 08.25.99)

**Section 9-803. APPLICATION.**

(A) Application for raffle licenses shall be made to the Director of Finance in writing on a form provided for that purpose. Application forms shall be made available by the Director of Finance at Village Hall.

(B) The application for a license must specify the area or areas within the Village in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances, and the location or locations at which winning chances will be determined. The application shall also contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.

**Section 9-804. INVESTIGATION.**

(A) Upon the receipt of an application for a license where the Village President has deemed an investigation or inspection necessary before the issuance of such permit or license, the Director of Finance shall refer such application to the proper officer for making such investigation within five (5) days of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof.

(B) Upon receipt of all related investigative and inspection reports, the Director of Finance shall forward such reports, together with the application, to the Village President for final determination.

**Section 9-805. ISSUANCE OR DENIAL OF LICENSE.**

(A) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Village President shall determine that the application is satisfactory, the application shall be approved. Thereupon, the Village Clerk shall notify the applicant that his or its application is approved. The license shall be signed by the President, attested by the Clerk, and then issued to the licensee.

(B) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Village President shall determine that matters concerning the application are unsatisfactory, the application shall be disapproved, indicating the reasons therefor. Thereupon, the Village Clerk shall notify the applicant that his or its application has not been approved and that no license will be issued. The applicant may appeal the decision of the Village President, within ten (10) days of receipt thereof, by submitting a petition for appeal, in writing, to the Board of Trustees. The Board of Trustees may, by vote of a majority of the Trustees, reverse the decision of the Village President.

(C) The Village President shall act on a license application within thirty (30) days from the date of application.

**Section 9-806. ELIGIBILITY AND RESTRICTIONS.**

(A) Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) 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.

(B) A license may not be issued under this Article to:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any firm or corporation in which a person defined in (1), (2) or (3) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- (5) Any organization in which a person defined in (1), (2) or (3) is an officer, director, or employee, whether compensated or not;
- (6) Any organization in which a person defined in (1), (2) or (3) is to participate in the management or operation of a raffle as defined in this Article.

**Section 9-807. LIMITATIONS.**

(A) The maximum aggregate retail value of all prizes or merchandise awarded by a license in a single raffle shall be \$150,000.00 unless the applicant follows the procedure as established in Paragraph (E).

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall be \$150,000.00 unless the applicant follows the procedure as established in Paragraph (E).

(C) The maximum price which may be charged for each raffle chance issued or sold shall be \$250.00.

(D) The maximum number of days during which chances may be issued or sold for any raffle shall be Three Hundred Sixty-Four (364) days.

(E) Any applicant requesting a license for a raffle in which the maximum aggregate retail value of all prizes or the maximum retail value of each individual prize will exceed \$150,000.00 must receive prior approval of the Village Board of Trustees. The application for a raffle in which prizes exceed the value of \$150,000.00 shall be made and investigated as outlined in this Article. Following the investigation the Village President shall cause the application to be placed on the meeting agenda for action by the Board of Trustees prior to the issuance of said license.

**Section 9-808. RAFFLES MANAGER - BOND.**

(A) All operation of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of the aggregate retail value of all prizes or merchandise to be awarded by the licensee in the

raffle, conditioned upon his honesty in the performance of his duties. Such bond shall be given before the issuance of a license under this Article, shall be in the name of the Village of Bolingbrook, and shall be in a form and with a surety acceptable to the Village.

(B) Terms of the bond shall provide that notice shall be given in writing to the Village not less than Thirty (30) days prior to its cancellation.

(C) The Mayor shall be authorized to waive the bond requirement and to include a waiver provision in the license issued to an organization under this Article, provided that (1) all the requirements of this Article have been met by the applicant and (2) the applicant has complied with the provisions of 230 ILCS 15/5 (sec. 5 of the Illinois Raffles Act). An appeal of the decision of the Mayor with regard to waiving bond may be made to the Board of Trustees within five (5) days of said decision. (Ordinance 99-008, 02.09.99)

**Section 9-809. CONDUCT OF RAFFLES.** Raffles licensed by this Article shall be conducted 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 that raffle.

(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 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 Article, or from an entity which has obtained a special use permit under the provisions of the Zoning Ordinance (Chapter 29 of the Municipal Code) to conduct bingo games. (Ordinance 98-099, 08.25.98)

(E) Raffle chances may be sold or issued only within the area specified on the license, and such area may not extend beyond the corporate limits of the Village.

(F) No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person where winning chances are being determined only when accompanied by his parent or guardian.

**Section 9-810. RECORDS.**

(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 raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles shall report monthly to its membership, and to the licensing local unit of government, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Section.

(D) Records required by this Section shall be preserved for three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

**Section 9-811. LICENSES NOT ASSIGNABLE: UNLAWFUL USE**

(A) No license may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered.

(B) No person, firm or corporation shall alter, deface, forge or counterfeit any license issued by the Village.

**Section 9-812. SUSPENSION OR REVOCATION.** A raffle license issued under the provisions of this Article may be revoked or suspended by the President and Board of Trustees if the licensee or raffle manager has:

(A) Violated any of the provisions of this Article; or

(B) Violated any ordinance of the Village of Bolingbrook or any state law of the State of Illinois, or any federal law of the United States, the violation of which reflects unfavorably on the fitness of the licensee or raffle manager to continue to conduct the licensed raffle within the Village.

Prior to suspension or revocation, the licensee shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the President and Board of Trustees.

**Section 9-813. LIMITED APPLICATION.** Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

**Section 9-814. NON-LIABILITY OF VILLAGE.** The Village of Bolingbrook expressly assumes no responsibility or liability whatsoever with regard to the collection of monies, the conduct of, the results of, or any matter relating to, any raffle conducted pursuant to this Article.

**Section 9-815. TAX ON RAFFLE MACHINES.**

(Added in its entirety by Ordinance 09-003, 01.13.09)

A. Definitions. As used herein, the following terms shall have the meanings hereinafter ascribed to them:

1. "Raffle device" means any raffle machine or any software program that, upon the deposit of money, insertion of a credit card or the use of other means for the exchange of currency or other valuable consideration, allows a person to participate in a raffle or similar amusement.

2. "Raffle machine" means any mechanical or electronic device that, upon the deposit of money, insertion of a credit card or the use of other means for the exchange of currency or other valuable consideration, allows a person to participate in a raffle or similar amusement.

3. "Raffle" shall have the meaning set forth in Section 9-801.C. hereof.

4. "Raffle Revenues" shall mean the gross revenues received by the owner or operator of any premises at which raffle devices are located or by the owner or operator of any raffle device software from the use or operation of raffle devices less the aggregate cost of payouts and prizes from the raffle devices.

B. A tax is hereby imposed upon the use and operation of raffle devices for raffles licensed by the Village at the following rates:

1. Five percent (5%) of the raffle revenues up to the first ten thousand dollars (\$10,000) of total monthly raffle revenues;

2. Seven and one-half percent (7.5%) of the raffle revenues for the total monthly raffle revenues which are between ten thousand one dollars (\$10,001) and fifteen thousand dollars (\$15,000); or

3. Ten percent (10%) of the raffle revenues for the total monthly raffle revenues which are in excess of fifteen thousand one dollars (\$15,001).

C. It is unlawful for any person to operate or to suffer or permit the operation of any raffle device without payment of the tax imposed herein. The tax herein levied shall be in addition to any and all other taxes. Every owner and operator of a raffle device is required to collect the tax levied by this section.

D. No more than six (6) raffle machines may be located on the premises of any business in the Village.

E. Every owner or operator of a raffle device shall be required to have a business license issued by the Village.

F. On the tenth (10th) day of each month, the owner or operator of the raffle device shall transmit a report of raffle revenues in the previous month to the Village on such forms and in such manner as prescribed by the Finance Director. Each report shall be accompanied by a remittance of the appropriate amount of tax applicable as hereinabove provided.

G. The Finance Director may promulgate rules and regulations not inconsistent with the provisions of this Section concerning the enforcement and application of this Section.

H. If for any reason the owner or operator of a raffle device does not pay the tax when due, penalties shall be imposed as provided in Article 24 of this Chapter 8. In addition, whenever any person shall fail to pay any tax herein provide, the Village may bring or cause to be brought an action to enforce the payment of said tax on behalf of the Village in any court of competent jurisdiction.

I. Each owner or operator of a raffle device shall keep books which, at a minimum, include:

1. The gross revenues received from the operator of raffle devices on a daily and monthly basis;

2. The value of payouts on a daily and monthly basis;

3. The cost to the owner or operator of prizes distributed as raffle winnings on a daily and monthly basis; and
  4. A computation of the tax owed to the Village on a monthly basis.
- J. If the Board of Trustees, after a hearing held by the Board, shall find that any person has willfully avoided payment of the tax imposed by this Section, the Board may suspend or revoke all Village licenses held by said tax evader. The owner or operator shall have an opportunity to be heard, and such hearing shall be held not less than ten (10) days after notice of the time and place of the hearing addressed to the owner and operator at his last known place of business has been deposited in the United States mail with postage prepaid. The suspension or revocation of any license shall not release or discharge the owner or operator from his civil liability for the payment of the tax nor from prosecution of such offense.
- K. All proceeds resulting from the imposition of the tax under this Section, including penalties, shall be paid into the treasury of the Village and shall be credited to and deposited in the General Corporate Fund of the Village.

## **ARTICLE 9 -- HOUSE, YARD AND GARAGE SALES**

(Entire Article 9 Adopted by Ordinance 85-061, 10.22.85)

**Section 9-901.. LICENSE REQUIRED.** It shall be unlawful for any person to engage in or conduct a garage, attic, basement, yard or house sale from any residence, structure, or lot within the Village of Bolingbrook without first having obtained a license for said sale from the Village Clerk. (Ordinance 90-093, 07.10.90)

**Section 9-902.. EXEMPTIONS.** Certified not-for-profit organizations conducting such sales are exempt from compliance with any or all of the terms and conditions of Section 9-903 of this Article.

**Section 9-903.. CONDITIONS.** Any license issued under this Article 9 shall be subject to the following conditions:

- (A) The applicant licensee must be an owner of the premises where such sale is to be held.
- (B) The sale shall involve only personal property and household items. Not more than three new items that are identical in appearance or use may be offered for sale at any time, including packaged or wrapped items that may have been acquired in a bulk purchase by the seller. (Ordinance 08-115, 11.18.08)
- (C) Regardless of whether or not a sale is actually held, no more than two (2) sale permits totaling six (6) days in the aggregate shall be issued for any one (1) year at a particular address. In the event that the sale is not held, the permit shall not be deemed to have been cancelled or voided. (Ordinance 90-075, 05.22.90)
- (D) No sale items shall be located and no sales activities shall be conducted on any public sidewalk, parkway area, or other public property.
- (E) All signs advertising such sale shall be located on private property only. No sign may be placed upon any utility pole, traffic control device, right-of-way or easement.
- (F) Such sales may be conducted only during the hours of 8:00 a.m. to dusk.
- (G) The use of outdoor speakers or other amplification equipment is prohibited in connection with such sales.
- (H) Such sales shall be conducted in accordance with all other laws and ordinances of the Village.
- (I) Each license issued under this Article shall be valid only for the particular sale and premises designated thereon and shall be posted in the front yard area so as to be easily seen by passers by, and such license shall be non-transferable.
- (J) There shall be no fee for a license issued under this Article.
- (K) All signs used in connection with such sales shall have house numbers and dates on them and shall be removed no later than three (3) hours after the conclusion of the sale.
- (L) Property must be properly cleared of sale items at the end of each sale day. (Ordinance 90-075, 05.22.90)

**ARTICLE 10 -- SEVERABILITY**

**Section 9-1001. SEVERABILITY.** Each of the provisions of this Article are severable, and if any provision is held invalid the remaining provisions shall not be affected but shall remain in full force and effect.

**ARTICLE 11 -- PENALTY: ENFORCEMENT**

**Section 9-1101. PENALTY: ENFORCEMENT**

(A) Unless otherwise expressly provided, any person, firm or corporation convicted of violating any provisions of this Chapter shall be fined not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), except that the third and all subsequent convictions within any twelve (12) month period shall be deemed to be misdemeanors, and the person, firm or corporation guilty thereof may be fined not less than Twenty-Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) and imprisoned for a period not exceeding six (6) months.

(B) In addition to a fine, whenever a person, firm or corporation shall neglect or refuse to procure any license required by this Section, the Village shall cause appropriate legal action and proceedings to be instituted to enforce the license requirement. In addition, whenever a person, firm or corporation fails to comply with any of the other provisions of this Chapter, he shall immediately forfeit any permit issued and shall immediately cease all activities under the terms of the permit. (Ordinance 90-075, 05.22.90)

(C) The Director of Finance shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this Chapter. When necessary and expedient, he may call upon the Chief of Police to assist in such enforcement, and it shall be the duty of the Chief of Police to perform such enforcement acts as may be required of him. All Village employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this Ordinance and other Village ordinances relating to the licensing of business and occupations and their regulations.