

CHAPTER 7

BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 APPLICATIONS.

(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

(B) Each application shall contain:

- (1) the applicant's name, permanent business address (which must include a street address) residence address of the principal (and, if the applicant is a corporation, the residence addresses of its officers.)
- (2) The location at which the applicant intends to do business.
- (3) The nature of the business the applicant intends to conduct.
- (4) A copy of the applicant's Certificate of Registration under the Illinois Retailer's Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable.
- (5) A complete inventory of the goods or items which the applicant intends to offer for sale, barter, or exchange at retail, if applicable. Such inventory shall state the total wholesale value of the goods or items.
- (6) A list of all licenses to conduct business obtained by the applicant in the State of Illinois in the **twelve (12) months** preceding the date of filing of the application.
- (7) Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

7-1-2 PERSONS SUBJECT TO LICENSE. Whenever a license or permit is required in this Code or in any municipal ordinance 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 this Municipality.

7-1-3 **TERM AND FORM OF LICENSE.** No license shall be granted for longer than a **one (1) year term**, and all licenses, unless otherwise provided by ordinance, shall expire on the **last day of the next April following their issue.** Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

7-1-4 **INVESTIGATIONS.**

(A) Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk, within **forty-eight (48) hours** shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

(B) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise, **within ten (10) days** after receiving such application or a copy thereof.

(C) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(D) If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(E) If, after due consideration of the information contained with the application and the related investigative reports, the Mayor, by and with the advice and consent of the City Council shall determine that the matters concerning the application are unsatisfactory, he may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(F) If, after due consideration of the information contained within the application and the related investigative reports, the Mayor, by and with the advice and consent of the City Council shall determine that the application is satisfactory, he shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

7-1-5 **FEES.** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities.

Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this Municipality shall commence on **May 1st of each year** and shall terminate on **April 30th** of the following year, where no provision to the contrary is made.

The Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

7-1-7 ZONING CODE AND LAWS. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code and/or other applicable regulations of this Municipality.

7-1-8 CHANGE OF LOCATION. The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with.

7-1-9 LOCATION. No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

7-1-10 NUISANCES PROHIBITED.

7-1-10.1 GENERALLY. No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or 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.

7-1-10.2 UNSAFE OR UNHEALTHFUL BUSINESS.

(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

(B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

7-1-10.3 REFUSE DISPOSAL.

(A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle of not less than **twenty (20)**, nor more than **thirty-two (32) gallons capacity**, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

(B) **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.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

(C) **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.

(D) **Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than **thirty-two (32) gallons** of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

7-1-11 INSPECTIONS.

(A) Whenever inspections of the premises for or in connection with the operation of a 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 this Municipality, 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 this Municipality 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 regulation, 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 this Municipality 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 Mayor may revoke the license of any owner or operator of a licensed business in this Municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this Municipality after having first presented a warrant authorizing such entry.

7-1-12 SUSPENSION, REVOCATION OF LICENSE OR PERMIT.

7-1-12.1 NUISANCE. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

7-1-12.2 HEARING. Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

7-1-12.3 REVOCATION. Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-1-12.4 and 7-1-12.5 of this Section** for any of the following causes:

- (A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (D) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;
- (E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-11**.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable Code regulations of this Municipality.

7-1-12.4 HEARING NOTICE. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the 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.

7-1-12.5 COUNSEL. At the hearing, the attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

7-1-13 APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in **Section 7-1-12** shall have the right to appeal to the Municipality. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Municipality 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 7-1-12** hereof. The decision of the Municipality on such appeal shall be final.

7-1-14 LICENSE TO BE POSTED. It shall be the duty of every person conducting a licensed business in this Municipality to keep his license posted in a prominent place on the premises used for such business at all times.

ARTICLE II - SOLICITORS

7-2-1 DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid **Certificate of Registration** as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any **one (1)** or more of the following activities:

(A) Seeking to obtain orders for the purchase at retail of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatsoever; or for any kind of consideration whatsoever; or

(B) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(C) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-2-2 CERTIFICATE OF REGISTRATION. Every person desiring to engage in soliciting from persons within this Municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this Municipality which have been in existence for **six (6) months or longer** and all residents of this Municipality for **six (6) months or longer** shall be exempt from the provisions of **Sections 7-2-3** and **7-2-4** of this Chapter. (**Ord. No. 1263; 09-06-11**)

7-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION. Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past **three (3) years** if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

- (D) Physical description of the applicant.
- (E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F) Name and address of employer during the past **three (3) years** if other than the present employer.
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H) Period of time for which the Certificate is applied.
- (I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?
- (L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
- (M) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.
- (N) Applicant shall provide a copy of his Certificate of Registration under the Illinois Retailer's Occupational Tax Act, if application is for retail sales of goods, merchandise, wares or foodstuffs.
- (O) **Two (2) photographs** of the applicant and such of its employees as will be used in applicant's business within the Municipality, taken within **sixty (60) days** immediately prior to the filing of the applicant, which picture shall be **two (2) inches by two (2) inches**, showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner, shall accompany this application.
- (P) Also, 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.

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 Chapter and of the denial of applications.

Applications for Certificates issued 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.

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 Federal law of

the United States within **five (5) 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 Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-2-4 **ISSUANCE AND REVOCATION OF CERTIFICATE.** 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, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-2-5 - 7-2-8 **RESERVED.**

7-2-9 **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter 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 to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** of any weekday or at any time on a Sunday or on a State or National holiday.

7-2-10 **STREET COLLECTIONS.**

(A) Every person seeking to collect, on a public street, gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project shall file a request for permission for a street collection with the City Clerk a minimum of **forty-five (45) days** before the intended collection date by completing the form attached hereto, marked Appendix A, and incorporated by reference herein. The street collection shall occur only if the request is approved by the City Council.

(B) If approved by the City Council, the collection shall be conducted only during the hours, within the area specified, and on the date or dates approved by the City Council. The hours of collection shall not exceed **four (4) hours** each day, and shall not be permitted on Sundays.

(C) No one under the age of **sixteen (16) years** shall be permitted to participate in the street collection.

(D) The name of the organization or group sponsoring the collection and purpose of the collection shall be visibly displayed at all times during the street collection. The aforementioned display shall be located a minimum of **fifty (50) feet** from the location of the street collection and shall be displayed facing each direction of each street on which the collection is conducted. This requirement shall be satisfied if the persons collecting display their group name on their reflective gear. **(Ord. No. 1263; 09-06-11)**

(E) A certificate of liability insurance naming the City as additional insured in a form acceptable to the City Council shall be provided to the City at least **twenty-four (24) hours** before the date of the street collection. The certificate of liability insurance shall be in an amount no less than **One Million Dollars (\$1,000,000)**. **(Ord. No. 1263; 09-06-11)**

(F) All persons participating in the street collection shall wear reflective gear adequate to insure visibility to all motorists. Said reflective gear shall be worn at all times during the street collection. All persons participating in the street collection release the City of Red Bud from any and all liability for actions or incidents which occur during the street collection. The City of Red Bud encourages participants of street collections to be aware of street traffic and to review safety procedures before beginning a street collection. **(Ord. No. 1263; 09-06-11)**

(G) The City Council may attach additional restrictions in its discretion.

(H) Street collections shall not be permitted for soliciting as defined in subsections (A) and (B) of **Section 7-2-1** of the City Code. **(Ord. No. 1249; 03-07-11)**

7-2-11 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

- (A) **Daily License:** **\$20.00 per person per day.**
- (B) **Annual License:** **\$100.00 per person per year.**

There shall be no fee for registration of solicitations on public highways pursuant to **Section 7-2-10** hereinabove.

(Ord. No. 1249; 03-07-11) (65 ILCS 5/11-5-2)

ARTICLE III

TRANSIENT MERCHANT AND ITINERANT VENDOR

7-3-1 LICENSE REQUIRED. It shall be unlawful for any person to engage in the business of "transient merchant" or "itinerant vendor" without having first secured a license therefor.

7-3-2 DEFINITION.

"ITINERANT VENDOR" shall mean any person who transports tangible personal property for retail sale, barter or exchange within this Municipality who does not maintain in this Municipality an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted. However, this term does not apply to any person, firm, corporation, partnership or entity who or which delivers tangible personal property within this Municipality when fulfilling an order for such property which was solicited or placed by mail or other means.

"PERSON" means any individual, corporation, partnership, trust, firm, association or other entity.

"TRANSIENT MERCHANT" shall mean any person who is engaged temporarily in the retail sale, barter or exchange of goods, wares or merchandise within this Municipality and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this term does not apply to any person selling such items which are raised, produced or manufactured by him to any person selling vegetables, fruit or perishable farm products at any established municipal market, to any person operating a store or refreshment stand, or to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides.

7-3-3 **VIOLATION.** It is a violation of this Article for any person, either as principal or agent, to conduct business as a transient merchant or itinerant vendor in this Municipality without first complying with the requirements of **Section 2a of the Illinois Retailers' Occupation Tax Act** by obtaining a Certificate of Registration and by posting bond or other approved security, and without having obtained a license under this Article.

7-3-4 **APPLICATION.** A transient merchant or itinerant vendor intending to do business within this Municipality shall file his license application with the Police Department and such department shall be the licensing agency. The application shall include the following:

(A) The applicant's name, permanent business address (which must include a street address), residence address of the principal and, if the applicant is a corporation, the residence addresses of its officers.

(B) The location at which the applicant intends to do business.

(C) The nature of the business the applicant intends to conduct.

(D) A copy of the applicant's Certificate of Registration under the **Illinois Retailers' Tax Act.**

(E) A complete inventory of the goods or items which the applicant intends to offer for sale, barter or exchange at retail. Such inventory shall state the total wholesale value of the goods or items.

(F) A list of all licenses to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in the State of Illinois in the **twelve (12) months** preceding the date of filing of the application.

7-3-5 **BOND.** The applicant shall file with the licensing agency a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to **fifty percent (50%)** of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not be less than **One Thousand Dollars (\$1,000.00)** nor more than **Ten Thousand Dollars (\$10,000.00)**. The licensing agency shall transfer said deposit or bond to the Illinois Attorney General within **fourteen (14) days** after the applicant ceases to do business in its jurisdiction as required by the **Illinois Transient Merchant Act of 1987**, as amended from time to time. Such bond shall be maintained by the Attorney General as required under the **Illinois Transient Merchant Act of 1987**, as amended from time to time.

7-3-6 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, the Chief of Police shall investigate the business and moral character of the applicant. If the facts show that the applicant is unfit to receive the license, then it shall be denied and such reasons for denial shall be stated in writing and shall be given to the applicant.

7-3-7 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in the businesses being licensed hereunder prior to **ten o'clock (10:00) A.M. or after five o'clock (5:00) P.M.** of any weekday or at any time on a Sunday or on a state or national holiday.

7-3-8 **FRAUD.** No business licensed under this Code shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as an itinerant merchant or as an itinerant vendor in this Municipality. No business licensed under this Code shall barter, sell or exchange any goods or merchandise or wares other than those specified in his application for a license.

7-3-9 **PHOTOGRAPHS.** **Two (2) photographs** of the applicant and such of its employees as will be used in the applicant's business within the Municipality, taken within **sixty (60) days** immediately prior to the filing of the application, which pictures shall be **two inches by two inches (2" x 2")**, showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

7-3-10 **UNWANTED PEDDLING AND SOLICITING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of conducting its business if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

7-3-11 **ITINERANT MERCHANTS AND ITINERANT VENDORS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Municipality by licensees hereunder without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or selling, bartering, or exchanging goods and merchandise at retail is hereby declared to be a nuisance and is punishable as a violation of this Code. No licensee shall conduct its business in a public square.

7-3-12 **DUTY OF POLICE TO OBEY.** The Police Department is hereby required and directed to suppress the same and to abate any such nuisance as described in **Section 7-3-11.**

7-3-13 **EXCLUSIONARY PROVISION.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in this Municipality.

7-3-14 **FEES.** The license fees for a person to be charged for licenses under this Article in this Municipality, each payable in advance, are hereby fixed and established as follows:

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|-----|-------------------------------|--------------------------------------|
| (A) | <u>Daily License:</u> | \$20.00 per person per day; |
| (B) | <u>Annual License:</u> | \$100.00 per person per year. |

7-3-15 **EVIDENCE.** It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this Code if the person does not transact business from a fixed location for a term of at least **six (6) months** and if the person does not own or lease for a term of at least **six (6) months**, the property from which his business is conducted.

ARTICLE IV - BED AND BREAKFAST CODE

7-4-1 **DEFINITIONS.** As used in this Article, unless the context otherwise requires:

(A) **"BED AND BREAKFAST ESTABLISHMENT"** shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

(B) **"OPERATOR"** shall mean the owner of the Bed and Breakfast establishment, or the owner's agent, who is required by this Article to reside in the Bed and Breakfast establishment, or on contiguous property.

(C) **"GUEST ROOM"** shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night.

7-4-2 **LICENSE.** Each Bed and Breakfast establishment shall be licensed pursuant to **Section 7-1-3** of this Code, commencing with **May 1, 1994** and thereafter. Each operator shall apply for a license as required in **Section 7-1-1** of the Red Bud City Code and the City shall conduct an investigation prior to issuance of a license as directed in **Section 7-1-4** of the City Code.

The fee for each license is **Twenty-Five Dollars (\$25.00)** which fee shall accompany the license application.

7-4-3 **MINIMUM STANDARDS.** Bed and Breakfast establishments shall comply with the Illinois State Standards as established from time to time and presently stated in **Chapter 50 ILCS Sec. 820/4** which deals with establishments serving breakfast, **Sec. 820/5** which deals with soap, towels and linens and **Sec. 820/6** which deals with fire safety.

7-4-4 **PROOF OF INSURANCE.** The Bed and Breakfast establishment shall provide proof of liability insurance in the amount of **One Hundred Thousand Dollars (\$100,000.00)** per person and in the amount of **Three Hundred Thousand Dollars (\$300,000.00)** per occurrence, together with a minimum of **One Hundred Thousand Dollars (\$100,000.00)** per occurrence for property damage. Proof of insurance shall accompany the operator's license application.

7-4-5 **TAXES.** Each Bed and Breakfast establishment shall pay taxes as required from time to time by the Illinois Department of Revenue, including the payment of any applicable hotel taxes.

7-4-6 **AGENTS.** The Monroe and Randolph Bi-County Health Department and the Red Bud Fire Department or the State Fire Marshall are hereby designated the City of Red Bud's agents for purposes of inspecting each Bed and Breakfast establishment to assure that the standards and regulations of this Ordinance are followed by each operator. Fire and health inspections shall be conducted at least annually. Each operator's inspection report for health and fire shall accompany each operator's license application. No such report, however, accompanying a license application shall be older than **three (3) months** prior to the date of the license application.

(Ord. No. 774; 03-07-94)

ARTICLE V - RAFFLES

7-5-1 **DEFINITIONS.** As used in this Article, unless the context otherwise required:

(A) **"Raffle"** shall mean a form of lottery (as defined in **Chapter 720 of the Illinois Compiled Statutes, Sec. 5/28-2(b)**) conducted by an organization licensed under the Code whereby:

- (1) A player pays or agrees to pay something of value for a chance, represented and differentiated by a number or a combination of numbers designating the winning change;
- (2) The winning chance is to be determined through a drawing or by some other method 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 held sporting contest.

(B) **"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 thereof.

7-5-2 **LICENSES AND APPLICATIONS.**

(A) No organizations shall operate a raffle in the City of Red Bud without first complying with all regulations of this Chapter and obtaining a license therefore.

- (1) Licenses shall be issued in the same manner and by the same authority as provided for in accordance with **230 Illinois Compiled Statutes, Sec. 15/2 (hereafter ILCS)**.
- (2) Where the provisions of this Section or of **230 ILCS Sec. 15 et seq.**, requires supplemental information, limitations, or otherwise conflict with the Business Code requirements, then the express provisions of this Section and **Chapter 230 ILCS Sec. 15** and following shall control over the general requirements of the Business Code.

(B) Licenses shall be issued only to bonafide religious, charitable, labor, business, fraternal, educational or veterans' organizations (as those terms are defined in **Chapter 230 ILCS Sec. 15-2(b)**) that operate without profit to their members and which have immediately before making application for a license and which have had during that entire **five (5) year** period a bonafide membership engaged in carrying out their objectives.

(C) The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensed organization, signed by the presiding officer and the secretary of that organization.

7-5-3 LIMITATIONS.

- (A) The retail value of all prizes or merchandise awarded in a single raffle shall be unlimited.
 - (B) The retail value of each prize in a single raffle shall be unlimited.
 - (C) The maximum price which may be charged for each raffle ticket shall not exceed **Five Hundred Dollars (\$500.00)**.
 - (D) The maximum number of days during which chances may be issued or sold for each raffle shall not exceed **one (1) year**.
- (Ord. No. 1393; 01-02-18)**

7-5-4 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 that game.
- (B) No person except a bonafide 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 Code.
- (E) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.
- (F) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. 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 parent or guardian.

7-5-5 RAFFLE MANAGERS AND BONDS. All operations of and the conduct of raffles within the City shall be under the supervision of a single raffles manager designaqted by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the City in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation. The City Council may waive this bond requirement by including a waiver provisions in the license issued to an organization under this Article, provided that a license containing such waiver provisions shall be granted only by unanimous vote of the members of the licensed organization.

7-5-6 RECORDS.

(A) Each organization shall keep records of its gross receipts, expenses and net proceeds for each single occasion at which winning chances are determined. All deductions from gross receipts for each single 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. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Each organization shall have separate records of each raffle conducted. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles on behalf of such organization 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 City its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized. This report shall be submitted to the City Clerk's Office on the **first (1st)** of each month.

7-5-7 INELIGIBILITY. The following are ineligible for any license under this Article:

(A) Any person who has been convicted of a felony; or
(B) Any person who is or who has been a professional gambler or gambling promoter; or

(C) Any person who is not of good moral character; or

(D) Any firm or corporation in which a person defined as (A), (B) or (C) has a proprietary, equitable or credit interest, or in which such a person is active or employed; or

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

(F) Any organization in which a person defined in (A), (B) or (C) is to participate in the management or operation of a raffle as defined in this Act.

7-5-8 APPLICATION AND FILING FEE. A raffle license may be applied for at any time, and upon approval by the Mayor with the advice and consent of the City Council, a license shall be issued. Each raffle license shall be valid from date of issuance until **April 30** of each year. Renewal of raffle licenses shall be applied for on or before **April 1** of each year and then valid from **May 1 to April 30th** of the following year. A **One Dollar (\$1.00)** license fee shall accompany each application along with a **One Thousand Dollar (\$1,000.00)** fidelity bond unless waived.

7-5-9 SALE OF RAFFLE CHANCES AT LICENSED LIQUOR ESTABLISHMENTS BY PERMIT.

(A) All licensed liquor establishments may sell raffle chances, on behalf of any person or entity licensed by the City to conduct raffles, including themselves, but only by permit received from the Liquor Commissioner.

(B) Application for said permit shall be on a form approved by the Liquor Commissioner. A fee of **One Dollar (\$1.00)** is required and the permit is valid for **one (1) year** from date of issuance.

(C) The permit must be prominently displayed in the licensed liquor establishment.
(Ord. No. 1358; 06-06-16)

(Ord. No. 810; 05-18-95)

ARTICLE VIII - ALARM SYSTEMS

DIVISION I - BURGLAR ALARMS

7-8-1 FEE CHARGED FOR FALSE ALARMS. Any person having a burglar, hold-up or any type of intrusion alarm shall be charged a fee of **Ten Dollars (\$10.00)** for the first false alarm responded to by the Police Department within a calendar year and **Fifty Dollars (\$50.00)** for each false alarm so responded to thereafter within a calendar year. If the possessor of the alarm shows to the satisfaction of the Police Chief that the false alarm was not the result of negligence or improper maintenance, such fee may be waived.

7-8-2 INTERFERENCE WITH TELEPHONE TRUNK LINE PROHIBITED. No person without a permit shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police Department, Fire Department, or any other department or bureau of the City, and then reproduces any prerecorded message to report any burglary or other emergency.

7-8-3 CENTRAL OFFICE REQUIRED. No person shall provide a private alarm system programmed to a central office unless it shall have the central office staffed at all times, **twenty-four (24) hours** a day, including holidays.

7-8-4 CONNECTION TO POLICE DEPARTMENT: PERMIT REQUIRED. No person shall cause a private system which reproduces any prerecorded message to report any burglary or other emergency to the Police Department unless such person is issued an annual hold-up alarm permit by the Chief of Police. The permit shall cost **Five Hundred Dollars (\$500.00)** per year. No permit shall be required for private alarm service systems programmed to a central office but registration with the Chief of Police is requested. **(Ord. No. 666; 08-07-89)**

7-8-5 CONDITIONS OF PERMIT. A hold-up alarm permit shall be issued to those persons who:

- (A) are required by federal law to maintain a hold-up alarm system; or
- (B) had in existence prior to the effective date of this Chapter a hold-up alarm system connected to the Police Department; or
- (C) have made application for such permit and have received approval by the City Council for the issuance of such permit. The Chief of Police shall make a recommendation for or against each application, and the City Council shall not be bound by his recommendation.

(D) All persons to receive a permit under paragraphs (A), (B) or (C) above must also comply with the following conditions:

- (1) Pay on or before **May 1st** of each year an annual permit fee of **Five Hundred Dollars (\$500.00)**.
- (2) Use alarm equipment meeting at least the minimum federal standards as set forth in the **Federal Bank Protection Act of 1968**, as amended from time to time;
- (3) Comply with all of the applicable provisions of this Article.
- (4) Install at the permittee's expense, at the Police Department's switchboard termination point, equipment which is designated by the Chief of Police.
- (5) Assume all costs of installation, maintenance and monthly rental of telephone lines used by the permittee for such alarm;
- (6) Sign an agreement holding the City harmless for any and all damages or losses resulting from the existence or use of the permittee's alarm system;
- (7) Follow alarm testing procedures set forth by the Chief of Police and assume any expenses for testing of such alarm;
- (8) Assume responsibility and expense for the removal of such alarm when such service is discontinued or permit is revoked or not renewed.

7-8-6 NONCONFORMING SYSTEMS -- DISCONNECTION TIME LIMIT. Those persons presently having alarm systems which are prohibited in this Chapter shall be permitted to maintain the connection until **January 1, 1989**, after which date, failure to disconnect from any department or departments of the City will be deemed a violation of this Chapter.

7-8-7 REVOCATION. The City Council may revoke the permit of any permittee failing to pay any fee or charge required in this Article, and for repeated false alarms caused by willful acts or by negligence or improper maintenance of equipment, for failure to repair or replace equipment when notified by the Police Department that such repair or replacement is required to meet the standards set out in this Chapter or for failure to keep a hold-harmless agreement" in effect as required.

7-8-8 - 7-8-9 RESERVED.

DIVISION II - FIRE ALARMS

7-8-10 **FEE CHARGED FOR FALSE ALARMS.** Any person having a fire alarm shall be charged a fee, to be determined by the Fire Chief and the City Council, for the first false alarm responded to and a fee for each additional false alarm responded to thereafter by the Fire Department within a calendar year. If the possessor of the alarm shows to the satisfaction of the Fire Chief that the false alarm was not the result of negligence or improper maintenance, such fee may be waived.

7-8-11 **INTERFERENCE WITH TELEPHONE TRUNK LINE PROHIBITED.** No person shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police Department, Fire Department or any other department or bureau of the City and then reproduces any prerecorded message to report any burglary or other emergency.

7-8-12 **CENTRAL OFFICE REQUIRED.** No person shall provide a private alarm service system programmed to a central office unless it shall have the central office staffed at all times, **twenty-four (24) hours** a day, including holidays.

7-8-13 **CONNECTION TO FIRE DEPARTMENT; PERMIT REQUIRED.** No person shall cause a private alarm system to be connected to the Fire Department unless such person is issued an annual alarm permit by the Fire Chief. The permit shall cost **Twenty-Five Dollars (\$25.00)** for the **first (1st) year** and **Ten Dollars (\$10.00)** for each year it is renewed.

7-8-14 **CONDITIONS OF PERMIT.** A fire alarm permit shall be issued to those person who:

- (A) are required by federal law to maintain a fire alarm system; or
- (B) had in existence, prior to the effective date of this Chapter an alarm system connected to the Fire Department; or
- (C) have made an application for such permit and have received approval by the City Council for the issuance of such permit. The Fire Chief shall make a recommendation for or against each application, and the City Council shall not be bound by his recommendation.

(D) All persons to receive a permit under paragraphs (A), (B) or (C) above must also comply with the following conditions:

- (1) Pay the fee on or before **May 1st** of each year as provided in **Section 7-8-13;**

- (2) Comply with all of the applicable provisions of this Article;
- (3) Assume all costs of installation, maintenance and monthly rental of telephone lines used by the permittee for such alarm;
- (4) Sign an agreement holding the City harmless for any and all damages or losses resulting from the existence or use of the permittee's alarm system;
- (5) Submit a copy of the specifications with application for approval by the Fire Chief;
- (6) Follow alarm testing procedures set forth by the Fire Chief and assume any expenses for testing of such alarm;
- (7) Assume responsibility and expense for the removal of such alarm when such service is discontinued or the permit is revoked or not renewed.

7-8-15 NONCONFORMING SYSTEMS -- DISCONNECTION TIME LIMIT. Those persons presently having an alarm system(s) which are prohibited in this Chapter shall be permitted to maintain the connection until **January 1, 1989**, after which date, failure to disconnect from any department or departments of the City will be deemed a violation of this Chapter.

7-8-16 REVOCATION. The City Council may revoke the permit of any permittee failing to pay any fee or charge required in this Division and for repeated false alarms caused by willful acts or by negligence or improper maintenance of equipment, for failure to repair or replace equipment when notified by the Fire Chief that such repair or replacement is required to meet the standards set out in this Chapter or for failure to keep a "hold-harmless agreement" in effect as required.

ARTICLE IX – MOBILE FOOD VENDORS

7-9-1 DEFINITIONS.

(A) **City Special Event.** Any outdoor or seasonal event including, but not limited to, a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle/vehicle ride, walk/run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and/or requires special consideration from the City. Participation in a City special event by a food truck/food cart vendor requires approval of the City Council.

(B) **Food Cart.** Any non-motorized, movable object from which prepared or packaged food is served.

(C) **Food Truck.** Any self-contained motorized vehicle or self-contained enclosed trailer with a valid license plate and registration from which prepared or packaged food is served.

(D) **Food Truck/Food Cart Vendor.** An individual natural person, corporation, partnership, trust, firm, association, organization, or any other entity engaged in the business of selling food or non-alcoholic beverages from a food truck or food cart. Also known as a mobile food vendor.

(E) **Restaurant.** A business establishment whose principal business (meaning 51% or more of sales) is the selling of food prepared and served in ready to eat form to the public for human consumption.

7-9-2 LICENSE REQUIRED. It shall be unlawful for a food truck/food cart vendor to operate in the City without first securing a license. Such license shall be renewed every year. If a food truck/food cart vendor operates more than one food truck/food cart, then each such food truck/food cart shall require a separate license.

7-9-3 MANNER OF OPERATION.

(A) **Locations Prohibited.** Food trucks/food carts may not locate or operate within **seven hundred fifty (750) feet** of an existing restaurant unless they are part of a City Special Event. Food trucks/food carts may not operate in any "R" zoned residential district, on any public right-of-way, or in any City park property except as part of a City Special Event or by special permission of the City Council granted in their sole discretion. Food trucks/food carts may locate on the property of an existing restaurant if (1) the record owner of the established restaurant provides written consent, and (2) the restaurant is no closer than **seven hundred fifty (750) feet** to another restaurant or all record owners of established restaurants within **seven hundred fifty (750) feet** provides written consent. Said written consent or proof of special permission must be kept with the food truck/food cart at all times while operating in a prohibited location and must be provided upon request of any enforcement officer.

(B) **Hours of Operation.** Food trucks/food carts shall only be operated between the hours of **7:00 A.M.** and **10:00 P.M.** local time during any day of the week.

(C) **Sale of Liquor Prohibited.** Selling or serving of liquor, including beer, wine, and all alcoholic beverages from food trucks/food carts shall be prohibited at all times.

(D) **Appearance and Maintenance.** Food trucks/food carts shall be kept in good mechanical and structural condition. Vehicles and carts shall have a clean exterior and interior and shall be equipped with signs to alert traffic to proceed with caution past the truck or cart while it is serving customers. Each vehicle and cart shall have the business trade name affixed to it in a professional, workmanlike manner and in letters that are a minimum of **six (6) inches** in height on each side and the rear. Generators and fuel tanks shall be affixed to the vehicle or cart and shall not be placed on the ground.

(E) **Peripheral Setup.** No tents, tables, chairs, or other materials shall be placed at the designated vending area. Signage shall be limited to signs affixed to the vehicle or cart. Food truck vendors are not permitted to connect directly to City water, electric, or other utility to conduct business without City permission. Food trucks/food carts must provide for the sanitary collection of all refuse, litter, and garbage generated by the truck, cart, or patrons using the service and must remove all such waste materials from the location before the vehicle or cart departs.

(F) **Public Health Standards.** Food trucks/food carts shall obtain an display at all times all State of Illinois and/or Randolph County Health Department permits required to operate their facility. No food, food products, or beverages for public consumption shall be kept, offered for sale, transported, or handled except in accordance with the rules and regulations of the State of Illinois and the Randolph County Health Department. If the State of Illinois or the Randolph County Health Department suspends or revokes their respective permits and/or licenses, then the City's license shall hereby be revoked until such time as the State of Illinois or the Randolph County Health Department permits and/or licenses are reinstated. No food or beverage may be sold or given away in a glass container or bottle.

7-9-4 APPLICATION. Application for a mobile food vendor license shall be made in writing to the City Clerk on a form approved by the City Clerk containing the following truthful and accurate information:

(A) The applicant vendor's name (individual and business name), permanent business address (which must include a street address), name of the food truck/food cart operator, address of the food truck/food cart operator, food truck driver name, food truck driver address, the phone numbers for the applicant, each operator, and each driver, and dates of birth for the applicant, each operator, and each driver.

(B) The food truck vehicle make, model, year, license plate number and state, and vehicle length.

(C) Name, address, and phone number of commissary or food supplier (additional sheets should be attached if necessary).

(D) Name, address, and phone number of business or location where oil, fat, grease, refuse, litter, and/or garbage will be disposed of properly in accordance with all rules, regulations, statutes, ordinances, and any other governmental restriction.

(E) If applicant will operate in a prohibited area at any time during the term of their license, then provide the address, name, and phone number of owner or tenant of property where the food truck/food cart will operate.

(F) Copy of food truck vehicle registration.

(G) Copy of each food truck driver's valid license to operate the vehicle.

(H) Copy of food truck/food cart applicant's certificate of liability insurance with City named as additional insured with comprehensive general liability limits of not less than

One Million Dollars (\$1,000,000.00) each occurrence/aggregate covering bodily injury, personal injury, and property damage.

(I) Copy of food truck applicant's certificate of liability insurance with City named as additional insured with comprehensive vehicle insurance limits of not less than **One Million Dollars (\$1,000,000.00)** each occurrence/aggregate covering all owned, non-owned, and hired vehicles for bodily injury, personal injury, and property damage.

(J) Copy of food truck/food cart Illinois workers' compensation insurance as required by Illinois law.

(K) Copy of Randolph County Health Department permit.

(L) Copy of Illinois Retailer Occupation Tax Certificate.

7-9-5 INVESTIGATION OF APPLICANTS. Each applicant, operator, and driver of a food truck/food cart shall agree to and submit all required personal information needed for a background check and/or investigation to be conducted by the Chief of Police of the City as to the individual's business and moral character. If the facts show that the applicant, operator, and/or driver of a food truck/food cart is unfit to receive the license, then it shall be denied and such reasons for denial shall be stated in writing and shall be given to the applicant.

7-9-6 FEES. The license fees for a mobile food vendor license shall be the following, due and payable at the time the application is submitted for approval:

- | | | |
|-----|-------------------------------|--------------------------------------|
| (A) | <u>Daily License.</u> | \$20.00 per day per license |
| (B) | <u>Annual License.</u> | \$100.00 per year per license |

7-9-7 LICENSE ISSUANCE. Upon the submission of a complete application showing compliance with all terms of this Article and passage of the investigation, the mobile food vendor license shall be signed by the Mayor and attested by the City Clerk under the corporate seal. No license shall be granted for longer than a **one (1) year** term and shall expire on the last day of April following its issuance. The mobile food vendor license shall be in a form approved by the City Clerk. The vendor shall display the license at all times while operating.

7-9-8 LICENSE NON-TRANSFERABLE. Any mobile food vendor license issued shall not be transferable to any other applicant or vendor.

7-9-9 SUSPENSION AND REVOCATION OF LICENSE. Revocation or suspension of a license for a food truck/food cart for violating any part of this Article or **Section 7-1-12** of the Revised Code of Ordinance of the City shall be done in accordance with said **Section 7-1-12**.

(Ord. No. 1384; 09-05-17)