

LICENSES, PERMITS AND BUSINESS REGULATIONS

Chapter 12

LICENSES, PERMITS AND BUSINESS REGULATIONS*

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ARTICLE I. IN GENERAL

Sec. 12-1. Nuisance businesses prohibited.

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

Secs. 12-2--12-17. Reserved.

ARTICLE II. LICENSES AND PERMITS

Sec. 12-18. Business activities for which license is required.

It shall be unlawful for any person to engage in any of the following businesses or business activities in the Village without first having obtained a Village license therefor:

* Cross references--Retail license for alcoholic beverages, Sec. 3- 18 et seq.; license for amusements generally, Sec. 4-2; license for athletic exhibitions, Sec. 4-41; license for ski tournaments, Sec. 4-51; license for billiards and pool halls, Sec. 4-65; license for bowling alleys, Sec. 4-80; license for circuses, Sec. 4-95; license for dogs, Sec. 5-24 et seq.; license for small animal stores, Sec. 5-43; building permits generally, Sec. 6-32; permit for moving buildings, Sec. 6-75; permit for erection of signs and awnings, Sec. 6-109; permit for construction of billboards, Sec. 6-128; plumbing permits, Sec. 6-190; food dealers license generally, Sec. 9-2; permit for restaurants, Sec. 9-28; license for milk vending machines, Sec. 9-85; license for milk dealers, Sec. 9- 101; license for motor vehicles, Sec. 15-234 et seq.; license for peddlers, Sec. 16-17; registration of solicitors, Sec. 16-33 et seq.; license for house to house distribution of handbills, Sec. 16-66; permit for street and sidewalk construction and repair, Sec. 18-37; permit for street and sidewalk excavations, Sec. 18-48 et seq.; permit for driveway construction, Sec. 18-60; municipal retailers occupation tax, Sec. 20-16 et seq.; municipal service occupation tax, Sec. 20-30 et seq.; business license for taxicabs, Sec. 22-30; chauffeur's license for taxicab operators, Sec. 22-48; permit for water supplied air conditioners, Sec. 23-43; permit for building sewers and connections, Sec. 23-73; permit for private sewage disposal systems, Sec. 23-116; permit for water and sewer connections, Sec. 23-137.
State law references--Power of Village over certain businesses, 65 ILCS 5/11-42-1 et seq..

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Air conditioning and refrigeration contractors, ambulance, athletic contests, auctioneers, bakeries, bankers, barber shops, breweries, brick, brokers, building contractors, buses, carpenter contractor, coal, coal or lumberyards, coffee houses, coin-in-the slot devices, community antenna television system, convention hall, dealers in dismantled or wrecked motor vehicles, detective agencies, draymen, dry cleaner, electrical contractors, electrical equipment, exhibitions, expressmen, filling stations, fire extinguishers, firewood, florists, food manufacturing, foundries, fruit stores, grocery stores, harbors for recreational use, hawkers, hay, heating contractors, horse racing, hospitals, house trailers, hotels, ice cream parlors, itinerant merchants, junk yards, kennels, laundries, livery stables, lumberyards, machine shops, markets, mason contractors, meat dealers, message by electricity, mills, mobile homes, money changers, motels or motor courts, nursing homes, omnibus drivers, packing houses, parking lots, pawnbrokers, peddlers, porters, private detectives, public and private water landing places, public scales, ramps and garages, rooming houses, scavenger and garbage collectors, secondhand articles, small animal store, street advertising, street sales, taxi cab, theatrical ticket brokers, tobacconists, undertakers, water craft used within the Village, wharves and docks. Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq. (Editor note: businesses have been put in alphabetical order for ease of use 2003)

Sec. 12-19. Persons ineligible for licenses.

No license shall be issued to:

- (1) A person who is not of good character and reputation in the community in which he resides.
- (2) A person who has been convicted of a felony, if the police chief determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.
- (3) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (4) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (5) A person whose license under this Article has been revoked for cause.
- (6) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
- (7) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5%) per cent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason.
- (8) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

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- (9) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued.
- (10) An applicant where the condition of the premises to be used by the applicant violates any provision of this Code or other Ordinance of the Village or is otherwise unsafe, unclean or unsanitary.
- (11) An applicant where the proposed business operations or any of its processes would be dangerous or unsafe or harmful to persons or property.
- (12) An applicant who has been convicted of using drugs in violation of any State or Federal law.

Sec. 12-20. Application for licenses; forms.

- (a) All initial applications for licenses in connection with any of the businesses or business activities enumerated in this Article shall be made in writing to the Village Clerk, on a form provided for that purpose. Said application form shall be substantially as follows:

VILLAGE OF FOX RIVER GROVE
 305 ILLINOIS STREET
 FOX RIVER GROVE, ILLINOIS 60021

Date: _____

APPLICATION FOR LICENSE

The undersigned hereby applies for a license to conduct the business of _____ in the Village of Fox River Grove, and states, under oath, that the following facts are true:

- 1. Name under which business is to be conducted _____.
- 2. Address of location at which business is to be conducted _____; Phone Number _____; Emergency Phone Number _____.
- 3. Nature or type of business _____; Number of full-time employees (employees who work more than 30 hours per week) _____; Number of part time employees _____.
- 4. The location at which the business is to be conducted is owned _____, leased (check one) by the applicant. If the location is leased, state:

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- a. The type of lease (yearly, monthly, etc.) _____ .
- b. The date the lease expires _____

5. a. State the name of the owner(s) of the business _____

b. Indicate whether the owner(s) of the business is an individual _____, a general partnership _____, a limited partnership _____, or a corporation _____ .

c. If the owners of the business are individuals, state the name, residence address and telephone number of each owner.

1. Name _____ Phone _____
Residence _____

2. Name _____ Phone _____
Residence _____

3. Name _____ Phone _____
Residence _____

4. Name _____ Phone _____
Residence _____

d. If the owner of the business is a corporation, state the name, residence address and telephone number of the corporation's officers and each shareholder of the corporation who owns more than five (5%) percent of the corporation's stock. Also attach to this application a copy of the corporation's charter.

Name _____ Phone _____
Residence _____

Name _____ Phone _____
Residence _____

Name _____ Phone _____
Residence _____

e. If the owner of the business is a partnership, state the name, address and telephone number of each partner.

Name _____ Phone _____

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Residence

Name _____ Phone
Residence

Name _____ Phone
Residence

f. If the owner of the business is a limited partnership, state the name, address and telephone number of each general partner.

Name _____ Phone
Residence

Name _____ Phone
Residence

Name _____ Phone
Residence

6. Will the business be conducted by a manager or agent? Yes _____ No _____. If yes, then state the name, residence address and telephone number of the manager.
Name
Residence
Phone

7. List all addresses where the owners have operated the business for which a license is sought or a similar business at any time during the past five (5) years.

8. If the owner(s) of the business is an individual or if the business is to be conducted by a manager, state the address of all residences of the owner or manager during the past _____ five _____ (5) _____ years.

9. Has the owner ever had a license to conduct the business or a similar type of business revoked or suspended? Yes _____ No _____. If yes, describe where, when and the reason for the revocation or suspension.

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- 10. Have any of the persons listed under Paragraph 5 or the manager of the business ever been convicted of a felony or misdemeanor? Yes _____ No _____. If yes, state (a) the name under which convicted, (b) the place and date of the conviction, and (c) the offense.
- 11. If business will sell food, maximum capacity _____.
- 12. If business is a laundry or dry cleaner, number of cleaning or drying units on premises _____.
- 13. List any vending machines on the business premises by (a) type, (b) product dispensed, and (c) prices for which product(s) dispensed is sold.
- 14. Illinois sales or occupation tax number _____.

The undersigned makes the statements above on behalf of the applicant to induce the Village of Fox River Grove to issue the license herein applied for and states on behalf of the applicant that the applicant understands and agrees that compliance with all applicable laws and village ordinances is a continuing condition for the issuance of the license.

Signed this _____ day of _____, 200_____.

Signature:
Title:

Signed and sworn to before
me this _____ day of _____ 200_____

NOTARY PUBLIC

- (b) All applications for renewal of a license previously issued in connection with any of the businesses or business activities enumerated in this article shall be made in writing to the Village Clerk, on a form provided for that purpose. Said application form shall be substantially as follows:

VILLAGE OF FOX RIVER GROVE
305 ILLINOIS STREET
FOX RIVER GROVE, ILLINOIS 60021
Date:

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APPLICATION FOR RENEWAL OF LICENSE

The undersigned hereby applies to renew a license to conduct the business of _____ in the Village of Fox River Grove, for the year beginning May 1, 200____, and states, under oath, that the following facts are true:

- 1. Name under which business is conducted
2. Address of location at which business is conducted, Phone Number; Emergency Phone Number
3. Current business license number:
4. If any of the information provided in the initial application for a business license has changed or if the answer to any of the questions asked in the initial application for a business license has changed, list below the applicable paragraph of the initial application and state what the new information and/or new answer is.

PARAGRAPH NEW INFORMATION OR ANSWER

Three sets of horizontal lines for providing new information or answers.

The undersigned makes the statements above on behalf of the applicant to induce the Village of Fox River Grove to issue the license herein applied for and states on behalf of the applicant that the applicant understands and agrees that compliance with all applicable laws and Village Ordinances is a continuing condition for the issuance of the license.

Signed this _____ day of _____, 200__.

Signature: _____
Title: _____

SUBSCRIBE AND SWORN to before me this _____ day of _____, 200__.

NOTARY PUBLIC (Ord. No. 81-04, Sec. 1, 1-21-81; Ord. No. 82-15, Sec. 1, 9-15-82)

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Sec. 12-21. Contents of licenses.

All licenses issued by the Village shall bear the seal of the Village, the name of the licensee, his address, the nature or kind of business or occupation licensed, and such other material information as the Village President and Village Clerk shall prescribe.

Sec. 12-22. Signatures on licenses and permits.

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

Sec. 12-23. License fees generally.

- (a) Unless a different fee is provided or required elsewhere within the provisions of this Code or any other Ordinance of the Village, the initial fee for the issuance of a license to engage in any business trade, occupation or calling licensed by the Village of Fox River Grove shall be one hundred fifty (\$150.00) dollars per year, except that if the first application for a license to engage in a business, trade, occupation or calling is filed during the period from November 1 through April 30, the initial fee shall be seventy-five (\$75.00) dollars. Unless a different fee is provided or required elsewhere within the provisions of this Code, or any other Ordinance of the Village, the fee to renew a previously issued license to engage in any business, trade, occupation or calling, licensed by the Village of Fox River Grove shall be sixty (\$60.00) dollars per year. In the absence of a provision to the contrary, all fees and charges for licenses shall be paid in advance at the time application is made to the Village Clerk. (Ord. 97-05, 3-20-97, Ord. 01-07, Sec. 1, 3-15-2001, Ord. No. 06-30, Sec. 1, 6-15-06).

Cross references--License fees for retail sale of alcoholic liquor, Sec. 3-25; license fee for amusements generally, Sec. 4-4; license fee for circuses, Sec. 4-97; license fee for side shows and concessions operated in connection with circuses, Sec. 4-98; building permit fees, Sec. 6-37; permit fee for moving buildings, Sec. 6-77; permit fee for fireworks display, Sec. 8-24; fee for operation of foreign fire insurance company, Sec. 8-36; permit fee for sound amplifiers, Sec. 12-89; license fee for motor vehicles, Sec. 15-235; license fee for peddlers, Sec. 16-19; registration fee for solicitors, Sec. 16-47; license fee for house-to-house distribution of handbills, Sec. 16-68; permit fee for driveway construction, Sec. 18-62; permit fee for water and sewer connections, Sec. 23-143 et seq.

- (b) In addition to any other fee that may be payable to the Village, including, but not limited to, the fees provided for under Section 12-23(a) of this Code, any person issued a license which allows that person to engage in the business of a tobacconist shall pay an additional license fee of fifty dollars (\$50.00) per year. (Ord. No. 07-14, Sec. 1, 4-19-07)

Sec. 12-24. Disposition of fees.

Except as otherwise provided, all license fees shall become a part of the corporate fund.

Sec. 12-25. Reserved.

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Editor's note--Ord. No. 82-15, Sec. 3, enacted Sept. 15, 1982, repealed Sec. 12-25, relative to pro-ration of license fees.

Sec. 12-26. Term of licenses.

All annual licenses shall terminate on the last day of the fiscal year of the Village, where no provision to the contrary is made.

Sec. 12-27. Notice to renew license to be sent by Village.

The Village Clerk shall mail to all licensees of the Village a statement at the time of expiration of the license held by the licensee. If an annual license, the statement shall be mailed three (3) weeks prior to the date of such expiration. Failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from a failure to secure a new license, or renewal thereof, nor shall it be a defense in action for operation without a license.

Sec. 12-28. Village Clerk to prepare, keep application forms.

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

Sec. 12-29. Village Clerk to be custodian of applications for licenses.

The Village Clerk shall be the custodian of all applications for licenses, which, under the provisions of any Section of this Code are required to be made to him.

Sec. 12-30. Investigation of applicants.

Upon the receipt of an application for a license or permit where the provisions of this Code necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making an investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The Superintendent of Building and Zoning shall make or cause to be made an investigation in regard to such licenses in connection with the care and handling of food and the prevention of nuisances and the spread of disease, for the protection of health. The Superintendent of Building and Zoning shall make or cause to be made any such inspections relative to the construction of buildings or other structures, within ten (10) days. All other investigations except where otherwise provided shall be made by the Chief of Police or some other officer designated by the Village President. (Ord. No. 94-12, Sec. 6, 3-17-94)

Sec. 12-31. Non-transferability.

No license issued under this Article may be transferred or assigned to any other person and any attempt by a licensee to transfer or assign such license shall be a nullity.

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Sec. 12-32. Building and premises to comply with Village ordinances.

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

Sec. 12-33. Refund of fee when license is denied.

Whenever an application for a license required by this Article is not approved and the applicant has not engaged in the business or occupation for which the license was sought, the license fee paid in advance shall be refunded to the applicant.

Sec. 12-34. Prohibitions on refunds of license fees.

In no event shall any rebate or refund be made of any license fee or part thereof by reason of the death of the licensee or by reason of nonuse of such license, or by reason of a change of location or occupation of such licensee; however, the provisions of this Section shall not be construed to prevent the Village Board of Trustees from authorizing a refund of a license fee or a portion thereof, where the license fee was collected through an error.

Sec. 12-35. Change of location permitted; notice; limitations.

The location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days notice thereof is given to the Village Clerk, in the absence of any provision to the contrary, provided that the building, zoning and frontage consent requirements are complied with.

Sec. 12-36. Duty of licensee to permit Village officer on premises for inspection purposes.

Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or other Ordinance of the Village, or are reasonably necessary thereto to secure compliance with any provision of this Code or other Ordinance 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 be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such an inspection at any reasonable time that admission is requested.

Sec. 12-37. Duty of licensee to give Village officers samples of materials and commodities.

Whenever the analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or other Ordinance of the Village or to detect violations thereof, it

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shall be the duty of the licensee of the Village whose business is governed by the provision to give any authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon request.

Sec. 12-38. Grounds for Revocation and Suspension of Licenses and Permits

The Village President may revoke or suspend for a period of up to ninety (90) days, any permit or license issued by the Village on any of the following grounds:

- (a) The violation by the licensee or permittee of any of an applicable provision of Federal or State law or a provision of this Code or other Ordinance of the Village in the conduct of the business, occupation or activity for which the permit or license has been issued or the violation by the licensee or permittee of any applicable provision of Federal or State law or a provision of this Code or other Ordinance relating to the business, occupation or activity for which the license or permit has been issued.
- (b) The failure of the licensee or permittee to correct within the time specified by the Superintendent of Building and Zoning or the county health inspector, any condition existing on the premises for which a license or permit has been issued which violates (i) any provision of this Code, (ii) any provision of a code, rule or regulation adopted pursuant to Chapter 6 of this Code or (iii) any provision of Chapters 9 or 10 of this Code.
- (c) A public nuisance exists or is maintained on the premises for which the license or permit is issued or the business, occupation or activity for which the license or permit is issued is operated or conducted in a manner so as to constitute a public nuisance
- (d) A condition on the premises for which the license or permit has been issued or an activity on the premises for which a license or permit has been issued constitutes a danger to the safety or health of the public.
- (e) The licensee or permittee has failed to pay any fee, debt, service charge or other amount for which payment is due to the Village. (Ord. No. 94-20, Sec. 1, 7-20-94)

Sec. 12-39. Procedures for the Suspension and Revocation of Licenses and Permits

- (a) If the Village President determines that one or more of the grounds specified in Section 12-38 exists for the revocation or suspension of a permit or license, the Village President or Village Clerk may give notice to the licensee or permittee that the license or permit will be revoked or suspended unless the licensee or permittee makes a written request to the Village Clerk for a hearing within the time period specified in the notice. This time period shall be not less than seven (7) nor more than fourteen (14) days from the date of the notice. The notice shall be in writing and shall set forth the reason the revocation or suspension of the license or permit is being sought. If a suspension is being sought, the length of the suspension shall be specified in the notice. The notice shall either be sent by certified mail,

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return receipt requested, to the licensee or permittee at the licensee's or permittee's last known address, or shall be delivered personally to the licensee or permittee or the licensee or permittee's designated representative.

- (b) If a licensee or permittee who has received a notice of revocation or suspension pursuant to Section 12-39(a) files a written request for a hearing, then except as provided in Section 12-39(c), the license or permit shall not be suspended or revoked until a hearing is held. The hearing shall be conducted by the Village President or by a hearing officer designated by the Village President. Notice of the date, time and place of the hearing shall be given to the licensee or permittee by certified mail, return receipt requested or by personal delivery at the last known address of the licensee or permittee or the licensee's or permittee's designated representative at least three (3) days prior to the date set for the hearing. At the hearing, the licensee or permittee may be represented by an attorney and shall have the right to submit evidence and to cross-examine any witnesses. If the hearing is conducted by a hearing officer designated by the Village President, the hearing officer shall make a report summarizing the evidence to the Village President. The Village President shall, following the hearing, and the receipt of the hearing officer's report, if any, issue a decision as to whether the license or permit should be revoked or suspended.
- (c) If the Village President determines that the continued operation of a business, occupation or activity for which a permit or license has been issued constitutes an immediate danger to the public health or safety, or if the Village President determines that unless the license or permit is suspended, it is more probable, than not, that a further violation of Section 12-38(a), (c) or (d) will occur prior to the time the hearing provided for in Section 12-39(b) can be held, then the Village President may order that the license or permit be suspended pending the hearing provided for in Section 12-39(b). If the Village President determines that an immediate suspension of a business license or permit is warranted pursuant to this Section, the notice to the licensee or permittee of the suspension shall state the basis for the Village President's finding that immediate suspension is warranted. Any licensee or permittee whose license or permit is suspended pending a hearing pursuant to this Section 12-39(c), shall have the right to require that the hearing provided for in Section 12-39(b) be held within seven (7) days by delivering a written demand for an expedited hearing to the Village Clerk. If a written demand for an expedited hearing is delivered to the Village Clerk, the hearing provided for in Section 12-39(b) shall be held within not less than seven (7) days after the date the demand is received by the Village Clerk.
- (d) If following a hearing provided for in Section 12-39(b), the Village President determines that the license or permit should be revoked or suspended, the licensee or permittee may request that the Board of Trustees reverse or modify the suspension or revocation by filing a written request with the Village Clerk within ten (10) days after the day the Village President issued the decision revoking or suspending the permit or license. The Village Board may thereafter after an appropriate motion is made and seconded, consider whether to reverse or modify the decision to suspend or revoke the license or permit, provided that any motion providing for the reversal or modification of a decision by the Village President to suspend or revoke a

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license or permit must be approved by an affirmative vote of two-thirds of all Trustees holding office to be passed. (Ord. No. 94-20, Sec. 2, 7-20-94)

Sec. 12-40. Duty of licensee relative to streets and sidewalks abutting his business.

It shall be unlawful for any person licensed to engage in any business or occupation on premises abutting a public way or for any person using any part of a public way for or in connection with his business or occupation to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting said premises or on and about that portion of the public way so used. It shall also be the duty of the licensee to remove the snow and ice from the sidewalk in front of his premises.

Sec. 12-41. Posting license.

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

Sec. 12-42. Affixing tags to vehicles.

Whenever the number of vehicles used is a basis of a license fee, the Village Clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the licensee, and such tag or sticker shall be posted in a conspicuous place on each such vehicle while it is in use.

Sec. 12-43. Effect of Suspension or Revocation of License or Permit.

It shall be unlawful for any person to operate a business or engage in an occupation or activity for which a license or permit is required under this Code, where the license or permit that has been issued to such person has been suspended or revoked pursuant to Sections 12-38 and 12-39 of this Code. In addition to any other penalty provided for under this Code, any person who violates the provisions of this Section 12-43 shall be ineligible to receive a license or permit from the Village for a period of twelve (12) months after the violation occurs. (Ord. No. 94-20, Sec. 3, 7-20-94)

Secs. 12-44. Other Licenses and Permits Required.

No license to operate or maintain a business or to engage in any business activity shall be issued by the Village unless the applicant provides proof that the applicant has obtained or is in the process of applying for any and all permits and licenses which must be issued by another unit of local government or by a unit of the Federal or State government in order for the applicant to be able to lawfully operate or maintain the business or engage in the business activity within the Village. No person shall operate or maintain a business or engage in a business activity for which a Village license is required, unless such person shall have first obtained any and all other licenses and permits which the person is required to obtain from another unit of local government or a unit of the federal or state government in order to be able to lawfully operate or maintain the business or engage in the business activity within the Village. (Ord. No. 97-23, Sec. 1, 7-17-97)

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Secs. 12-45--12-52. Reserved.

ARTICLE III. MOTOR COURTS*

Sec. 12-53. Defined.

The term "motor court" as used in this Article shall be construed to mean any structure where transient sleeping accommodations are afforded or provided to the public and where a parking lot or garage is located on the same premises for parking of the occupants' motor vehicles; provided that a hotel which furnishes parking space or has a garage in connection with the hotel shall not be construed as a motor court. (Code 1958, Sec. 14.101)

Sec. 12-54. License required; compliance with article.

It shall be unlawful to conduct or operate a motor court in the Village without having first obtained a license therefor and complying with all of the provisions of this Article. (Code 1958, Sec. 14.101)

Sec. 12-55. Application for license; contents.

Each applicant for a license required by this Article shall file an application with the Village Clerk, and shall state thereon the name and address of the applicant, the name and address of the owner or manager of the motor court, the location of the motor court, and the maximum number of persons and vehicles to be accommodated. This application shall be accompanied by plans of the toilet, bath and wash basin facilities, slop sinks, water faucets, sewer connections, driveways and other improvements. (Code 1958, Sec. 14.102)

Sec. 12-56. Reserved.

Editor's note--Section 12-56, derived from Code 1958, Sec. 14.104, specifying the fee for a license to conduct or operate motor courts, was repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 12-57. Proximity of parking to vehicles.

No parking space shall be provided for motor vehicles within ten (10) feet of any building or structure used for housing accommodation in a motor court unless the wall facing such parking space is constructed of fireproof materials and unless the windows in such wall, if any, are equipped with reinforced fire resistant glass. (Code 1958, Sec. 14.103)

Sec. 12-58. Condoning violations; sanitation and cleanliness of premises; inspections.

It shall be unlawful to permit any violation of any Ordinance or law on or in any motor court. Such

* State law reference--Authority of Village to regulate public sleeping accommodations, 65 ILCS 5/11-30-5 et. seq.

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premises must be kept clean and sanitary at all times, and all waste material must be removed therefrom at least once every twenty-four (24) hours. The Chief of Police shall inspect or cause to be inspected each motor court to see to the compliance with the provisions of this Article. (Code 1958, Sec. 14.106)

Sec. 12-59. Sanitary facilities.

No premises shall be operated as a motor court unless it is equipped with adequate toilet and other sanitary facilities to serve the total number of persons accommodated therein. All such sanitary facilities shall be properly connected with the sanitary sewer system of the Village if the premises are located on a street served by a sewer. (Code 1958, Sec. 14.105)

Sec. 12-60. Lighting requirements.

Any area or premises of a motor court open to use by the public or by all persons staying in or being accommodated in the motor court shall be kept adequately lighted at nighttime; provided that such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises. (Code 1958, Sec. 14.107)

Sec. 12-61. Use for trailers.

It shall be unlawful to use or permit the use of a motor court for the accommodation of a trailer unless all provisions of this Code and other Ordinances of the Village pertaining to trailer camps are complied with. Where a license fee for a trailer camp has been paid, it shall not be necessary to pay an additional fee for the operation of a motor court on the same premises. (Code 1958, Sec. 14.108)

Sec. 12-62. Use for immoral purposes.

It shall be unlawful for any person to use or permit the use of any motor court or any portion thereof for immoral purposes. (Code 1958, Sec. 14.106)

Secs. 12-63--12-72. Reserved.

ARTICLE IV. JUNK DEALERS*

Sec. 12-73. License required.

It shall be unlawful to operate or carry on the business of junk dealer or to keep a junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, or

* State law reference--Authority of Village to license, tax, locate and regulate all dealers in junk and secondhand goods, 65 ILCS 5/ 11-42-3.

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empty bottles, without having obtained a license therefor. (Code 1958, Sec. 14.401)

Sec. 12-74. Reserved.

Editor's note-Ord. No. 82-15, enacted Sept. 15, 1982, repealed Sec. 12-74, derived from Code 1958, Sec. 14.403, specifying the license fee for junk dealers.

Sec. 12-75. Stolen and lost goods; examination by police.

Every dealer in junk who shall receive or be in possession of any goods, articles, or things which may have been lost or stolen shall upon demand surrender such article or thing to any member of the Police Department asking to examine the same. (Code 1958, Sec. 14.404)

Sec. 12-76. Vehicles to be marked.

Each vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof. (Code 1958, Sec. 14.405)

Secs. 12-77--12-86. Reserved.

ARTICLE V. SOUND AMPLIFIERS

Sec. 12-87. Certain activities exempted from article.

This Article shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such manner as not to be audible at a distance of fifty (50) feet from such vehicle, nor to noise devices, bands, or other musical devices used in any public parade or procession which is operated under a permit issued by the Village. (Code 1958, Sec. 27.505)

Sec. 12-88. Permit required.

It shall be unlawful to maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place without having first secured a permit therefor. It shall be unlawful for any person to maintain or operate any loudspeaker or amplifier connection connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place for which a permit has been issued in violation of any of the conditions contained or applicable to the permit. Any person who violates any of the terms or provisions of this Article shall, upon conviction, be subject to a fine or not less than two hundred fifty (\$250.00) dollars, nor more than seven hundred fifty (\$750.00) dollars for each offense. Each separate two (2) hour period during which a violation occurs shall constitute a separate offense. (Code 1958, Sec. 27.501, Ord. No. 07-10, Sec. 9, 4-19-07)

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Sec. 12-89. Permit fees.

The fees for a permit to be granted under this Article shall be as follows:

- (1) For the use or operation of any radio receiving set, talking machine, amplifier, or other similar device to be operated from a fixed location and not in a moving vehicle the fee shall be one hundred twenty-five (\$125.00) dollars per day or part thereof, provided that the owner or operator of a restaurant or tavern which has been issued a special use permit allowing the restaurant or tavern to have an outdoor seating area may obtain a permit that covers a calendar year upon payment of a fee of two hundred fifty (\$250.00) dollars per year or part thereof.
- (2) For the use or operation of any radio receiving set, talking machine, amplifier, or other similar device to be used in a moving vehicle along the streets the fee shall be fifty (\$50.00) dollars per day or part thereof. (Code 1958, Sec. 27.502, Ord. No. 2003-05, Sec. 1, 2-20-03, Ord. No. 07-10, Sec. 10, 4-19-07)

Sec. 12-90. Application for permit; contents; fee.

Any person desiring a permit required by this Article shall file an application therefor with the Village Clerk, upon a form provided by him, setting forth the name and address of the applicant, the name of the owner of the device, the date upon which it is intended to be used, and such other information as may be prescribed, together with the permit fee required by section 12-89. (Code 1958, Sec. 27.503; Ord. No. 79-12, Sec. 1, 4-18-79)

Sec. 12-91. Issuance of permit; conditions of permit.

A permit required by this Article shall be issued jointly by both the Chief of Police and Village Administrator, and shall permit the use of any such device subject to the terms and conditions of this Article, only upon the date specified on such permit and no other. (Ord. No. 98-27, Sec. 1, 7-16-98)

Sec. 12-92. Hours and place of use restricted.

No person shall use or operate or employ any device for which a permit has been issued under this Article within the Village limits except on Sundays during the daylight hours or between the hours of 8:00 a.m. and 10:00 p.m. prevailing time of day on days other than Sunday; and no licensee shall use, operate or employ any such device within a radius of two (2) blocks from any hospital or within the radius of two (2) blocks from any church while funeral services are being held there. (Code 1958, Sec. 27.505; Ord. No. 79-12, Sec. 3, 4-18-79)

Sec. 12-93. Indecent language; false advertising.

No person shall cause or permit to be emanated or emitted from any device regulated by this Article any lewd, obscene, profane, or indecent language or sounds, or any false representation of any

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matter, product or project advertised thereby the sale of which is prohibited by this Code or Statute. (Code 1958, Sec. 27.505)

Secs. 12-94--12-103. Reserved.

ARTICLE VI. DRY CLEANING MACHINES

Sec. 12-104. Defined.

For the purposes of this Article, the term "automatic dry cleaning machine" shall mean any device or apparatus for the cleaning of clothes or fabrics, and designed to be used or operated by any person other than the owner, or an employee of the owner thereof, which machine or device makes use of or contains perchlorethylene or any other chemical solvent or substance which may cause harm to human beings by reason of inhalation or contact. (Ord. of 9-11-61, Sec. 2)

Sec. 12-105. Compliance with article and state law.

It shall be unlawful to install, operate or maintain any automatic dry cleaning machine, except in compliance with the provisions of this Article and any laws, rules, or regulations of the State Department of Public Health relating thereto. (Ord. of 9-11-61, Sec. 1)

Sec. 12-106. Permit required.

It shall be unlawful to install any automatic dry cleaning machine without first having secured a permit therefor. (Ord. of 9-11-61, Sec. 3)

Sec. 12-107. Application for permit; contents.

Application for a permit required by this Article shall contain full information as to the mechanical equipment of the automatic dry cleaning machine and provisions for ventilation for both the machine and the room in which the machine will be located. (Ord. of 9-11-61, Sec. 3)

Sec. 12-108. Reserved.

Editor's note--Section 12-108, specifying a permit fee for automatic dry cleaning machines, derived from Ord. of Sept. 11, 1961, Sec. 3, was repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 12-109. Installation and design requirements.

- (a) Each automatic dry cleaning machine shall be completely enclosed by a cabinet and shall be vented with intake at the top and the outlet at or near the bottom of such machine. Groups of machines may be entirely enclosed or supported on all open sides by an enclosure topped with a hood vented as provided for each individual machine.

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- (b) The exhaust system of each dry cleaning machine must maintain a minimum flow of one hundred (100) cubic feet per minute face velocity through the loading door, whenever the door is open.
- (c) The discharge stack for all automatic dry cleaning machines and for the room in which the machines are located shall extend at least two (2) feet above the level of any window which can be opened and is located within fifty (50) feet of an outlet of the stack, and shall be at least fifty (50) feet away from any fresh air intake leading to any premises.
- (d) The automatic dry cleaning machines must be so constructed as to prevent the loading door from being opened during the normal cycle of operation. Each machine shall be equipped with a transparent door or port to allow visual examination of the status of the cleaning cycle.
- (e) Any connection of such machine with the water supply system must be equipped with an air gap or vacuum breaker in the line upstream from the condenser with no control valves downstream from such gap or breaker. Wastewater shall be discharged through an air gap. (Ord. of 9-11-61, Sec. 4)
- (f) The room in which an automatic dry cleaning machine is installed shall be ventilated so that there shall be a minimum flow of air per machine from the area to which the public is admitted, of at least five hundred (500) cubic feet per minute in a room where there are no more than three (3) machines installed; four hundred (400) cubic feet per minute where there are no more than eight (8) machines installed; three hundred seventy-five (375) cubic feet per minute where there are no more than sixteen (16) machines installed; and three hundred sixty (360) cubic feet per minute where there are more than seventeen (17) machines installed. For this purpose each cleaning cell shall be considered as one (1) machine.
- (g) Each machine must be so designed and constructed as to prevent the leakage of liquids, gas or vapors. (Ord. of 9-11-61, Sec. 4)

Sec. 12-110. Operation regulations.

No automatic dry cleaning machine shall be operated unless all the equipment described in Section 12-109 is properly installed and in good operating working condition. (Ord. of 9-11-61, Sec. 5)

Sec. 12-111. Attendant to be on duty.

No establishment for which a license is required under this Article shall be open for business, and it shall be unlawful to admit the public or customers into the room where such machines are located unless there is on duty in the establishment at all times a competent person in charge of the establishment, and in charge of the operation of such machines. (Ord. of 9-11-61, Sec. 5)

Sec. 12-112. Disposal of residuary wastes.

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It shall be unlawful to permit any residue containing dry cleaning solvent to flow into the sewer system of the Village. Tightly covered metal containers may be used for temporary storage of such waste outside the building. Such containers shall bear labels indicating the contents and dangers involved in handling, and shall be locked if in an unenclosed place. (Ord. of 9-11-61, Sec. 5)

Sec. 12-113. Warning signs to be posted to advise of dangers of leakage.

There shall be warning signs posted in all premises licensed under this Article, in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapor occurs. (Ord. of 9-11-61, Sec. 5)

Sec. 12-114. Address and phone number of owner and service agency to be posted.

At least one legible sign shall be maintained in each premises licensed under this Article, in a place available to customers giving the name, address and phone number of the owner of the establishment, and of the service department or agency responsible for the proper maintenance of the machines. (Ord. of 9-11-61, Sec. 5)

Sec. 12-115. Inspections.

It shall be the duty of the Village President to cause such inspections to be made as are necessary to see to the enforcement of the provisions of this Article. (Ord. of 9-11-61, Sec. 6)

ARTICLE VII. MASSAGE ESTABLISHMENTS*

Sec. 12-116. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Employee means any person over eighteen (18) years of age, other than a massage therapist, who renders any service in connection with the operation of a massage establishment and receives compensation from the owner or operator of the establishment or patrons.

Massage means a system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands.

* Ord. 94-21, 7-20-94

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Massage also includes the term “massage therapy.” “Massage” under this Section does not include the diagnosis of a specific pathology, or those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as described in this Section.

Massage therapist means any person who engages in the practice of massage as herein defined and who is licensed by the State of Illinois to engage in the practice of massage. Massage therapist also includes the term “masseur.” The use of the masculine gender shall include in all cases the feminine gender as well.

Patron means any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give other consideration for such service.

Sec. 12-117. Business license required.

No person, firm or corporation shall engage in or carry on the business of massage or otherwise provide a massage in return for compensation in the Village of Fox River Grove without first obtaining a massage business license issued by the Village pursuant to the provisions of this Article for each and every premises used for the business of conducting a massage business or otherwise providing massages for compensation by such person. The applicant for such a business license must be at least eighteen (18) years of age.

Sec. 12-118. Masseur's license required.

No person shall provide a massage to another person on any premises for which a business license has been issued or is required under Section 12-117 unless he or she has a valid, current and active massage therapist license issued to him or her by the State of Illinois pursuant to the Illinois Massage Licensing Act, 225 ILCS 57/1 et seq. Persons engaged in the following professions and occupations are exempt from the provisions of this Section:

- (a) A person licensed under any other Act in the State of Illinois engaging in the practice for which he or she is licensed.
- (b) Physicians, podiatrists, naprapaths, and physical therapists.
- (c) Qualified members of other professional groups, including but not limited to nurses, occupational therapists, cosmetologists, barbers and estheticians performing massage in a manner consistent with their training and the code of ethics of their respective professions.
- (d) Practitioners that do not provide intentional soft tissue manipulation, including but not limited to practitioners of the Alexander Technique, Feldenkrais, Reike and Therapeutic Touch.
- (e) Students of an approved massage school or program who perform massage, provided that the

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student does not hold himself or herself out as a licensed massage therapist and does not charge a fee for massage therapy services.

- (f) Practitioners of certain service marked bodywork approaches that do involve intentional soft tissue manipulation, including but not limited to Rolfing, Trager Approach, Polarity Therapy and Orthobionomy, if they are approved by their governing body based on a minimum level of training, demonstration of competency and adherence to ethical standards.
- (g) Practitioners of Asian bodywork approaches if they are members of the American Organization of Bodywork Therapies of Asia as certified practitioners or if they are approved by an Asian bodywork organization based on a minimum level of training, demonstration of competency, and adherence to ethical standards set by their governing body.
- (h) Practitioners of other forms of bodywork, such as reflexology, who restrict manipulation of soft tissue to the feet, hands and ears and who do not have the client disrobe.
- (i) Massage therapists from other states or countries when providing educational programs or services for a period not exceeding thirty (30) days within a calendar year.
- (j) A person who treats ailments by spiritual means through prayer alone in accordance with tenets and practices of a recognized church or religious denomination.

Sec. 12-119. Application for massage business license.

- (a) An application for a massage business license shall be filed with the Village Clerk. The application shall be made upon a form provided by the Village Clerk and shall be completed in full and signed by the applicant, if an individual, or by a duly authorized agent thereof, if not an individual, verified by oath or affidavit, and shall set forth:
 - 1. The type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise.
 - 2. The name under which the business is to be conducted.
 - 3. The location and description of the premises or place of business which is to be operated under such license.
 - (a) If a leased premises, a copy of the lease shall be provided. The term of such lease must not end until after the expiration date of the license for which application is being made.
 - (b) The name and address of the owner(s) of the premises, and, if said premises is held in trust, the names and addresses of all the owners of the beneficial

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interest of the trust.

4. In the case of an individual, the full name, home address with zip code, social security number, date of birth, sex and a physical description of the applicant, including height, weight, color of hair and eyes.
5. In the case of a partnership, the full name, home address with zip code, social security number, date of birth, sex and a physical description including height, weight, color of hair and eyes of all partners and any other persons entitled to share in the profits thereof.
6. In the case of a corporation, the object for which organized, the names, home addresses with zip codes, date of birth, social security number, sex and a physical description including height, weight, color of hair and eyes of all officers, directors, and all persons owning directly or beneficially more than ten percent (10%) of the stock of such corporation and the persons acting as managers or assistant managers or other persons principally in charge of the operation of the business.
7. The date of formation of the partnership, if a partnership, the date of incorporation, if an Illinois corporation, or the date of becoming qualified under the Illinois Business Corporation Act, 805 ILCS 5/1/01 et. seq., to transact business in Illinois if a foreign corporation.
8. A complete list of the names and residence addresses of all massage therapists and employees employed by the business and the name and addresses of all managers, assistant managers or other persons principally in charge of the operation of the business.
9. The business, occupation, employment of applicant, if an individual, for three (3) years preceding the date of application.
10. Whether applicant ever made an application for a license under this Article, or a massage business license or similar license to a state or county, city, village or other unit of local government, and if so, where and when, and if such application was granted or denied, and if such application was denied, the reasons for the denial.
11. Whether a license was ever issued to the applicant under this Article or a massage business license or similar license was ever issued by any state or county, city or village or other unit of local government, and if so, where and when, and if such license has ever been suspended or revoked and the reasons for the suspension or revocation.
12. 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 which regulates the

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business of providing massage, or any Illinois Statute regulating massage establishments or massage therapists.

13. Whether the applicant has ever been convicted of the commission of a felony under the law of this State, or any other state, or under the laws of the United States.
- (b) The applicant shall submit a complete set of fingerprints with the application. All such fingerprinting shall be done by the Village of Fox River Grove Police Department. Said fingerprints shall be submitted to the appropriate State and/or Federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant in addition to any application or license fee.
- (c) The applicant shall submit a written authorization for the Village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for a license.
- (d) The applicant shall submit such other information, documentation, and identification as the Village Clerk and/or the Chief of Police shall deem necessary to determine the identity of the applicant or to process the application.

Sec. 12-120. Issuance and denial of massage business license

Upon receipt of a properly completed application for a massage business license, the Village Clerk shall submit the completed application to the Chief of Police for evaluation. Upon receiving the application for a massage business license, the Chief of Police shall conduct an investigation into applicant's moral character and personal and criminal history.

The Chief of Police shall cause the premises to be licensed to be inspected by or on behalf of the Superintendent of Building and Zoning to assure that the proposed operation complies with all applicable laws, including building, electrical, plumbing, health, housing, zoning, and fire codes of the Village and any other regulations of the Village relating to the public health, safety and welfare.

The Chief of Police shall either issue a license, or notify the applicant in writing that the application has been denied. The license shall be denied if the applicant fails to comply with the requirements of this Article or with the requirements of any other provision of this Code which is applicable to the business and/or activities of the applicant. In addition, no license shall be issued to any applicant if:

- (1) The proposed operation does not comply with all applicable laws, including but not limited to, building, electrical, plumbing, health, housing, zoning and fire codes of the Village; or
- (2) The applicant, if an individual; or any of the officers, directors, any person owning directly or beneficially more than ten percent (10%) of the stock of the corporation, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager, assistant manager or any other person principally in charge of

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the operation of the business, has been:

- a. convicted of a felony under the laws of the State of Illinois or any other state, or under the Federal laws of the United States, within five (5) years of the date of the application; or
- b. convicted of a sex offense as defined in 720 ILCS 5/11, or any equivalent law of any state within five (5) years of the date of the application; or
- c. the applicant has been convicted of a violation of any provision of this Article; or
- d. the applicant has had a massage business license denied, suspended or revoked by the Village, by a state or by unit of local government or a massage therapist license denied, suspended or revoked by the State of Illinois or a foreign state, within five (5) years of the date of the application; or
- e. the applicant has been convicted of a violation of an ordinance of any other Illinois municipality regulating the business or providing massages; or
- f. the applicant has been convicted of any other criminal offense involving dishonesty, fraud, deceit or moral turpitude within five (5) years of the date of the application; or
- g. the applicant has knowingly made false, misleading or fraudulent statements of fact in the license application or in any document required by the Village in conjunction with the license application.

In the event that the license is denied for failure to comply with the requirements of this Article, the Police Chief shall immediately notify the applicant in writing of the reasons for the denial. If the failure is not cured within ten (10) days after the date on which the Police Chief denies the issuance of said license, the application shall be null and void.

Sec. 12-121. License fee.

The annual license fee for a massage business license shall be one hundred (\$100.00) dollars. All applicable license fees and any other required fees shall be paid prior to the issuance of a license.

Sec. 12-122. Display of license.

The massage business license and the State of Illinois license of each and every massage therapist employed in the establishment shall be displayed in an open and conspicuous place of the premises for which the massage business license has been issued.

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Sec. 12-123. Sanitation and safety requirements.

All licensed premises shall be periodically inspected by the Superintendent of Building and Zoning or his duly authorized representative for safety of the structure and adequacy of plumbing, ventilation, heating, illumination, and fire protection. In addition, the premises shall comply with the following regulations:

- (1) The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given;
- (2) Floors shall be free from any accumulation of dust, dirt or refuse;
- (3) All equipment used in the massage operation shall be maintained in a clean and sanitary condition;
- (4) Soap, towels and laundered sheets must be provided and all such towels, linen and items for personal use of operators and patrons shall be clean and freshly laundered;
- (5) Towels, cloths and sheets shall not be used for more than one patron; provided, however, heavy white paper may be substituted for sheets provided that such paper is changed for every patron.
- (6) All massage services or practices are prohibited in any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked.
- (7) All massage therapists shall wear clean and suitable outer garments whose use are restricted to the massage establishment, and must wear on such outer garments, at all times during operation, identification name plates with the massage therapist license number provided by the State of Illinois; and
- (8) Separate toilets, dressing room facilities, lockers, steam baths, tubs and showers shall be provided for each sex whenever there is more than one massage therapist providing massages on the premises at the same time or where the primary business conducted on the premises is providing massages in return for compensation.

Sec. 12-124. Conditions and restrictions of license.

- (a) **Supervision.** A licensee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one (1) person who has a valid, current and active Illinois massage therapist license on the premises at all times when the premises are open for the providing of massages. The licensee shall personally supervise the business or, if the licensee is not a natural person, designate a manager who shall supervise the business. The licensee shall not violate, or permit others to violate, any

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applicable provisions of this Article or fail to take any action which indicates that the licensee condones a violation of this Article. The violation of any provisions of this Article by any agent or employee of the licensee or any massage therapist providing services on the licensed premises shall constitute a violation by the licensee.

- (b) Separate License for Each Premise. Licenses apply only to the premises described in the application, and in the license issued thereon, and only one (1) location shall be so described in each license.

Sec. 12-125. Prohibited acts and conditions.

- (a) A patron's sexual or genital area, including the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female, must be covered by towels, cloths or undergarments when in the presence of a massage therapist or employee.
- (b) It shall be unlawful for any person, on any premises for which a business license has been issued or is required under Section 12-117 to knowingly or intentionally place his or her hand upon the genital area of another person, to touch the genital area of another person with any part of his or her body, to fondle genital area of another person in any manner, or to massage the genital area of another person.
- (c) No massage therapist or employee shall perform, offer or agree to perform any act which would require the touching of the patron's genital area.
- (d) No massage therapist shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption; unless a physician duly licensed by the State of Illinois certifies in writing that such person may be safely massaged prescribing the conditions thereof.

Sec. 12-126. Revocation of license.

Any massage business license issued under this Article shall be subject to revocation pursuant to the provisions of Sec. 12-38 and 12-39 of the Code of Ordinances of the Village of Fox River Grove. If a massage business license is revoked for any cause, no massage business license shall be granted to any person for a period of one (1) year after the date of the revocation that will allow a massage business to be operated on the premises described in the revoked license unless the revocation order has been vacated. (Ord. No. 97-15, Sec. 1, 6, 6-19-97)

Sec. 12-127. Enforcement.

The Police Department, under the direction of the Chief of Police, shall have the duty to enforce the provisions of this Article.

Sec. 12-128. Exemptions.

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The provisions of this Article shall not apply to hospitals or sanitariums. No provisions contained in this Article shall be construed to apply to any business or conduct regulated by the provisions of the Illinois Physical Therapy Registration Act, 225 ILCS 90/1 et. seq.

Sec. 12-129. Penalties.

Any person, firm or corporation found guilty of violating any provisions of this Article shall be fined not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The license of any person found guilty of violating any provision of this Article shall be revoked. (Ord. No. 06-13, Sec. 1, 4-20-06)

ARTICLE VIII. PARKING LOTS

Sec. 12-131. Defined.

For the purpose of this Article, the term Aparking lot≡ shall mean any place maintained for the outdoor parking of cars, excepting on a street, alley, or property owned by a unit of local government. The term Aparking lot≡ as herein used does not include private parking lots operated for the sole use of the owner, his/her employees, agents, and customers. The term Aparking lot≡ also does not include any parking lot that is designed or intended primarily to provide parking for commuters or to a parking lot which is owned or operated by a unit of local government.

Sec. 12-132. Application.

The regulations contained herein shall apply only where the owner of a parking lot charges a separate fee for the right or privilege of parking a motor vehicle. These regulations shall not apply where the owner of a parking lot is renting spaces to individuals in connection with the lease of other premises owned by the same owner and such rental is incorporated into the lease of such other premises.

Sec. 12-133. License and Fee Required.

It shall be unlawful to operate a parking lot without first having obtained a parking lot operator's license. Application for a parking lot operator's license shall be made in writing to the Village Clerk and shall contain all necessary information as to the size and number of motor vehicles to be accommodated, as well as a statement of any services other than parking offered to patrons of the parking lot.

The annual fee for a parking lot operator's license shall be two hundred (\$200.00) dollars per year.

Sec. 12-134. Regulations.

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No parking lot shall be established or operated in any place where such establishment or operation would be in violation of any provision of the Zoning Ordinance of the Village of Fox River Grove or any other applicable law, ordinance, rule or regulation. The surface of the parking lot shall be paved or graveled. If the parking lot has a gravel surface, it shall be re-graveled at least every six (6) months. The parking lot shall at all times be kept clean and free from dust and refuse.

Sec. 12-135. Landscaping.

Where the perimeter of a parking lot abuts a public street or other public right-of-way, a three (3') foot strip adjacent to each such public street or public right-of-way shall be landscaped with vegetation, including but not limited to, grass, groundcover, trees, and/or bushes. Trees shall be planted in accordance with Sections 21-17, 21-18 and 21-20 of this Code of Ordinances.

Sec. 12-136. Condition of Vehicles.

It shall be unlawful to park or permit the parking, in any parking lot, any motor vehicle which is not operable. It shall be unlawful to park or permit the parking in any parking lot of any abandoned, junked or partially disabled motor vehicle. It shall be unlawful to use any parking lot for storage of any motor vehicle for the purpose of displaying the motor vehicle for sale, or to use any parking lot or portion thereof as a motor vehicle repair shop. (Ord. No. 97-14, Sec. 1, 6-19-97)

Sec. 12-137-139. Reserved.

ARTICLE IX. CABLE/VIDEO SERVICE PROVIDER FEE

Sec. 12-140. Definitions.

As used in this Article, the following terms shall have the following meanings:

- (a) "Cable service" means that term as defined in 47 U.S.C. § 522(6).
- (b) "Commission" means the Illinois Commerce Commission.
- (c) "Gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village of Fox River Grove.

(1) Gross revenues shall include the following:

- (i) Recurring charges for cable or video service.
- (ii) Event-based charges for cable service or video service, including, but not

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limited to, pay-per-view and video-on-demand charges.

- (iii) Rental of set top boxes and other cable service or video service equipment.
 - (iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
 - (v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
 - (vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
 - (vii) A *pro rata* portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village of Fox River Grove. The allocation shall be based on the number of subscribers in the Village of Fox River Grove divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
 - (viii) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to Subsection (ix).
 - (ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
 - (x) The service provider fee permitted by 220 ILCS 5/21-801(b).
- (2) Gross revenues do not include any of the following:
- (i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

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- (ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit or discount is attributable to cable service or video service.
 - (iii) Regardless of whether the services are bundled, packaged or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service nonvideo service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards or orders.
 - (iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village of Fox River Grove and pay the fee permitted by 220 ILCS 5-21/801(b) with respect to the service.
 - (v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, Federal or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
 - (vi) Security deposits collected from subscribers.
 - (vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.
- (d) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.
 - (e) "Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received

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authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

- (f) “Service provider fee” means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to the Village of Fox River Grove for the service areas within its territorial jurisdiction.
- (g) “Video service” means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

Sec. 12-141. Cable/Video Service Provider Fee Imposed.

- (a) Fee Imposed. A fee is hereby imposed on any holder providing cable service or video service in the Village of Fox River Grove.
- (b) Amount of Fee. The amount of the fee imposed hereby shall be five (5%) percent of the holder’s gross revenues.
- (c) Notice to the Village of Fox River Grove. The holder shall notify the Village of Fox River Grove at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the Village of Fox River Grove.
- (d) Holder’s Liability. The holder shall be liable for and pay the service provider fee to the Village of Fox River Grove. The holder’s liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder’s application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village of Fox River Grove.
- (e) Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- (f) Exemption. The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village of Fox River Grove in which a fee is paid.

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- (g) Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 12-141(b).

Sec. 12-142. Applicable Principles.

All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

Sec. 12-143. No Impact on Other Taxes Due from Holder.

Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village of Fox River Grove, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village of Fox River Grove's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unity of government's 911 or E911 fees, taxes or charges.

Sec. 12-144. Audits of Cable/Video Service Provider.

- (a) Audit Requirement. The Village of Fox River Grove will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village of Fox River Grove imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recomputed any amounts determined to be payable under the requirements of the Village of Fox River Grove. If all local franchises between the Village of Fox river Grove and cable operator terminate, the audit requirements shall be those adopted by the Village of Fox River Grove pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* No acceptance of amounts remitted should be construed as an accord that the amounts are correct.
- (b) Additional Payments. Any additional amount due after an audit shall be paid within thirty (30) days after the municipality's submission of an invoice for the sum.

Sec. 12-145. Late Fees/Payments.

All fees due and payments which are past due shall be governed by Article VII of Chapter 20 of this Code and such other ordinances as may be adopted by the Village of Fox River Grove pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* (Ord. No.

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07-33, Sec. 2, 10-18-07)

Sec. 12-146. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. No. 07-33, Sec. 4, 10-18-07)