

**TITLE 4
BUSINESS REGULATIONS**

**CHAPTER 1
GENERAL BUSINESS LICENSE REGULATIONS**

4-1-1: DEFINITIONS:

Unless specifically defined otherwise within this chapter, the following words and terms when used in this chapter shall be construed as herein defined:

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building.

AMUSEMENT: Any theatrical, dramatic, musical or spectacular performance, motion picture show, circus, rodeo, animal act, athletic contest, sport, coin operated music box, jukebox, games of skill, golf practice, gun ranges or similar exhibition, and includes, without being limited thereto, poultry, animal and flower shows, skating, dancing, swimming, racing or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, bowling, billiard and pool games, and any other exhibition, performance and entertainment not herein named, shown, exhibited or staged within the corporate limits of the village and for which an admission charge is made.

COMMERCIAL ESTABLISHMENT: Shall include the following activities of commerce or commercial activities located in the village:

A. Food Establishment: A building or premises or a portion thereof, the principal use of which is for the sale or dispensing or distribution or storage of food or foodstuff off the premises and out of the building.

B. Food Service Establishment: Any place where food that is intended for individual service and consumption is routinely provided completely prepared. The term includes any such place, regardless of whether consumption is in, on or off the premises, and regardless of whether there is a charge for the food. The term shall include bakeries and ice cream parlors. The term does not include a private home where food is prepared for individual family consumption, and it does not include a retail food store that does not cook or combine ready to eat potentially hazardous foods for human consumption.

C. Occasional Food Service Establishment: Any food service establishment which operates with no regularity or for a limited period of time and is operated by a charitable, religious, educational, municipal or other not for profit organizations and operated not for profit but purely for social purposes or organizational fund raising only and the food is prepared and served by voluntary personnel from the

membership of or affiliated with the charitable, religious, educational, Municipal or other not for profit organization.

D. "Service establishment" is a building or premises or a portion thereof, the principal use of which is for the rendering of personal or material services for profit, the wholesale distribution or storage of material goods or chattels, the sale or servicing or storage of motor equipment, the washing or cleaning or dyeing or repair of fabrics or wearing apparel or footwear on the premises, the storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment, the storage or distribution of fuels or petroleum products, the services of printing or blueprinting or photocopying or multi-lithing or publishing or duplicating or similar reproduction services, the provision of facilities for instruction or training or participating in or presentation of the fine arts, or athletic skills or dexterity or physical skills or dexterity.

E. "Retail service establishment" shall mean a retail store not licensed as a food business, but whose activities may consist of buying, selling, storing, handling or dealing in one or more of a variety of goods including, but not limited to, packaged food, tobacco, paint, wallpaper, hardware, furniture, dry goods, clothing, shoes, fabrics, floor coverings, flowers and plants, toys, pottery, gifts, pictures, electrical goods, jewelry, automobile and truck parts, cycles, books and newspapers.

F. "Temporary food service establishment" means any food service establishment which is operated by a person for profit and not by a charitable, religious, educational, Municipal or other not-for-profit organization, and which has no permanent location and operates for only a specified period of time at certain locations (i.e., carnivals, fairs, public displays, exhibitions, etc.)

OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

SERVICE ACCOMMODATION: The seating place where one patron or customer to be served can be seated or, in lieu of seating space, two (2) lineal feet of counter space or two (2) square feet of floor space which may be used or occupied by one patron or customer to be served while standing or sitting.

MOBILE FOOD UNIT: Any food service establishment or vehicle from which food is served without a fixed location and which is capable of being readily moved from location to location. This term does not include a food service establishment or mobile vehicle which serves only ice cream or ice cream products.

4-1-2: APPLICATION FOR LICENSE:

- A. Except as otherwise provided, applications for all licenses required by this Chapter shall be made in writing and submitted to the Village Clerk on forms furnished by said Village Clerk. Each application shall state the name of the applicant (and in the case of a partnership, the name and address of all partners; and in case of a corporation, its president, secretary and registered agent), the license desired, the location to be used, if any, the time covered and the fees to be paid, and each application shall contain such additional information as may be needed for the proper guidance of the Village Official in the issuing of the license applied for.
- B. It shall be unlawful for any person to knowingly give false information or falsely affirm or swear to any matter in the application for a license or obtain such license by fraudulent means, or to display a fictitious or fraudulently altered license or permit, or otherwise to misuse such license. The corporate authorities shall suspend or revoke the license of any person who violates the provisions of this Section and such suspension or revocation shall be in addition to any and all other penalties hereinafter provided.

4-1-3: PERSONS SUBJECT TO LICENSE:

Whenever in this Chapter a license is required for the maintenance, operation or conduct of any business or engaging in any activity or occupation, any person shall be subject to such requirement, if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the Village. No person shall engage in, manage or operate any business, profession or occupation set forth herein unless a license shall have been procured in accordance with this Chapter. (Ord. 84-0-4, 4-12-84)

4-1-4: LICENSE YEAR, TERMINATION:

The license year for the Village shall commence on January 1 and terminate on December 31 in each year, where no provision to the contrary is made. All licenses whenever issued shall terminate on December 31 in each year.

In the first year that this ordinance is in effect, all present license holders shall be required to pay two-thirds (2/3) of the specified license fee since four (4) months of the fee has previously been paid (January 1 to April 30).

All new applicants for license shall be required to pay the full fee for the period of January 1 to December 31.

4-1-5: LICENSE PROCEDURES; RENEWALS:

- A. All licensable commercial activities or establishments as described in Section 4-1-14 of this Chapter, shall file with the Village Clerk an application for a license to operate the commercial activity in the Village no later than December 31 prior to each subsequent license year or not less than thirty (30) days before the applicant desires to commence operation in the Village. If any person fails to file its renewal application by December 31 of each year, an additional fee of fifty dollars (\$50.00) shall be charged. Delinquency may also result in suspension and/or revocation of the right to conduct commercial activities within the Village.
- B. All initial licenses authorized to be issued and required to be procured shall be issued by the President and Board of Trustees.
- C. The required fee for each license issued shall be collected in full at the time of issuance by the office of the Village Clerk. 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 any reason of nonuse of the license or discontinuance of the operation of the commercial establishment. (Ord. 85-0-19, 11-23-85, amd. Ord. 2017-O-31, 10-14-2017)

4-1-6: INVESTIGATIONS:

Upon receipt of an application for a license where ordinances of the Village necessitate an inspection or investigation before the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer or employee for making such investigation within seventy two (72) hours from the receipt of the application. The officer or employee charged with the duty of making the investigation or inspection shall make a report thereon to the President and Board of Trustees favorable or otherwise within four (4) weeks after receiving the application or a copy thereof. The Village Health Officer shall make or cause to be made an inspection in connection with the care and handling of food and all other matters relating to sanitary conditions. The Building Commissioner shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the Chief of Police or by some other officer or employee designated by the Village President.

4-1-7: RECORDS AND STANDARDS:

- A. The Village Clerk shall maintain a record of all commercial establishments and commercial licenses issued under this Chapter. These records shall be used for the purpose of classifying, inspecting and licensing all commercial establishments in the Village. Subject to the terms and provisions of this Chapter, upon payment in full of the required license fee to the Village, the Village shall issue a license tag or sticker or certificate or similar evidence of license which shall be displayed by the owner of

the commercial establishment in a conspicuous place of the licensed premises within ten (10) days after receipt of said license.

B. No license for the operation of a commercial establishment in the Village shall be issued if one or more of the following conditions are determined to exist:

1. The building or premises of the commercial establishment does not comply with the provisions and terms of the Village's Building Code, zoning ordinance, fire regulations, health regulations, or with other applicable ordinances and regulations of the Village.

2. The building or premises of the commercial establishment are in a condition of being unsanitary or unsafe so as to endanger the public safety, health or welfare.

3. The owner of the commercial establishment or such legal entity comprising the commercial establishment is indebted to the Village.

4-1-8: LOCATION OF LICENSE:

No license for the operation of a commercial establishment in the Village shall permit the operation of a commercial establishment in any location other than the location stated on the license. For the purpose of this Section, all buildings containing the principal or accessory uses shall be connected or on the same lot or parcel.

4-1-9: CHANGE OF LICENSE LOCATION; BUSINESS:

A. The location of any licensed commercial establishment or of any permitted act, may be changed provided:

1. Ten (10) days' written notice thereof is given to the Village Clerk;

2. The Village's Building Code and zoning ordinances are complied with; and

3. Any new license fee required by the change of location or expansion of business activities is paid.

4-1-10: NUISANCES PROHIBITED:

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

4-1-11: REGULATORY INSPECTIONS:

A. It shall be the duty of the Village President to determine whether or not all licenses are in compliance with all applicable ordinance and regulatory requirements during the period of the license. The President may authorize other Village officials and

employees to make whatever inspections of the premises of a licensed business are reasonably necessary to secure compliance with any code or ordinance provision or to detect violations thereof, or to protect the public health, safety and welfare.

- B. As a condition to the issuance of any license under this Chapter, the applicant shall agree to permit authorized Village officials or employees to enter the business or commercial establishment, including those areas of the premises not open to the general public, for the purposes of determining whether or not the licensee has complied with all regulatory requirements.
- C. Whenever inspections of the commercial establishment are reasonably necessary to determine whether compliance with all applicable ordinances of the Village exist 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 inspection at any reasonable time.

4-1-12: REVOCATION AND APPEAL:

- A. Unless otherwise provided, any license issued under this Chapter may be revoked by the Village President after notice and hearing as provided hereafter in subsection B1 and B2 of this Section for any of the following causes:
 - 1. Any fraud, misrepresentation or false statement contained in the application for the license.
 - 2. Any violation by the licensee of this Chapter or other Village ordinances relating to the license, the subject matter of the license, or to the premises occupied.
 - 3. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
 - 4. Failure of the licensee to pay any indebtedness, fine or penalty owing to the Village.
 - 5. Refusal to permit inspections or interference with an authorized Village officer or employee while in the performance of his duties in making such inspections as provided in Section 4-8-11 of this Chapter.
 - 6. When the conduct of any licensee, agent or employee is so inimical to the public health, safety and general welfare and/or the continued operation of the business constitutes a nuisance and thus gives rise to an emergency.

Said revocation, if ordered, shall not be in lieu of any other provision imposing a penalty for the violation of any provisions of this Village Code.

- B. The Village President shall conduct a hearing for the purpose of determining whether or not the license should be revoked in accordance with the following subsections:
1. 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 may be hand delivered or sent by certified mail, return receipt requested, to the licensee to his last known address at least five (5) days prior to the date set for the hearing.
 2. The Village Attorney shall represent the Village at the hearing. The licensee shall be permitted counsel and have the right to submit evidence and cross-examine witnesses. The Village President shall serve as the hearing officer and shall render the decision.
- C. Any person aggrieved by the decision of the Village President in connection with the revocation of a license as provided in subsection A of this Section, shall have the right to appeal to the Village Board of Trustees. Such appeal shall be taken by filing with the Board of Trustees, within ten (10) days after notice of a revocation, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in this Section. The decision of a majority of the Board of Trustees present at the hearing of such appeal shall be required to reverse the decision of the Village President. (Ord. 84-0-4, 4-12-84)

4-1-13: PRORATION OF LICENSE FEES:

When any license is issued after January 1 in any year, the license fee so provided for in this Chapter shall be prorated over the remainder of the year by dividing the license fee required by twelve (12), which gives the amount of the license fee per month, and deducting for the months already passed; provided, however, that any license issued for a portion of a month shall be considered a full month and included in the months remaining of the then calendar year; further provided, that the minimum fee to be so paid shall be twenty five dollars (\$25.00). Except as otherwise provided, all license fees shall become a part of the General Corporate Fund. (Ord. 85-0-19, 11-23-85)

4-1-14: ENUMERATION OF LICENSES, FEES:

It shall be unlawful for any person as herein defined to engage in or operate any business, business establishment, commercial enterprise, trade, occupation or activities named in this Section without first paying the license fee listed in Schedules A, B, C and D hereafter:

SCHEDULE A - GENERAL BUSINESS, MANUFACTURING

Ambulance service	\$ 135.00
per vehicle	
Amusement park	350.00
	plus \$50.00
	per ride
Amusements, events or activities not specifically listed herein	150.00 per event
Animal kennel or hospital	350.00
Auctioneers, per day	130.00
Automobile, truck, motorcycle repair shop	360.00
Automobile, truck, motorcycle sales, new or used	600.00
Automobile wrecker and salvage	600.00
Automobile filling stations	600.00
Bakery shop	200.00
Beverage dealer for the sale of nonalcoholic beverages	
at retail or wholesale	200.00
Boat service and repairs	200.00
Bowling alley	300.00
Bus garages and storage	200.00
Butcher	175.00
Carnival, circus	200.00 per day
Car wash:	
Automatic	200.00
Self-service	180.00
Chemical storage, distribution and processing	600.00
Chemical waste material storage	600.00
	per each 100-55 gallon
	storage capacity
Contractors having a fixed place of business within the Village:	
1. General	350.00

2. Other:	200.00
Acoustical	
Building demolition	
Building relocation (movers)	
Carpenter - siding	
Concrete or cement	
Drainlayer	
Dry wall	
Electrical	
Excavating	
Fence	
Flooring and tile	
Garage	
Glazing	
Heating, ventilation, air conditioning and refrigeration	
Lathing and plastering	
Masonry	
Painting and decorating	
Paving	
Plumbing	
Roofing and Insulation	
Scavengers	
Sewer	
Sheet metal	
Contractor storage yard	300.00
Christmas tree sales	175.00
Dealers in deadly weapons	450.00
Department store	250.00
Drug store	200.00
Dry cleaning, off premises	250.00
Dry cleaning, on premises	350.00
Dry cleaning, self-service or coin operated	35.00 per machine

Dry goods	200.00
Florist	175.00
Fruit and notions stands	175.00
Furniture, retail or wholesale	200.00
Furniture moving, handling, storage	250.00
Garages (storage)	200.00
General business	200.00
Grocery store	200.00
Hardware store	200.00
Health club	425.00
Heliports, including related business and service activities	25,100.00
Hotel or motel	300.00
Ice cream parlor and/or soda fountain	200.00
Itinerant merchants, peddlers	150.00 per day
Jeweler	200.00
Junk dealer, scrap metal	350.00
Laundromat, self-service, per machine, washers and dryers	10.00
Laundry	175.00
Lumberyards	350.00
Machine shop	300.00
Manufacturing, being the manufacture, processing, fabrication, blending, research or development of products	450.00
Massage parlor	450.00
Mobile food unit	250.00
	per unit
Monument dealer	2000.00
Movie theatres	300.00
Music store, records	200.00
News agency	200.00
Office supply, stationery	200.00
Photography studio, equipment	200.00
Poolroom	325.00

Printer	200.00
Propane gas, storage and wholesale or retail sale	1,100.00
Publishers	200.00
Radio, electrical appliances and repairs	200.00
Racquetball and/or sports club	300.00
Rental, automobiles	300.00
Rental service stores	250.00
Retail gas and oil station, minimum	300.00
For more than three (3) pumps (each additional)	20.00
Rooming or boarding house	350.00
Scavenger	250.00
Shoe dealer	200.00
Shoe repairer	200.00
Shooting gallery	300.00
Sporting goods	200.00
Stable	250.00
Horses other than in riding stables or for team	
purposes, each	35.00
Tailor	200.00
Taxicabs, operator	300.00 plus \$35.00 per vehicle
Telephone company call-switching facilities	1,100.00
Tourist camp	350.00
Trades personnel, licensed (plumber, carpenter, etc)	180.00
Trucking terminals	350.00
Undertaker or embalmer	200.00
Warehouses, per location	250.00
Wholesale oil station	350.00

SCHEDULE B - FOOD SERVICE ESTABLISHMENTS

The annual license fee for each food service establishment shall be as follows:

<u>Service Accommodation</u>	<u>Yearly License Fee</u>
0 to 15 persons	\$150.00
16 to 50 persons	250.00
51 to 75 persons	300.00
76 to 100 persons	350.00
101 to 150 persons	400.00
151 to 200 persons	450.00
201 to 300 persons	500.00
301 to 400 persons	550.00
Over 400 persons	600.00

The periodic fee for each temporary food service establishment shall be ten dollars (\$10.00) a day up to a maximum fee of twenty five dollars (\$25.00) for a period not exceeding one week. If the period of operation for a temporary food service establishment exceeds one week, an additional periodic license shall be issued at a fee in accordance with the aforesaid.

In the event a food service establishment is operated as a part of, or incidental to the principal commercial activity of a licensee required to pay a license fee under Schedule A of this section, such food service establishment shall not be required to pay the license fee under this Schedule B. Nothing in this paragraph shall relieve a food service establishment from applying for a license or otherwise complying with all ordinances of the village. There shall be no license fee for an occasional food service establishment.

SCHEDULE C - COIN-OPERATED DEVICES, MACHINES

- A. Except as provided in subsection B below, effective January 1, 2001, every owner or proprietor of a business or business establishment having a coin-operated device or machine or any coin-operated amusement device of any kind whatsoever, including, but not limited to, video and electronic games and machines and billiard tables, jukebox or vending machine, automated teller machines, shall, in addition to the regular business license paid for such establishment, obtain and pay for each such coin-operated device or machine, an annual fee of one hundred fifty dollars (\$150.00).
- B. Any business licensee under this chapter, whose business operation is seasonal, and therefore, open less than six (6) months each calendar year, shall pay for each such coin-operated device or machine, an annual fee of seventy five dollars (\$75.00).

SCHEDULE D- VILLAGE FACILITY RENTAL FEES

<u>Location</u>	<u>Fee</u>
Park Rental Fees	
Residents (\$100.00 refundable and \$150.00 non-refundable)	\$250.00
Senior Center/Community Center	
Community Group, Dance Lessons, etc. 2 hour maximum	\$37.50
Seminars, lectures 4 hours maximum	\$100.00
Private parties, birthdays, graduation, showers, business or organization use (\$100.00 refundable and \$187.50 non-refundable) 6 hour maximum	\$287.50

4-1-15: LICENSE NOT TO PRECLUDE OTHER LICENSES:

The license required in this chapter shall be in addition to any vehicle license, liquor license, building permit, inspection fees or any other fees or charges that may be required by other village ordinances, whether now existing or hereafter adopted. (Ord. 84-0-4, 4-12-1984)

4-1-16: PERSONS CONDUCTING MORE THAN ONE BUSINESS OR OCCUPATION:

In the event any person classified hereinbefore shall be engaged in another commercial activity listed herein in the same establishment, he shall pay a full license fee on each additional activity. (Ord. 84-0-4, 4-12-1984)

4-1-17: TRANSFER OF LICENSE:

No license granted under this chapter shall be assigned or transferred, nor shall any such license authorize any person to do business or act under it other than the person named therein. (Ord. 84-0-4, 4-12-1984)

4-1-18: ACTIVITIES, ORGANIZATIONS EXCLUDED:

- A. The terms and provisions of this chapter shall not be made applicable to a building or premises or other portion thereof, the principal use of which is for the practice of medicine or dentistry or similar type of medical, professional or personal services, the practice of law, the operation of general office activities; provided, however, that such activities shall be subject to the terms and provisions of this chapter when accessory to the operation of commercial establishments as herein defined.
- B. The license fee requirements of this chapter shall not apply to activities sponsored or conducted by religious, educational, charitable, civic or political organizations or institutions, except to the extent that such organization or institution routinely engages in the sale, serving or preparation of food or drink; or to governmental institutions or agencies acting in either a governmental or proprietary capacity; or to any franchised public utility except to the extent that such franchised public utility engages in the sale or preparation of food or drink for its employees; or to carriers regulated exclusively by the federal government; or to home occupations allowed under the zoning ordinance; or to private clubs except to the extent that such club routinely engages in the sale or preparation of food or drink for its members or their guests. Nothing in this section shall be deemed to diminish the authority of the village to perform any of its necessary or ordinary regulatory functions, nor shall any organization as described in this section be relieved of the responsibility of filing an application and securing a license as is otherwise provided by this chapter. (Ord. 84-0-4, 4-12-1984)

4-1-19: TENT SALES:

Sales of quality merchandise normally sold in the business establishment shall be permitted, under the following conditions, from a tent or similar structure:

- A. The village board shall have the right to approve or reject all such tent sales upon application by the business owner.
- B. Tent sales are allowed only in B-1 business district and C-1 commercial district.
- C. The tent shall be erected so as to provide parking for at least fifty (50) vehicles on the applicant's property. No tent sales will be allowed that require parking on a street or public way.
- D. No tent sales shall be allowed that exceed a fourteen (14) day period.
- E. The applicant shall pay a fee of one hundred dollars (\$100.00) for such license. (Ord. 88-0-21, 6-23-1988)

4-1-20: REGULATION OF COIN OPERATED DEVICES:

- A. "Coin operated devices" as used herein shall mean all coin operated devices and machines including, but not limited to, all amusement devices, games and machines, video game machines and devices, cigarette machines, ice, milk, food, candy, soft drink, juice, water or other vending machines and jukeboxes.
- B. All coin operated devices shall be operated and maintained wholly within the interior of the business or business establishment operating, owning or leasing same. The outdoor storage, maintenance or operation of a coin operated device is strictly prohibited. (Ord. 99-0-16, 4-22-1999)

4-1-21: SMOKING RESTRICTIONS:

The "Cook County Clean Indoor Air Ordinance," adopted by the Cook County Board of Commissioners on March 15, 2006, is hereby declared to be inoperative in the Village of Willow Springs pursuant to Article VII, Section 6(c) of the Illinois Constitution. Notwithstanding Section 4 of the Cook County Clean Indoor Air Ordinance, smoking in all enclosed public places and places of employment is hereby declared to be legal in the Village of Willow Springs, subject only to such restrictions as existed under federal law, the Illinois Clean Indoor Air Act and Village ordinances prior to the enactment of Cook County Ordinance 06-0-12.

A. Definitions:

Bar: Means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

Department: Means the Department of Public Health.

Employee: Means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits, or a person who volunteers his or her services for a non-profit entity.

Employer: Means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

Enclosed Area: Means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

Enclosed or Partially Enclosed Sports Arena: Means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

Gaming Equipment or Supplies: Means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

Gaming Facility: Means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

Healthcare Facility: Means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare Facility" includes all waiting rooms, hallways, private rooms, semi-private rooms, and wards within healthcare facilities.

Place of Employment: Means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 21K of this Chapter, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

Private Club: Means a not-for-profit association that 1) has been in active and continuous existence for at least January 1, 2005, whether incorporated or not, 2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, 3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes, but not for pecuniary gain, and 4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

Private Residence: Means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn,

resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

Public Place: Means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 21K of this Chapter, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, education facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodations that are rented to guests, but excludes private residences.

Restaurant: Means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

Retail Tobacco Store: Means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for buying tobacco and related smoking accessories and in which the sale of other products is merely incidental.

Smoke or Smoking: Means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

State Agency: Has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

Village: Means the Village of Worth, Cook County, Illinois.

B. Smoking in Public Places of Employment and Governmental Vehicles Prohibited.

No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 21F of this Chapter.

C. Posting of Signs; Removal of Ashtrays.

1. "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Section by the owner, operator, manager, or other person in control of that place.

2. Each public place and place of employment where smoking is prohibited by this Section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

3. All ashtrays shall be removed from any area where smoking is prohibited by this Section by the owner, operator, manager, or other person having control of the area.

D. Smoking prohibited in student dormitories.

Notwithstanding any other provision of this Section, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

E. Designation of other non-smoking areas.

Notwithstanding any other provision of this Section, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections 1 and 2 of Section 21C of this Chapter.

F. Exemptions.

Notwithstanding any other provision of this Section, smoking is allowed in the following areas:

1. Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

2. Retail tobacco stores are not exempted from this Section and shall not be permitted to operate in the Village of Willow Springs.

3. Hookah bars are not exempted from this Section and shall not be permitted to operate in the Village of Willow Springs.

4. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

5. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into non-smoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or non-smoking may not be changed, except to permanently add additional non-smoking rooms.

G. Enforcement; Complaints.

1. The Willow Springs Police Department shall enforce the provisions of this Chapter and may assess fines pursuant to Section 21H of this Chapter.

2. Any person may register a complaint with the Willow Springs Police Department for a violation of this Chapter. In addition any person may register a complaint with the Department of Public Health or a State-certified local public health department for a violation of the Smoke Free Illinois Act 410 ILCS 821 et. seq.

H. Violations.

1. A person, corporation, partnership, association or other entity who violates Section 21B of this Chapter shall be fined pursuant to this Sub-Section. Each day that a violation occurs is a separate violation.

2. A person who smokes in an area where smoking is prohibited under Section 21B of this Ordinance shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 21B of this Ordinance shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation.

3. Proceedings to enforce violations of this Chapter may be initiated and conducted in accordance with and pursuant to the provisions of the Village Code providing for Administrative Adjudication of Code Violations or by any other means provided by law.

I. Injunctions. The Village of Willow Springs through its corporation counsel or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Section.

J. Discrimination Prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Section.

K. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Chapter so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

CHAPTER 2 BUSINESS AND OCCUPATIONAL TAX REGULATIONS

4-2-1: RETAILERS' OCCUPATION TAX:

- A. Established: A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business in accordance with the provisions of the Illinois Revised Statutes, chapter 24, section 8-11-1. (Ord., 8-11-55; amd. 1983 Code)
- B. Report to be Filed: Every person engaged in such business in the Village shall file on or before the fifteenth day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended.
- C. Tax to be Paid: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month. (Ord., 8-11-55)

4-2-2: SERVICE OCCUPATION TAX:

- A. Tax Imposed: A tax is hereby imposed upon all persons engaged in this Municipality in the business of making sales of service at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale

of service, in accordance with the provisions of chapter 24, section 8-11-5 of the Illinois Municipal Code.

- B. File Report: Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this Municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by section nine of the Service Occupation Tax Act.
- C. Payment of Tax: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. 69-5-11a, 8-14-69)

4-2-3: MUNICIPAL USE TAX:

- A. Tax Imposed: A tax is hereby imposed in accordance with the provisions of chapter 24, section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the Municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one percent (1%) of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.
- B. Collection: Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued. (Ord. 74-22, 11-14-74)

4-2-4: MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX:

- A. Tax Imposed: A tax is hereby imposed upon all persons engaged in the business of renting automobiles in this Village at the rate of one percent (1%) of the gross receipts from such rentals made in the course of such business while this Section is in effect, according to the provisions of the Illinois Revised Statutes, chapter 24, section 8-11-7.
- B. File Report: Every such person engaged in such business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by sections 2 and 3 of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 29, 1933, as amended.
- C. Payment of Tax: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month. (Ord. 82-0-3, 1-14-82)

4-2-5: MUNICIPAL AUTOMOBILE RENTING USE TAX:

- A. Tax Imposed: A tax is hereby imposed upon the privilege of using in this Village an automobile which is rented from a renter outside Illinois and which is titled or registered with an agency of this State's government in this Village at the rate of one percent (1%) of the rental price of such automobile while this Section is in effect, in accordance with the provisions of the Illinois Revised Statutes, chapter 24, section 8-11-8.
- B. Tax to be Collected: The tax provided for in this Section shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in this Village.
- C. Payment of Tax: The tax imposed by this Section shall be paid to the Illinois Department of Revenue. (Ord. 82-0-2, 1-14-82)

4-2-6: SPORT AMUSEMENT TAX:

- A. Definition: As used herein, the word "sport amusement" shall include both participative and exhibitiv sports, including, but not by way of limitation, the following activities and sports: Any athletic contest, sport or game, including boxing, wrestling, skating, dancing, swimming, racing or riding animals or vehicles, baseball, basketball, softball, football, tennis, racquetball, handball, golf, hockey, track and field games, soccer, rugby, bowling, billiards and pool games, including the giving of lessons or demonstrations of any of the above-described activities characterized as amusements under this Section. (Ord. 80-10, 7-15-80)
- B. Tax Imposed: A tax is hereby imposed upon all persons, operating amusements within the corporate limits of the Village in an amount equal to three percent (3%) of the gross receipts collected in the form of fees or charges, irrespective of whether such fees or charges are characterized as admission fees, membership fees, service or use charges or rent. Gross receipts as defined herein shall be exclusive of any tax imposed by the United States government, the State, or any other government unit. (Ord. 80-10, 7-15-80; amd. 1983 Code)

As distinguished from private clubs operated on a not-for-profit basis, the persons taxed hereunder shall be those operating sports as a business for profit, irrespective of whether such sport is offered generally to the public or requires membership as a precondition to participation or observation of the sport.

- C. Payment; Collection: The tax imposed herein shall be due and payable on the twenty fifth day of the month following the preceding calendar month during which the gross receipts were received. The tax shall be paid to and collected by the Village Clerk.
- D. Books and Records: Each person required to pay the tax provided for hereunder shall either personally or through his or its authorized agents, maintain complete books and

records covering the operation of the amusement so taxed, indicating therein all receipts from the operation of said business, as herein defined. Such books and records shall be maintained on the premises wherein the amusement is located and shall be subject to inspection by the Village Clerk or his authorized agents at all reasonable times.

- E. Exemptions: Any person liable for the payment of the sport amusement tax provided for in this Section shall be exempt from the payment of any Municipal license fee required under this Village Code, directly and specifically related to the activities constituting the sport amusement tax.
- F. Reports: On or before the twenty fifth day of each month each person liable for the payment of a tax hereunder shall file with the Village Clerk a written report in such form as the Clerk may from time to time provide, stating the gross receipts collected during the preceding month in the form of fees or charges as herein defined.
- G. Penalty: Any person who shall fail or refuse to pay any required tax or who shall fail to complete or allow the inspection of any books and records required herein, or who shall fail to file the written report of the gross receipts collected during the preceding month, or who shall willfully and knowingly maintain false books or falsely report the gross receipts' taxes hereunder or shall otherwise violate any term of this Section shall be liable for the penalty and fines provided for in Section 1-4-1 of this Village Code. In addition, if any violation is not corrected within ten (10) days after written notice from the Village Clerk of any violation, the person responsible for the operation of the sport amusement with respect to which the violation occurs shall be prohibited from operating same for a period of thirty (30) days. For the purpose of this Section, each day during which a violation of this Section shall exist, shall constitute a separate and distinct offense. (Ord. 80-10, 7-15-80)

4-2-7: FOREIGN FIRE INSURANCE TAX:

- A. Tax Levied: All corporations, companies and associations not incorporated under the laws of this State, which are engaged in business in the Village organized under any general or special laws of this State in effecting fire insurance, shall pay to the Treasurer for the maintenance, use and benefit of the Fire District contracted by the Village thereof, two percent (2%) of the gross receipts received by their agency in the Village, said two percent (2%) to be paid by said companies, corporations or associations upon the amount of all premiums which during the year ending on every July 1 shall have been received for any insurance effected or agreed to be effected in the Village by or with such companies, corporations or associations respectively.
- B. Reports: Every person who shall act as agent or otherwise for or on behalf of any such corporation, company or association shall, on or before July 15 of each and every year, render to the Clerk a full, true and just account, verified by his oath, of all the premiums which during the year ending on July 1 preceding such report shall have been received by him or any other person for him in behalf of any such corporation,

company or association, and shall specify in such report the amounts received for fire insurance.

- C. Payments: Such agents shall also pay to the Treasurer at the time of rendering the aforesaid report, the said two percent (2%) fixed by this Chapter by which the companies, corporations or associations represented by them are severally chargeable by virtue of this Chapter. The Village shall forward all foreign fire insurance revenues to the Fire District contracted by the Village within 30 days after receipt. (Ord., 3-25-1897, 2014-O-21)

4-2-8: MUNICIPAL REPLACEMENT VEHICLE TAX:

- A. Tax Imposed: A tax is hereby imposed upon each vehicle, as defined in section 1-146 of the Illinois Vehicle Code, purchased by this Village by or on behalf of an insurance company to replace a vehicle of an insured person in settlement of a total loss claimed. The tax shall be in the amount of fifty dollars (\$50.00) per vehicle purchased.
- B. Certificate Required: Every such insurance company that purchases a replacement vehicle as defined herein shall complete and file with the Illinois Department of Revenue a replacement vehicle certificate. (Form RVT-7).
- C. Payment: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. 84-0-7, 5-10-84)

4-2-9: MOTOR FUEL TAX:

- A. **Definitions.** All words, terms and phrases used in this section shall have the meanings ascribed to them in the Municipal Motor Fuel Tax Law, 65 ILCS 5/8-11-2.3.
- B. **Tax Imposed.** A tax is hereby imposed upon all persons engaged in the business of selling motor fuel at retail in the city for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways at a rate of three cents (\$0.03) per gallon of motor fuel sold at retail for the purpose of use or consumption and not for purpose of resale. The tax is not imposed upon aviation fuel, as defined in Section 3 of the Retailers' Occupation and Tax Act.
- C. **Tax Collections and Reimbursement.** Each retailer shall remit to the Illinois Department of Revenue the tax imposed under this section. A retailer may reimburse itself for its tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any Illinois tax the retailer is required to collect, pursuant to such bracket schedules as the Illinois Department of Revenue may prescribe.

D. **Administration and Enforcement.** The tax imposed, and all civil penalties that may be assessed as an incident thereof, shall be administered, collected, and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to: (i) administer and enforce this division; (ii) collect all taxes and penalties due hereunder; (iii) dispose of taxes and penalties so collected in the manner prescribed by law; and (iv) determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. (Ord. 2020-O-02, 03-12-2020)

CHAPTER 3 ALCOHOLIC LIQUOR REGULATIONS

4-3-1: TITLE; EFFECTIVE DATE:

A. Short Title: The provisions of this chapter may be cited and referred to as the *WILLOW SPRINGS LIQUOR CONTROL ORDINANCE* .

4-3-2: PURPOSE:

It is the policy of the village to strictly limit the sale of alcoholic liquor at retail within the village in accordance with the terms, conditions and regulations herein. It is deemed conducive to the promotion of this public policy to limit the number of licenses that allow the sale of alcoholic liquor at retail. (Ord. 35-O-2000, 11-21-2000)

4-3-3: DEFINITIONS:

Unless the context otherwise requires, the following words and terms used in this chapter shall be construed according to these definitions:

ALCOHOL: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR: Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

BEER: A beverage obtained by alcoholic fermentation or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

CONSUMPTION SALES: The sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

FAST-FOOD RESTAURANT: Shall mean, but not be limited to, a restaurant that has: patrons ordering food from a counter area or service window; patrons picking up food or beverages from a counter area or service window; payment for food or beverages at the time they are ordered; menus limited to food items requiring minimal preparation; menus not offering a wide variety of foods from all major food groups; food and beverages being available for carryout; the presence of drive-up facilities; patrons not paying gratuities; restaurants not having waiters or waitresses; food and beverages not being served on or in permanent plates or containers and/or not being served with permanent utensils; not having individual menus for each patron; patrons bussing their own tables; food being prepared in an area not entirely separated from patrons by full walls; and trash containers being contained within the restaurant eating area. The foregoing factors may be considered by the local liquor control commissioner in determining whether a business is a "fast food restaurant". The determination of the local liquor control commissioner shall be based upon the totality of the circumstances.

LICENSED PREMISES: The premises described in the license.

LICENSEE: Any person receiving a license under this chapter.

LOCAL LIQUOR CONTROL COMMISSIONER: When used herein or when mentioned in this chapter as the "Local Commissioner", the reference is being made to the village president.

ORIGINAL PACKAGE: Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

OWNER: Shall include all persons who are owners or lessees or otherwise who are in control of any place where the sale of alcoholic liquor is carried on, whether they be individuals, a partnership including all partners thereof, or a corporation including the shareholders, directors and officers thereof.

PACKAGE SALES: The sale or offering for sale at retail of alcoholic liquor in the original package and not to be consumed or in fact consumed in whole or in part on the premises where sold.

PERSON: Any person, firm, partnership or corporation.

BALLROOM/BANQUET FACILITY: Any public place which has a seating capacity of not less than forty five (45) persons and where the primary business conducted upon the premises is that of a ballroom/banquet hall where not less than seventy five percent (75%) of the retail floor area (exclusive of dance floor area) at which an activity is catering of private parties, either exclusively or in conjunction with a "restaurant" business; and, where there is service for consumption at tables of a full multiple course meal at a prearranged fixed unit price, or hors d'oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served or sold as incidental to such food services. Each of

such private parties must be prearranged and under sponsorship of a particular person or organization. (Ord 2016-O-14)

RESTAURANT: Any public place held out to the public as a place where meals are regularly served and where adequate provision is made for sanitary kitchen and dining equipment and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for customers. The mere availability of snack items, prepackaged food items, cold sandwiches or similar foods shall not be sufficient to meet this definition. It is the intent of this chapter that a restaurant shall have full service of meals. A fast food restaurant is not a premises to be licensed as a restaurant hereunder. (Ord. 2016-O-14)

RETAILER: A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

SALE: Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

SELL AT RETAIL AND SALE AT RETAIL: The sale for use or consumption and not for resale in any form.

SPIRITS: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

VILLAGE: The village of Willow Springs, Illinois, a municipal corporation, as defined by state statutes.

WINE: Any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of "alcohol" or "spirits" as above defined. (Ord. 35-O-2000, 11-21-2000)

4-3-4: EXCEPTIONS TO REGULATIONS:

- A. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume.
- B. Nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his family and guests, or prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests; and provided further

that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for sick and diseased persons from possessing alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; and provided further that any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions for duly licensed physicians; and provided further that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this chapter. (Ord. 35-O-2000, 11-21-2000)

**4-3-5: LOCAL LIQUOR CONTROL COMMISSIONER DESIGNATED;
POWERS AND DUTIES:**

- A. Village President To Serve As Commissioner: The village president shall be the "Local Commissioner" as defined in the liquor control act, section 5/4-2 (herein the "Local Commissioner"), and shall be charged with the administration of the liquor control act and of such ordinances and resolutions related to alcoholic liquor as may be enacted by the president and board of trustees of the village.
- B. Compensation: The village board shall establish by ordinance any compensation to be paid to the local commissioner as said board may from time to time deem necessary for the proper performance of the duties vested in him.
- C. Powers And Duties: The local commissioner shall have all of the powers and duties set forth in the liquor control act, including:
 - 1. To grant and/or suspend for not more than thirty (30) days or revoke for cause, all local licenses issued to persons or entities for premises within the village. In addition to any suspension, the local commissioner may levy a fine on the licensee. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation. Each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines may be imposed against any licensee during any license year.
 - 2. To enter or to authorize any law enforcement officer to enter, at any time, upon a premises licensed hereunder, to determine whether any of the provisions of the state statutes or this code, or any rules or regulations adopted by the local commissioner or by the Illinois liquor control commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.
 - 3. To receive complaints from any citizen within the village when any provision of the state statutes or this code have been or are being violated and act upon such complaints in the manner provided by law.
 - 4. To receive local liquor license fees and deposit same to the credit of the village.

5. To examine, or cause to be examined, under oath, any applicant for a local license or for the renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, or any licensee against whom a citation proceeding has been instituted by the Illinois liquor control commission; to examine, or cause to be examined, the books and records of any such applicant or licensee; and to hear testimony and take evidence for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local commissioner under this subsection, he may authorize his agent to act on his behalf.

6. To order, by issuance of a written order, any licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the local commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the village; except, that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

7. To make such reasonable rules and regulations as he may deem necessary in the performance of his duties.

D. Keeping Of Records: The local commissioner, or his designated agent, shall keep a record of all proceedings, transactions, communications and official acts. The local commissioner, or his designated agent, shall be custodian of all records for the local commissioner and shall perform such other duties as the local commissioner may prescribe. (Ord. 35-O-2000, 11-21-2000)

4-3-6: INSPECTION POWERS:

The local commissioner, and any other law enforcing officer or other village employees, as directed by the local commissioner, are hereby given the power and authority to enter, at any time, upon any licensed premises to determine whether any of the provisions of the Illinois liquor control act of 1934, 235 Illinois Compiled Statutes 5/1-1 et seq., (herein the "Illinois Liquor Control Act") or any of the provisions of other ordinances of the village or any regulations or rules adopted by the state of Illinois liquor commission or the local commissioner have been or are being violated, and at such time to examine the premises of said licensee in connection therewith. (Ord. 35-O-2000, 11-21-2000)

4-3-7: LICENSE REQUIRED FOR SALE, CONSUMPTION:

It shall be unlawful for any person, either by himself or (his) agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell or offer for sale at retail, to deliver or to keep with the intention of selling at retail or delivering alcoholic liquor

within the village, without first having obtained a license to do so, as is hereinafter provided. It shall also be unlawful for any person himself, or acting through the agency of another person, to sell or offer any alcoholic liquor for sale at retail in the village in violation of the terms and conditions of such license or of the provisions of this chapter. (Ord. 35-O-2000, 11-21-2000)

4-3-8: APPLICATIONS FOR LICENSE TO SELL ALCOHOLIC LIQUOR:

A. Application For License: Applications for licenses hereunder shall be made to the local commissioner, in writing, under oath, and signed by the applicant, in accordance with the directions set forth in the application to be provided by the local commissioner. A "Liquor License Personal Interest Form" shall be completed in writing, under oath, for each person required to sign the application and each manager employed or to be employed at the licensed premises. A complete application for any license renewal (i.e., payment of all required fees, completed liquor license application together with all attachments required thereto and all required liquor license personal interest forms) shall be submitted at least ninety (90) days prior to the beginning of any license year, i.e., on or before February 1. Failure to do so may result in a delay in the renewal license being issued. The liquor license application shall contain, at a minimum, the following information, as well as any and all other required submittals and information that may be required by the local commissioner:

1. Applicant's name, mailing and residence address and telephone number;
2. That applicant is a citizen of the United States;
3. Applicant's place of birth and, if a naturalized citizen, the time and place of naturalization;
4. That applicant has never been convicted of a felony or any other offenses prohibited under section 4-3-14 of this chapter;
5. The name of the business and the street address and legal description of the premises for which the license is sought. Applicant shall also submit proof of ownership of the premises, such as an owner's title insurance policy or other proof of ownership deemed sufficient by the local commissioner. In the event applicant leases the premises, then a copy of said executed lease, certified by the applicant and the lessor under the lease to be a true and accurate copy of applicant's lease, shall be submitted with the completed application, together with the address and telephone number of the lessor;
6. That the proposed location for a license is not within one hundred feet (100') of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their spouses, or children. The distance of one hundred feet (100') shall, in all cases, be measured from the property boundary of the

proposed location for a license nearest to the property boundary line of the aforementioned use;

7. That applicant will not violate any of the laws or ordinances of the village, the state of Illinois or of the United States in the conduct of his place of business;

8. The name, age, address and telephone number of the person or persons who will manage the business of the applicant in the village, which person shall also be required to complete a liquor license personal interest form and otherwise be qualified hereunder;

9. The length of time that said applicant has been in business and the nature of applicant's business experiences;

10. The application shall contain applicant's statement as to whether or not applicant has ever made application for a license to sell alcoholic liquor to any other governmental entity and the disposition or status of such application;

11. Whether or not the applicant, individually or any firm or entity with which the applicant has been connected with previously as a sole proprietor, shareholder, partner or manager had been issued any previous license for the sale or handling of alcoholic liquor, which license had been revoked or suspended by the federal government or by any state, county or local government, and the reasons or causes for such revocation or suspension. Any such statement shall include information identifying: a) the previous jurisdiction issuing such license; b) the licensee(s) by names and addresses; c) the address of the licensed premises; and d) the name of the licensed establishment and the date or dates of such revocation or suspension;

12. A verified financial statement showing the assets and liabilities of the applicant dated no later than thirty (30) days prior to the date of application. The financial statement shall be deemed "confidential" by the village. Such financial statement may be enclosed in a sealed envelope that is filed with the local commissioner. The financial information submitted shall be information available for consideration by the local commissioner in the review of the application for the initial license or for any renewal of the license. Likewise, verified financial statements shall be submitted for all persons who will share the profits or losses of a partnership which seeks a license, as well as for shareholders owning more than five percent (5%) of the issued and outstanding shares of a corporation which applies for a license;

13. The applicant's retailers' occupation tax (ROT) registration number and a statement whether the applicant is delinquent in the payment of the retailers' occupation tax (sales tax) and, if so, the reasons therefor;

14. Whether the applicant, any individual required to be identified in the application, i.e., shareholders, partners or managers, or any other person, directly or indirectly

interested in the place of business is a law enforcement officer or public official, and if so, the particulars thereof;

15. A floor plan, diagram, or drawing deemed suitable by the local commissioner, illustrating the premises, in which alcoholic liquor is to be sold;

16. The current zoning of the premises at which the applicant's place of business is to be operated;

17. Whether the applicant possesses a current federal wagering stamp and if so, the reasons therefor;

18. Whether the applicant has ever been convicted of a gaming offense or a felony and if so the particulars thereof;

19. Copies of all employees BASSET certifications;

20. Such additional information as the local commissioner may deem necessary in order to establish the character of the applicant; and

21. A "Liquor License Personal Interest Form", in the following form shall be completed, signed and submitted with each application, whether initial application or renewal application, for each of the following:

a. In the case of a sole owner, the applicant;

b. In the case of a partnership, shall be furnished as to each partner;

c. In the case of a corporation, for each shareholder owning more than five percent (5%) of the issued and outstanding shares of the corporation and each officer and director thereof; and

d. In case the business of licensee is to be managed by a person, or persons, each of such manager(s).

The form of the "Liquor License Personal Interest Form" is as follows:

VILLAGE OF WILLOW SPRINGS

LIQUOR LICENSE PERSONAL INTEREST FORM

(To be attached to each liquor license application (whether initial or renewal) by each person designated in Village Code Section 4-3-8A(18).)

1. Name of applicant as shown on liquor license application:

2. *Name and home residence address of person having personal interest:*
3. *Home and business telephone numbers:*
4. *Sex:*
5. *Date and place of birth (attach copy of birth certificate if born in the United States):*
6. *Social Security number:*
7. *Position in the business, i.e., partner, shareholder, directors, officers or manager;*
8. *Percent of ownership, if any:*
9. *Driver's license number and state of issuance (attach a copy of current driver's license):*
10. *Citizenship:*
If naturalized, date and place of naturalization and certificate of naturalization number:
11. *Have you ever been convicted of a felony under any federal or state law? If yes, give detailed particulars:*
12. *Have you ever been convicted of being the keeper of a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution? If yes, give detailed particulars:*
13. *Have you ever been convicted of pandering or other crime or misdemeanor opposed to decency and morality? If yes, give detailed particulars:*
14. *Have you ever been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor and/or have you ever forfeited a bond to appear in court to answer charges for any such violation? If yes, give detailed particulars:*
15. *Have you ever been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the "Criminal Code of 1961," as heretofore or hereafter amended, or as proscribed by any statute replaced by any of the aforesaid statutory provisions? If yes, give detailed particulars:*
16. *Have you ever made an application for a liquor license which has been denied? If yes, give detailed particulars:*

17. Have you ever had any previous liquor license revoked? If yes, give detailed particulars:

18. Are you a law enforcing public official, a member of a local liquor control commission, a mayor, alderman, or member of any city council or commission, a president, trustee or member of any village board of trustees, or the president or member of a county board? If yes, give detailed particulars:

19. Do you hold a federal wagering stamp or federal gaming device stamp issued for the current tax period?

Dated: _____

Signature: _____

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

Subscribed and Sworn to before me this day of, 20 .

B. Payment Of Fees; Review Of Application: Applications for licenses, or renewals of licenses, shall be filed in duplicate, along with a cashier's check or certified check, payable to the village for the total amount of the initial application fee, if applicable, and the annual license fee being applied for, all of which shall be filed in the office of the village clerk. The village clerk, or duly authorized representative, shall deliver the check to the village treasurer, and shall forthwith cause a duplicate original of the application and supporting papers, including any sealed envelope containing the financial statements of applicants, to be delivered to the local commissioner. Upon receipt thereof, the local commissioner shall examine such application and the supporting documents and if same appear to be in order and complete, he/she shall make such further inquiry or examination as may be deemed appropriate under this chapter and under the circumstances. In the event the application is denied, only the amount remitted as the annual license fee and not the initial application fee shall be refunded by the village treasurer to the applicant.

C. Signature And Oath Required: Applications for licenses, and renewal of licenses, shall be signed by: 1) the applicant if a sole owner; 2) by a president and secretary, if applicant is a corporation, or by two (2) duly authorized agents of the corporation; 3) by all partners owning more than five percent (5%) of the partnership, if applicant is a partnership; and 4) in the case of all other forms of ownership, by at least two (2) authorized agents. All applications shall be verified by applicant by affidavit under oath. (Ord. 35-O-2000, 11-21-2000)

4-3-9: LICENSE CLASSIFICATIONS, FEES, NUMBER OF LICENSES:

- A. Licenses to sell alcoholic liquor at retail shall be of the following classes: (Ord. 35-O-2000, 11-21-2000)
1. Class A License: A class A license shall entitle the licensee to make sales at retail of alcoholic liquor from the premises specified for use or consumption on or off the premises where sold. No "amusements / entertainments", as defined and regulated by chapter 4 of this title, shall be permitted in any premises holding a class A license unless the license required under chapter 4 of this title has been properly obtained and maintained in full force and effect by licensee. (Ord. 8-O-2002, 3-14-2002, 2017-O-15, 2017-O-20, amd. Ord. 2018-O-04, 1-25-2018)
 2. Class B License: A class B license shall entitle the licensee to make package sales at retail of alcoholic liquor only for use and consumption off the premises where sold, where the package sales of alcoholic liquor is the primary business conducted on the premises (i.e., a liquor store) as determined by the local commissioner. (amd. Ord. 2017-O-30, 9-28-2017 amd. Ord. 2018-O-04, 1-25-2018)
 3. Class B-1 License: A class B-1 license shall entitle the licensee to make package sales at retail of alcoholic liquor only for use and consumption off the premises where sold when the package sales of liquor is not the primary business conducted on the premises as determined by the local commissioner. (amd. Ord. 2018-O-04, 1-25-2018)
 4. Class C License: A class C license shall entitle the licensee to make sales at retail of beer and wine only for use or consumption on the premises where sold. The holder of a Class C liquor license may serve limited food items which constitute a meal, without having a kitchen on premises. (amd. Ord. 2018-O-04, 1-25-2018)
 5. Class D License: A class D license shall authorize the sale on the specified premises of alcoholic liquor only for consumption on said premises when the primary business conducted upon said premises is that of a recreational facility. For the purpose of this class D license, a "recreational facility" shall be defined as a racquetball club, tennis club, health/fitness club, sports complex or bowling alley, wherein at least eighty five percent (85%) of the floor area is devoted to recreational purposes other than the sale or consumption of alcoholic liquor. No "amusements/entertainments", as defined and regulated by chapter 4 of this title, shall be permitted at any recreational facility holding a class D license. Any licensee holding a class D license shall also comply with the requirements of subsection 4-3-25N of this chapter. A class D license shall entitle the licensee to make sales at retail of alcoholic liquor only from that portion of the premises so designated for such sales and only for use and consumption on the premises where sold. (amd. Ord. 2018-

O-04, 1-25-2018)

6. Class E License: A class E license shall be a temporary permit for the sale at retail of alcoholic liquor at any banquet, picnic, bazaar, fair or similar assembly where food or drink is sold, served or dispensed. Such temporary permits shall be issued only to any business within the corporate limits of Willow Springs which currently holds a valid liquor license or an organized church, society, fraternal or benevolent organization organized or conducted not for pecuniary profit as determined by the local commissioner or any entity approved by local commissioner. Such temporary permits shall not permit the sale of any alcoholic liquors in any place where the sale thereof is prohibited by law or by ordinance of the village. Such permits shall be issued for a specific location for a period not to exceed four (4) days. Every application for a class E license shall be accompanied by a certificate of insurance naming the village as an additional insured thereon issued by a company or companies acceptable to the local commissioner evidencing the existence of the following policies of insurance:
 - a) Liquor liability insurance in accordance with the Illinois liquor control act with minimum limits of one million dollars (\$1,000,000.00) bodily injury, per person and per occurrence; and five hundred thousand dollars (\$500,000.00) property damage; and
 - b) A comprehensive general liability policy of insurance with minimum limits of one million dollars (\$1,000,000.00) bodily injury and property damage, per person and per occurrence. (amd. Ord. 2018-O-04, 1-25-2018)
7. Class G License. A class G license shall authorize establishments to manufacture beer and to store the manufactured beer on the licensed premises, to sell and offer for retail the beer manufactured on the premises for consumption on premises or sale by the package for consumption off premise. (amd. Ord. 2018-O-04, 1-25-2018)
8. Class H License. A class H license shall authorize establishments to sell and offer for retail wine and or craft beer in the original package for consumption off premise as well as such wine or craft beer being offered as a tasting sample or as part of a brew it yourself beer or wine making class, event, demonstration or similar activity, all of which are attended by persons at least 21 years of age, offered to the retail purchasers for a fee which retail sale may include: (1) tastings of beer or wine; (2) storage on the premises of beer or wine during its fermentation process; (3) beer and wine drafted by other companies and (4) delivery of finished beer or wine to the purchaser for consumption off premises. Tastings shall not exceed forty-eight (48) ounces of beer or twenty-four (24) ounces of wine in one day/event. (amd. Ord. 2018-O-04, 1-25-2018)

9. 9. Class J License: A class J license shall entitle the licensee to make retail sales of wine for consumption on premises or for consumption off premises in its original sealed container. This license may be granted as a stand-alone license or in combination with a Class R-B license. (Ord. 2018-O-35, 07-22-2018)

10. Class R-B License: A class R-B license shall entitle the licensee to make sales at retail of alcoholic liquor only in a restaurant for use or consumption only on the premises where sold. A class R-B license shall require that the service of complete sit down meals, as defined and explained in the definition of "Restaurant" in section 4-3-3 of this chapter, be fully available for all patrons on the licensed premises until no less than one hour before the closing hour of the licensed premises. (amd. Ord. 2018-O-04, 1-25-2018)

11. Class R-B-1 License: A class R-B-1 license shall entitle the licensee to make sales at retail of alcoholic liquor only in a ballroom or banquet facility for use or consumption only on the premises where sold. (2015-O-18, 2016-O-02, Ord. 2016-O-14, amd. Ord. 2017-O-30, amd. Ord. 2018-O-04, 1-25-2018))

B. Fees: The fees for the various classifications of liquor licenses shall be as set forth herein:

License Class	Annual License Fee
Class A	\$2,500
Class B	\$3,000
Class B-1	\$2,000
Class C	\$1,250
Class D	\$2,500
Class E	\$50 per day; No charge for not-for profit applicants
Class G	\$2,000
Class H	\$2,500
Class J	\$1,000 when issued as a stand-alone license; \$600 when issued in combination with a Class R-B license.
Class R-B	\$2,500
Class R-B-1	\$2,500

(amd. Ord. 2018-O-04, 1-25-2018, amd. Ord 2018-O-12, 3-22-2018, amd. Ord. 2018-O-35, 07-22- 2018)

C. Number of Licenses Issued: The total number of licenses available for the various classes of licenses shall not exceed the number set forth herein:

License Class	Maximum
Class A	8
Class B	0

Class B-1	0
Class C	2
Class D	0
Class E	No Maximum
Class G	1
Class H	0
Class J	1
Class R-B	7
Class R-B-1	1

(amd. Ord. 2018-O-04, 1-25-2018, amd. Ord 2018-O-12, 3-22-2018, amd. Ord. 2018-O-35, 07-22- 2018, amd. Ord. 2019-O-02, 01-24-2019, amd. Ord. 2019-O-32, 10-10-2019)

4-3-10: LIMITATION OF NUMBER OF LICENSES; NONTRANSFERABILITY:

A. Increase Or Decrease In Number:

1. Number of Licenses; Increase and Decrease: The board of trustees shall determine, by ordinance, the number of licenses that are available in each classification. A liquor license may be issued to an applicant by the local commissioner only after such license has been created by the board of trustees. Neither the local commissioner nor any other person or entity may issue liquor licenses in a number that is in excess of the number authorized for each classification by the board of trustees. An up to date schedule of the authorized number of licenses available in each classification shall be maintained by, and available from, the President or Village Clerk. When a liquor license expires and is not renewed or is revoked or terminated, the number of authorized licenses in a particular class shall automatically be reduced by the total number of non-renewed, revoked or terminated licenses. The local commissioner shall notify, in writing, the village clerk and board of trustees of the revocation or termination of any authorized license within seven (7) days of such occurrence.

- B. License Nontransferable: A liquor license is nontransferable. In the case of any sale, change of ownership, or change of location, the license issued to the transferor will be revoked and the transferee, or the same owner(s) who has relocated, must apply for a new license. (Ord. 35-O-2000, 11-21-2000, Ord. 2016-O-14)

4-3-11: LICENSE TERM; LICENSE FEES; LICENSE FOR PART OF YEAR; RENEWAL; FORFEITURE:

- A. License Term: Each license issued hereunder shall terminate on December 31 at eleven fifty nine o'clock (11:59) P.M. next following the issuance thereof.

- B. License Fee: All license fees, and initial expense, shall be payable in advance, and at the time the application for license, or license renewal, is made.
- C. License For Part Of Year: For any annual license provided by this chapter and issued prior to July 1 in any calendar year, the full prescribed annual fee shall be paid. For any such license issued on or after July 1 in any calendar year and expiring on December 31 following, one-half (1/2) the prescribed annual fee shall be paid. There shall be no refund for any unused portion of an annual license fee stated herein. Whether such license is terminated, revoked or suspended, either voluntarily, involuntarily or by operation of law.
- D. Renewal Of License: Any licensee may apply for renewal of a license at the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the president and board of trustees from decreasing the number of licenses to be issued within the village as a total or to be issued within the village within any class of licenses.
- E. Failure To Renew: Failure to renew a license by completing all required application requirements and submittals, including the payment of the required license fee, prior to January 1, in any given year, shall be considered by the local commissioner as an abandonment by such licensee of his right to a renewal of such license.
- F. Cessation Of Business; Forfeiture Of License: Any licensee who ceases to do business or closes his place of business for a period of more than thirty (30) successive days without prior written notification to the local commissioner shall have his license automatically terminated and the number of licenses in that class shall immediately be reduced by one. (Ord. 35-O-2000, 11-21-2000, 2016-O-14, amd. Ord 2018-O-12, 3-22-2018)

4-3-12: INITIAL LICENSE EXPENSE:

In connection with the first application of any person applying for a license under this chapter (whether or not the issuance of such license would require an amendatory ordinance authorizing an increase in the number of licenses authorized to be issued), said person shall pay at the time of such application a nonrefundable initial license expense of one thousand five hundred dollars (\$1,500.00) in addition to the annual license fees required in this chapter. The initial license expense shall be for the purpose of defraying any and all costs which the village may incur as a result of the consideration and investigations of said application. The initial license expense shall not be refundable regardless of whether or not a license is granted. (Ord. 35-O-2000, 11-21-2000)

4-3-13: HOURS OF OPERATION:

- A. It shall be unlawful to sell or offer for sale, at retail, or to give away in or upon any licensed premises, any alcoholic liquor during the following hours. Liquor may not be offered for sale, sold or consumed on the licensed premises during the hours set forth herein:

License Class	Monday – Friday	Saturday	Sunday
Class A	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM
Class B	12:00 AM – 7:00 AM	12:00 AM – 7:00 AM	12:00 AM – 7:00 AM
Class B-1	12:00 AM – 7:00 AM	12:00 AM – 7:00 AM	12:00 AM – 7:00 AM
Class C	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM
Class D	12:00 AM – 11:00 AM	1:00 AM – 11:00 AM	1:00 AM – 11:00 AM
Class E	11:00 PM – 11:00 AM	11:00 PM – 11:00 AM	11:00 PM – 11:00 AM
Class G	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM
Class H	11:00 PM – 10:00 AM	11:00 PM – 10:00 AM	11:00 PM – 10:00 AM
Class J	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM
Class R-B	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM
Class R-B-1	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM	2:00 AM – 7:00 AM

- B. In the event the premises remains open after the prohibited hours to conduct business other than the sale of alcoholic liquor, then during a period of one hour after the prohibited hours for the sale of alcoholic liquor, no person, licensee, agent or employee of any licensee, shall be present or permitted behind any bar, counter or table where alcoholic liquor is sold, dispensed or given away. After the prohibited hours for the sale of alcoholic liquor, every person on the premises of any licensee who has a license to sell alcoholic liquor, shall have fifteen (15) minutes to consume any alcoholic liquor that has been served to them before the closing hour. After this fifteen (15) minute period, it shall be the responsibility of the licensee to clear all tables, bars or counters of any alcoholic liquor.
(amd. Ord. 2018-O-04, 1-25-2018)

4-3-14: PERSONS INELIGIBLE FOR LICENSE:

No license authorized hereunder shall be issued to:

- A. A person who is not over twenty one (21) years of age.
- B. A person who is not a resident of the village and a citizen of the United States of America.
- C. A person who is not of good character and reputation in the community in which he resides.

- D. A person who has been convicted of a felony under any federal or state law, unless the local commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust.
- E. A person who has been convicted of being the keeper of a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution.
- F. A person who has been convicted of pandering, sexual molestation or other crime or misdemeanor opposed to decency and morality.
- G. A person whose license to sell alcoholic liquor, whether issued under this chapter or by any other governmental entity has been revoked for cause.
- H. A person who at the time of application for renewal of license issued hereunder would not be eligible for such license upon a first application.
- I. A partnership, unless all of the partners of such partnership shall be qualified to obtain a license as individuals except for reason of residency.
- J. A corporation or limited liability company:
 - 1. If any officer, member, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residency; and
 - 2. Unless it is incorporated in Illinois and is in good standing under the laws of Illinois, or unless it is an out-of-state or foreign corporation which is qualified under the Illinois business corporation act to transact business in Illinois and is in good standing under the state of incorporation.
- K. A person whose place of business is conducted and physically controlled and operated by a manager or agent unless such manager or agent possesses the same qualifications required of an individual licensee hereunder.
- L. A person who has been convicted of a violation of any federal or state law concerning the sale or use of drugs, or the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges of any such violation.
- M. A person who does not either own the premises (or the beneficial interest in a land trust owning the premises) for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- N. A person who is not a beneficial owner of the business to be operated by the licensee.

- O. Any law enforcing public official, the village president, member of the board of trustees or any other elected public official of the village.
- P. A person or entity to whom a federal wagering stamp has been issued by the federal government for the current tax period unless the person is eligible to be issued a license under the raffles act or the Illinois pull tabs and jar games act.
- Q. A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28.3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
- R. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises at least equal to the maximum liability amounts set forth in the Illinois Liquor Control Act. (Ord. 35-O-2000, 11-21-2000, 2016-O-14)

4-3-15: INVESTIGATION OF APPLICANT; CHIEF OF POLICE:

- A. Upon receipt of an application for a license to sell alcoholic liquor, the local commissioner shall direct the applicant to the chief of police for the purpose of a background investigation. The chief of police shall conduct an investigation into the fitness and character of the applicant, and no license shall be issued until said investigation is completed and the results forwarded to the local commissioner.
- B. The investigation by the chief of police shall include:
 - 1. A signed waiver from the applicant waiving his right to privacy and agreeing to hold the chief of police and the village harmless as a result of such investigation;
 - 2. Submission by the applicant to fingerprinting and a record search;
 - 3. The photographing of said applicant to be used for those purposes deemed necessary by the chief of police;
 - 4. Interviews with persons or companies that may assist in the gaining of background information concerning the applicant; and
 - 5. Any and all other functions deemed necessary by the chief of police to adequately investigate the applicant.
- C. If the application for license includes more than one individual, then each such individual listed on the application shall be subject to the foregoing requirements. Additionally, all persons required to complete and submit with any application hereunder (initial or renewal) a liquor license personal interest form under section 4-

3-8 of this chapter shall also be subject to the foregoing investigation requirements.
(Ord. 35-O-2000, 11-21-2000)

4-3-16: EXAMINATION OF APPLICANT; LOCAL COMMISSIONER:

The local commissioner shall have the right to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof. Such rights shall also extend to all persons required to complete and submit with any application hereunder (initial or renewal) a liquor license personal interest form under section 4-3-8 of this chapter. Likewise, these rights of examination shall extend to a licensee applying for renewal, as well as any licensee upon whom notice of revocation or suspension has been served, as provided by the Illinois liquor control act or by this chapter. The local commissioner shall have the further right to examine or to cause examination to be made of the books and records of any person applying for a license, or a renewal of a license, as well as any licensee upon whom a notice of revocation or suspension has been served as provided by the Illinois liquor control act or by this chapter, or similarly of the officers and agents of a corporate person, as well as that of a licensee or its officers or agents, to hear testimony and take proof for his information in the performance of his duties and for such purpose to issue subpoenas which shall be effective in any part of the state, for the purpose of obtaining any of the information desired by the local commissioner under this section or under this chapter. The local commissioner may authorize an agent to act on his behalf, as provided by state statute. (Ord. 35-O-2000, 11-21-2000)

4-3-17: ISSUANCE OF LICENSE; CONTENTS; TIME LIMITATION ON NONUSE:

- A. Upon strict compliance by the applicant with the provisions of this chapter and upon the written approval by the local commissioner of said application, a license shall be issued.
- B. Each license shall state thereon the classification of license, the name of the licensee, the address of the licensed premises, and the term of the license.
- C. Any license issued under this chapter must be used by the licensee within sixty (60) days after the date of issuance, otherwise, the license may be revoked by the local commissioner. (Ord. 35-O-2000, 11-21-2000)

4-3-18: INSURANCE REQUIREMENTS:

- A. No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the local commissioner that such applicant is covered by a policy of liquor liability insurance with coverage limits no less than one million dollars (\$1,000,000.00) per person and per occurrence.
- B. Each licensee shall furnish the local commissioner with a certificate of such insurance prior to the issuance of the license and annually, if renewed. In the event of a

cancellation, the local commissioner shall be notified immediately by the licensee of such cancellation. The failure to secure and continuously maintain insurance coverage as stated herein shall be grounds for the immediate suspension of business activities and/or revocation of the liquor license by the local commissioner.

- C. No license shall be issued to any applicant until such applicant shall furnish a bond with a corporate surety, such corporate surety to be a surety company authorized to act as surety and to be approved by the local commissioner. Such bond shall provide against any violation by the principal, its agents, or employees of any of the terms of this chapter, rules and regulations now in force, or which may hereafter be enforced in the village affecting the operation of such business. The penalty of such bonds shall be one thousand dollars (\$1,000.00). (Ord. 35-O-2000, 11-21-2000)

4-3-19: CHANGE OF LOCATION:

A license issued hereunder shall permit the sale of alcoholic liquor of the type specified only in the premises that are described in the application and license. The location for such operation may be temporarily or permanently changed only upon the written authorization permitting such a change issued by the local commissioner. No change of location shall be authorized by the local commissioner unless the proposed temporary or new permanent location is a proper one for the retail sale of liquor under the Illinois liquor control act and the provisions of this chapter. (Ord. 35-O-2000, 11-21-2000)

**4-3-20: PERSONAL NATURE OF LICENSE, RESTRICTIONS ON TRANSFER;
REFUND:**

- A. Personal Nature Of License; Nontransferability: Any license issued hereunder shall be purely a personal privilege and, not a vested right, and which shall expire not later than April 30 after the issuance unless sooner revoked as provided in this chapter and such license shall not constitute property nor shall it be subject to attachment, garnishment or execution nor shall it be alienable, assignable in any manner or fashion, or otherwise transferable, voluntarily or involuntarily, nor shall it be subject to be encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease and terminate upon the death of the licensee. Such license shall also cease and terminate upon the insolvency or bankruptcy of any licensee; provided, however, that the executor or administrator of the estate of any deceased licensee or the trustee of any insolvent or bankrupt licensee, when such estate consists in part of a business that is licensed under this chapter to sell alcoholic liquors, may continue the business of the sale at retail of such alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or insolvency or bankruptcy until the expiration of such license but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee whichever is the first to occur.

B. Refund Of License Fee: There shall be no refund of the license fee for any portion of a year during which the licensee ceases to engage in the business of selling alcoholic liquor. (Ord. 35-O-2000, 11-21-2000)

4-3-21: CHANGE IN PERSONNEL OR CORPORATE OWNERSHIP:

A. Partnership Terminated: In the event that a partnership which is the licensee is terminated by reason of the death, insolvency, removal, adjudication of bankruptcy or mental incompetency of a partner, the surviving or remaining partners, as agents then qualified to become a licensee under this chapter, may apply for the transfer of the license held by the former partnership, to a new partnership in which they are the only partners or to one or more of the partners, as individuals, or to a corporation as such transferee, if otherwise qualified, as required under this chapter and the Illinois liquor control act; provided that there shall be no transfer of location of such license to premises other than the licensed premises, unless such other premises conforms to the requirements of this chapter as to location and condition for a licensed premises, and then only as any such change of location is approved in accordance with the provisions of section 4-3-19 of this chapter.

B. Changes In Licensee:

1. Any changes in partners, officers, directors, shareholders or persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest of a licensee, or any managers of the establishments licensed under this chapter, or if a manager or managers are to be used when they were not previously by the licensee, shall be reported in writing to the local commissioner within ten (10) days of the change. In addition, an investigation fee of two hundred dollars (\$200.00) shall be submitted together with such report. Whereupon the local commissioner shall require all such changed personnel, including managers, to complete the "Liquor License Personal Interest Form" pursuant to section 4-3-8 of this chapter and the local commissioner shall make such further investigation as he deems necessary to consider the eligibility of such persons.

2. When a license has been issued for a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

3. When a license has been issued to a corporation and a change takes place in officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of such office, position or such shares of stock by one who is not eligible for a license, said license shall terminate.

4. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate. (Ord. 35-O-2000, 11-21-2000)

4-3-22: POSTING LICENSES AND WARNING SIGNS:

Licenses issued hereunder shall be framed and posted and maintained in a conspicuous place in the licensed premises where they will be visible to customers. Licensees shall also post the birth defects warning sign as required by state law. (Ord. 35-O-2000, 11-21-2000)

4-3-23: LOCATION RESTRICTION:

All licensed premises shall be located only in a business/commercial district as established by the village's official zoning ordinance and zoning map, as may be amended from time to time. (Ord. 35-O-2000, 11-21-2000)

4-3-24: STANDARDS FOR LICENSED PREMISES; INSPECTIONS:

- A. Sanitary Premises: The licensed premises shall be kept in a clean and sanitary condition and shall be kept in full compliance with any building code or health code, and any revisions thereof from time to time enacted by the village president and board of trustees and shall be opened by the licensee at any time for inspection by the local commissioner and the chief of police or other authorized official of the village.
- B. Lighting Requirements: All rooms where alcoholic liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial light so that all parts of the interior of the premises shall be clearly visible. No window display of alcoholic liquor shall be permitted. The exterior of the licensed premises shall be adequately lighted at night by artificial light.
- C. Plans And Specifications: In the event the licensed premises is to be reconstructed or modified in any way from that provided during the license application or license renewal process, then a copy of the plans showing the dimensions and layout of the reconstructed or modified premises shall be submitted to the local commissioner for prior approval by the building department and the local commissioner. (Ord. 35-O-2000, 11-21-2000)

4-3-25: PROHIBITED TRANSACTIONS AND MISCELLANEOUS REGULATIONS FOR LICENSED PREMISES:

- A. Gambling on Premises: No person shall permit gambling on any premises licensed to sell alcoholic liquor with the exception of gambling permitted under the Illinois Video Gaming Act, 230 ILCS 40/1, et seq., and as authorized within the Village pursuant to Chapter 3 of this Title 4. All other gambling is strictly prohibited unless authorized by state statute or Village Code. (Ord. 2016-O-13)
- B. Serving Liquor By Minors: No person under the age of twenty one (21) years may serve, draw or mix any alcoholic liquor as an agent or employee of the licensee.

- C. Sale By Certain Persons: No person under the age of twenty one (21) years, nor any customer of any age may register, by mechanical or electronic means, the sale of any alcoholic liquor.
- D. Cash Sales Required: All sales of alcoholic liquor within the village shall be made for cash or its equivalent, which may include credit and debit cards and checks.
- E. Transactions Confined To Licensed Premises; Peddling Prohibited: All sales shall be transacted on the licensed premises and the delivery of alcoholic liquor shall be made to the purchaser on the licensed premises. It shall be unlawful to peddle or deliver alcoholic liquor in the village. Delivery of alcoholic liquor shall only be permitted pursuant to state law.
- F. Fraud: Any licensee who, in the process of obtaining his license, or a renewal thereof, furnishes false information or who withholds or fails to furnish or disclose information that would affect his qualifications as a licensee hereunder, shall be subject, upon discovery thereof, to have such license suspended or revoked after due notice and appropriate proceedings thereon as specified in this chapter or in the Illinois liquor control act.
- G. Storage Of Liquor: Licensee shall store alcoholic liquor only on the licensed premises and at no other place in the village.
- H. Compliance With Additional Restrictions: Nothing in this chapter shall excuse or relieve the owner, proprietor or person in charge of the business being conducted on the licensed premises from complying with or conforming to the restrictions and requirements of all Village Ordinances, the Illinois liquor control act, Illinois statutes or federal law. No Licensee or person in charge of Licensed Premises shall permit or allow the violations of any Village ordinance, Illinois Statute or federal law upon the Licensed Premises by any person.
- I. Soliciting Liquor On Licensed Premises: It shall be unlawful for licensee, its manager, or other person in charge of any premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ, or permit the engagement or employment of any person who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein. Provided, however, that nothing herein contained shall prohibit any manager, waiter or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, waiter or waitress.
- J. Indecent Conduct Or Publications: It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct, including but not limited to, or to sell books, magazines,

coin-operated motion picture devices, films, or movies depicting, describing, or relating to the following kinds of conduct on such premises:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
2. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals;
3. The actual or simulated displaying of the breasts, pubic hair, anus, vulva, or genitals; and
4. Striptease shows or lingerie fashion shows.

K. No Amusements/Entertainments: No licensee shall have or offer amusements/entertainments on the licensed premises as defined and regulated in chapter 4 of this title unless such licensee complies with all regulations and licensing procedures thereunder and pays all fees required for such amusements/entertainments.

L. Limitation On Number Of Amusement Devices: No licensee shall lease, own, operate, maintain or otherwise have or possess more than four (4) amusement devices of any kind, as defined in section 4-1-14 of this title, on the licensed premises at any time. Further, there may not be more than two (2) of any one kind of such amusement devices on the licensed premises at any time.

M. Temporary Signs Prohibited: In addition to licensees' obligations to strictly comply with the village's sign regulations in title 9A, chapter 8 of this code, no licensee shall place, erect, construct or in any way use any temporary informational or advertising signs anywhere on the exterior of the licensed premises. Such temporary signs shall include, but not be limited to, posters, banners, canvas or plastic signs and the like. The local commissioner shall determine, in his sole reasonable judgment, whether any particular sign is a temporary sign subject to the prohibition hereunder.

N. Separation Of Licensed Premises; Class D Licenses: Since a class D license is issued to a licensee where the retail sale of alcoholic liquor is incidental to the primary activities and operation at the licensed premises, the applicant for such license must submit to the local commissioner with any initial application or renewal application for license, a detailed plan of the entire premises to show the specific area of the licensed premises to be used for the sale of alcoholic liquor. Such area, and no other area within the licensed premises may be used by the licensee for the sale of alcoholic liquor at retail. Provided, further, that if the primary activity and operation at the licensee's premises is used by any person(s) under the age of twenty one (21) years, then such applicant must further provide the local commissioner with a written plan to demonstrate the method and means that the applicant will use and employ to

control and prohibit the access to the area where the alcoholic liquor is to be sold by such minors frequenting the licensed premises. (Ord. 35-O-2000, 11-21-2000)

- O. Notify Police of Illegal Activity: It shall be the duty of each licensee to immediately notify the police department of conduct on the licensed premises which disturbs, tends to disturb or aids in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, illegal gambling, prostitution or the solicitation therefor and the sale, delivery or use of controlled substances, and no licensee shall knowingly permit such conduct upon any licensed premises owned or possessed by the licensee or under his control.. (Ord 2016-O-13)

4-3-26: SALES TO CERTAIN PERSONS PROHIBITED:

- A. Sales Prohibited: No licensee or any officer, associate, member, representative, agent or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person, except in the conduct of a "sting operation" against an employee of the licensee, written notice of which has been given by the licensee to the local commissioner and the chief of police not more than thirty (30) nor less than ten (10) days prior to the operation.
- B. Presumption Of Sales To Minors: If a person under the age of twenty one (21) years is in possession of alcoholic liquor on premises licensed to sell alcoholic liquor for consumption on such premises, it shall be presumed that the licensee sold, gave, or delivered such alcoholic liquor to the minor in possession thereof.
- C. Refusal Of Sale To Minors Without Identification: For the purpose of preventing the violation of this section, any licensee, or its agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty one (21) years.
- D. Warning Notice: Every licensee shall display at all times in a prominent place a printed card which shall be issued by the village clerk and which shall read substantially as follows:

WARNING

YOU ARE SUBJECT TO FINE UP TO THE MAXIMUM AMOUNT PERMITTED UNDER THE VILLAGE CODE OF THE VILLAGE OF WILLOW SPRINGS OR STATE STATUTE IF YOU ARE UNDER 21 YEARS OF AGE AND PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

(Ord. 35-O-2000, 11-21-2000)

4-3-27: PURCHASE OR ACCEPTANCE OF GIFT OF ALCOHOLIC LIQUOR BY PERSONS OF NONAGE; PROOF OF AGE AND IDENTIFICATION CARDS:

- A. Authority To Require Identification: The licensee, officer, representative, agent or employee of such licensee, at the time of any sale, gift or delivery of alcoholic liquor, shall require positive identification and proof of age of the recipient by means of a card or other document issued by a federal, state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal selective service act, or an identification card issued to a member of the armed forces. Such document shall contain the name, signature, date of birth and a readily recognizable photograph of the face of the person to whom the same is issued.

- B. False Identification; Purchase Without Identification Prohibited: No person shall misrepresent his or her age by any means for the purpose of purchasing or obtaining alcoholic liquor. Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor in his or her possession. No person described in the provisions of this section shall purchase or accept a gift of alcoholic liquor without at that time possessing and exhibiting positive identification and proof of age as defined in this section.

- C. Possession Or Consumption Of Liquor:
 - 1. Prohibited Generally: It shall be unlawful for any person under the age of twenty one (21) to possess or consume alcoholic liquor anywhere in the village.

 - 2. Exemptions: The possession or consumption by a person under twenty one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption of an alcoholic liquor by a person under twenty one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty one (21) years of age in the privacy of a home, is not prohibited by this section. (Ord. 35-O-2000, 11-21-2000)

4-3-28: SUSPENSION OR REVOCATION OF LICENSE; NOTICE; HEARING; FINES:

- A. Authority: The local commissioner may suspend for not more than thirty (30) days, or revoke any license issued pursuant to the provisions of this chapter, if he determines that the licensee has violated any of the provisions of the liquor control act of the state of Illinois, or the provisions of this chapter, or any applicable rules or regulations established by the Illinois liquor control commission or any applicable rules or regulations established by said local commissioner.

B. Public Hearing: No such license shall be revoked or suspended except after a public hearing by the local commissioner with a minimum three (3) day written notice sent to the licensee prior to the hearing affording said licensee an opportunity to appear and defend. An official record of the hearing and proceedings by the local commissioner shall be taken and prepared by a certified court reporter or certified shorthand reporter. Provided, however, that if the local commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the village or the Village is advised of a state liquor code violation. he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

C. Decision Of Local Commissioner: The local commissioner shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason or reasons for such determination in a written order of revocation or suspension setting forth the amount of any fine, the period of any suspension, or that the license has been revoked, and shall serve a copy of the written order within five (5) days thereafter upon the licensee.

D. Appeal: The licensee, after the receipt of the order of suspension or revocation shall have the privilege within a period of twenty (20) days after the receipt of such order of suspension or revocation of appealing the order to the Illinois liquor control commission. The appeal to the Illinois liquor control commission shall be limited to a review of the official record of the hearing and proceedings before the local commissioner. A certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local commissioner within five (5) days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript. The Illinois liquor control commission shall review the propriety of the order or action of the local commissioner and shall consider the following questions:

1. Whether the local commissioner has proceeded in the manner provided by law;
2. Whether the order is supported by the findings; and
3. Whether the findings are supported by substantial evidence in light of the whole record.

Review of the decisions of the local commissioner shall be limited to a review of the certified official record of the proceedings of the local commissioner. No new or additional evidence shall be admitted or considered.

- E. Costs: Any licensee or licensed premises determined by the local commissioner to have violated any of the provisions of the liquor control act, or any ordinance or resolution of the village, or any rule or regulation established by the local commissioner, or the Illinois liquor control commission, shall pay to the village the costs incurred by the village in investigating and conducting hearing(s) on said violation(s). The local commissioner shall determine the costs incurred by the village for said hearing, including, but not limited to: court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the local commissioner may allow. The licensee shall pay said costs to the village within thirty (30) days of notification of the costs by the local commissioner. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause for license suspension or revocation, or the levy of a fine. In the event of an appeal to the Illinois liquor control commission, and in cases where the appeal is taken pursuant to the administrative review act, payment is due thirty (30) days after the entry of an order finally affirming the determination of the local commissioner.
- F. Fines: In addition to suspension, the local commissioner may levy a fine on the licensee for violations as defined in subsection A of this section. Such fine shall not exceed one thousand dollars (\$1,000.00) for each violation; each day on which each violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of his license. (Ord. 35-O-2000, 11-21-2000)

4-3-29: CONSUMPTION OF ALCOHOLIC LIQUOR IN PUBLIC PLACES PROHIBITED:

It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor, except in the original package and with the seal unbroken, on the public street, sidewalk, parkway, public parking lot or semipublic parking lot. The term "semi-public parking lot" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise or commercial establishment. (Ord. 35-O-2000, 11-21-2000)

4-3-30: HAPPY HOURS:

- A. All licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

B. No licensee or employee or agent of such licensee shall:

1. Serve more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;
2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public; or as provided in subsection (c) herein.

C. A licensee may:

1. Offer free food or entertainment at any time;
2. Include drinks of alcoholic liquor as part of a meal package;
3. Sell or offer for sale a party package only if the licensee:
 - (a) offers food in the dedicated event space;
 - (b) limits the party package to no more than 3 hours;
 - (c) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - (d) excludes individuals not participating in the party package from the dedicated event space;
4. Include drinks of alcoholic liquor as part of a hotel package;
5. Negotiate drinks of alcoholic liquor as part of a hotel package;
6. Provide room service to persons renting rooms at a hotel;
7. Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
8. Advertise events permitted under this subsection;
9. Include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed under another section of this chapter that (a) restricts dates of operation to dates during which there is an event at an adjacent stadium, (b) restricts hours of serving alcoholic liquor to 2 hours before the event and one hour after the event, (c) restricts alcoholic liquor sales to beer and wine, (d) requires tickets for admission to the establishment, and (e) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
10. Discount any drink of alcoholic liquor during a specified time period only if:

- (a) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
- (b) the period of time during which any drink of alcoholic liquor is discounted does not exceed 4 hours per day and 15 hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
- (c) the drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and
- (d) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least 7 days prior to the specified time.

D. A violation of subsection (C) herein shall be grounds for suspension or revocation of the licensee's license.

E. As used in subsection (C):

"Dedicated event space" means a room or rooms or other clearly delineated space within a liquor licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

"Meal package" means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a liquor licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

"Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

4-3-31: BASSET TRAINING:

Any liquor license holder shall at all times cause the sale, offer for sale, and/or serving of alcoholic liquor to be performed exclusively by persons who have received a beverage alcohol sellers and servers education and training (BASSET) certification from an entity that has obtained a BASSET license from the Illinois Liquor Control Commission in accordance with the Illinois Liquor Control Act, as amended from time to time. In addition to having all bartenders and waitstaff that sell or serve alcoholic liquor to be BASSET certified, every employee posted at any entrance to the licensed premises to check identification of admittees shall also be BASSET certified. (Ord. 2016-O-14)

4-3-32:VIDEO GAMING:

- A. The definitions of the Illinois Video Gaming Act, 230 ILCS 40/1, et seq., are incorporated and adopted into this section by reference.
- C. The following activities or forms of gambling are allowed provided all applicable licenses are obtained: (i) the keeping, possession, ownership, use of a video gaming terminal in a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment, which is licensed by the Gaming Board to conduct or allow such specific activities under the Video Gaming Act, 230 ILCS 40/1, *et seq.*
- D. The annual license fee for each licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment shall be one hundred dollars (\$100.00) with no proration if licensee only operates for a portion of the calendar year.
- E. The annual license fee for each video gaming terminal shall be twenty-five dollars (\$25.00) with no proration if licensee only operates for a portion of the calendar year. The limitation on the number of video gaming terminals provided for in the Video Gaming Act shall apply. (Ord. 2019-O-40)
- F. All licensed establishments and each licensed gaming terminal must display the license or sticker obtained from the Gaming Board and/or Village at all times.
- G. All limitations on hours of operation, proximity to schools, places of worship, and gambling facilities, and other restrictions, as listed in the Video Gaming Act, shall apply to any license issued by the Village. (Ord. 2016-O-13)

4-3-33: VIOLATION OF RETAILERS' OCCUPATION TAX ACT:

In addition to other grounds specified in this chapter, the local commissioner may refuse the issuance or renewal of a retail liquor dealer's license or suspend or revoke such license for any of the following violations of the retailers' occupation tax act, approved June 28, 1933, as amended:

- A. Failure to make a tax return;
- B. The filing of fraudulent return;
- C. Failure to pay all or part of any tax or penalty finally determined to be due;
- D. Failure to keep books and records;
- E. Failure to secure and display a certificate or subcertificates of registration;

F. Willful violation of any rule or regulation of the state department of revenue relating to the administration and enforcement of tax liability. (Ord. 35-O-2000, 11-21-2000)

4-3-34: VIOLATIONS AND PENALTIES:

A. Liability For Violations: Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him personally.

B. Penalties Generally: Unless another penalty is expressly provided for in this chapter, any person violating any provision of this chapter shall be fined not less than two hundred dollars (\$200.00), nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee convicted of violating any provisions of this chapter may be subject to having his license revoked, suspended or not renewed by the local commissioner.

C. License Revocation As Additional Penalty: Whenever any licensee shall have been convicted by any court of a violation of any of the provisions of the liquor control act, or of this chapter, or any other ordinances of the village controlling or regulating the sale of alcoholic liquors, the licensee shall, in addition to all other penalties for such offense, incur a forfeiture of any local retail liquor dealer's license issued pursuant to this chapter and all monies that have been paid therefor. (Ord. 35-O-2000, 11-21-2000)

**CHAPTER 4
AMUSEMENTS, ENTERTAINMENTS**

4-4-1: DEFINITION:

AMUSEMENTS, ENTERTAINMENTS: Shall include both participative and exhibitive amusements and entertainments, including, but not by way of limitation, the following: live band or orchestra performances; any theatrical, dramatic, musical or spectacular performance; any discotheque, lounge, tavern or club wherein musical entertainment is provided by a person spinning records or playing tapes of recorded music.

4-4-2: LICENSE REQUIRED:

The amusements, entertainments license shall be in addition to any other licenses provided for in this Code , including a general business license and alcoholic liquor license, if applicable.

4-4-3: LICENSE FEES:

- A. **Criteria for Charges:** The license fee to be charged to any establishment providing amusements or entertainment as defined herein shall be based upon:
1. Total occupancy of such establishment as determined by the Willow Springs Fire Department, and
 2. The type of liquor license which the establishment holds.
- B. **Occupancy Determination:** The Willow Springs Fire Department shall each year make an inspection and survey of each establishment providing such amusements or entertainments as defined herein and certify the total occupancy of each such establishment to the Village Clerk. The Village Clerk shall keep such survey on file for public inspection.
- C. **Fee Amounts:** The fees shall be as follows:
- 12:00 o'clock license - \$7.50 per person, per year.
- 2:00 o'clock license - \$10.00 per person, per year.
- 4:00 o'clock license - \$12.50 per person, per year.
- D. **Collection of Fee:** The Village Clerk shall by April 1 of each year notify each establishment of its total occupancy, type of liquor license, and total license fee to be paid under this ordinance. Every such license shall expire on the last day of April next after its issuance.

4-4-4: PENALTY:

Any person who shall fail or refuse to pay such required license fee shall be liable for the penalty and fines provided for in Section 1-4-1 of the Village Code. For purposes of this Chapter, each day during which a violation of this Chapter shall exist shall constitute a separate and distinct offense. (Ord. 80-9, 7-15-80; amd. 1983 Code)

**CHAPTER 5
SALES REGULATIONS**

ARTICLE A. ITINERANT MERCHANTS

4-5A-1: DEFINITION:

ITINERANT MERCHANT: Every person who shall sell or offer for sale at wholesale, retail or as a commission merchant, or barter or exchange any goods, wares or merchandise traveling from place to place along or upon the streets or alleys of the Village, or at the doors of houses, apartments or stores, or who shall offer for sale or sell and deliver immediately from a wagon, push cart, other vehicle or stand.

4-5A-2: LICENSE REQUIRED; APPLICATION:

No person shall engage in the business of itinerant merchant in the Village, as defined herein, without first having obtained a license therefor.

Application for such license shall be made as provided in Section 4-1B-2 of this Village Code. In addition to the information required pursuant to the aforesaid Section, the applicant shall give his place of birth, height, weight, color of eyes and hair and telephone number; the kind of goods, wares, merchandise or property to be peddled, the manner of selling and the mode of conveying same; the name of the firm, company, organization or association which he represents; the make of automobile or other vehicle and the license number of the automobile or other vehicle, if any, to be used while engaged in the occupation of itinerant merchant. Each applicant who shows evidence of good character and pays the license fee provided for herein shall be issued a license to engage in the occupation of itinerant merchant. No such license shall be issued until the application shall have been referred to the Police Department for verification of the information contained in such application and for consideration of the good character of the applicant and until the Police Department shall certify that said applicant has been fingerprinted.

4-5A-3: CONTENT OF LICENSE:

Each license issued shall set forth the kind of goods, wares, merchandise or property desired to be peddled or hawked, the manner of selling, and the mode of conveying the same, and time for which the license is granted.

4-5A-4: LICENSE FEES:

The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title. (Ord. 2010-O-15)

4-5A-5: CONDITIONS AND RESTRICTIONS OF LICENSE:

- A. Hawking; Sound Devices: No person, whether holding an itinerant merchant license or not, in going along the streets, alleys or public places of the Village, or in such close proximity thereto as to be audible therein, shall call out, cry or use or operate any whistle, bell, horn, radio, phonograph or other sound-making device for the purpose of advertising any goods, wares or merchandise for sale, barter or exchange, or of inviting the patronage of any person to any business whatever.
- B. Hours for Door to Door Peddling: No itinerant merchant shall sell or offer for sale, barter or exchange any goods, wares or merchandise of any kind along or upon any street, alley, public area or other place in the Village, except between the hours of

eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. of the official time of the Village.

Hours for Stationary Peddling: No itinerant merchant shall sell or offer for sale, barter or exchange any goods, wares or merchandise of any kind on any street, alley, public place or any other place in the Village, except between the hours of eight o'clock (8:00) A.M. and dusk or at the discretion of the Village Administrator.

C. Quitting Private Premises: It shall be unlawful for any itinerant merchant to refuse or fail to leave any private premises in the Village upon being requested to do so by the owner, occupant or person in charge thereof.

D. Conduct to be Orderly: No itinerant merchant shall vex, annoy or harass any person by importuning such person to purchase or look at his goods or wares, nor shall any such itinerant merchant enter any private house without being invited.

4-5A-6: FRAUD:

Any licensed itinerant merchant who shall be guilty of any fraud, cheating, misrepresentation or imposition, either directly or indirectly through the agency of any other person, while acting as a peddler, or who shall peddle, sell, or offer for sale, barter or exchange, by himself or any other person, any kind of goods, wares, merchandise or articles, or use or suffer to be used any other mode of conveyance than that specified in his license, shall be subject to the penalty provided in this Code. (Ord. 83-0-14, 12-8-83)

ARTICLE B. CHRISTMAS TREE SALES

4-5B-1: LICENSE REQUIRED:

No person shall store, sell or offer for sale within the Village any pine, balsam, spruce, fir or other trees, or any branches or parts thereof which have been cut for use as Christmas trees or for ornamental or decorative purposes, without first having obtained a license to do so from the Village Clerk. No license shall be granted except for locations that are properly zoned.

4-5B-2: LICENSING INSPECTION:

The Fire Chief shall inspect each location for which a license is requested and no license shall be issued for any location that will create a fire hazard within the Village.

4-5B-3: LICENSE FEE:

The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title.

4-5B-4: BOND:

For each location for the sale of said articles, a cash bond in the amount of one thousand dollars (\$1,000.00) shall be deposited with the Comptroller and shall be for the purpose of indemnifying the Village against having any location remain in an unsanitary and unhealthy condition after the Christmas season. Said cash bond shall be refunded within five (5) days after the discontinuance or termination of the Christmas tree sale business so long as the location for the sale of all above described articles has been placed in a sanitary and safe condition. (1963 Code; amd. 1983 Code)

CHAPTER 6 SERVICE OCCUPATIONS; ESTABLISHMENTS

ARTICLE A. PUBLIC GARAGES; WRECKERS

4-6A-1: DEFINITIONS:

AUTOMOBILE REPAIR SHOP: Any building, structure, premises, enclosure or other place where the business of doing repair work on or for automobiles, autocars, auto trucks, motorcycles, or any of the component parts thereof, the repairing of, or the adding of parts thereto or the polishing, washing, greasing, painting or refinishing of such vehicles is carried on.

AUTOMOBILE SALESROOM: Shall mean any building, structure, premises, enclosure, lot, or other place where the business of dealing in new or used or secondhand automobiles, trucks or any similar self-propelled vehicles or parts thereof, is conducted or carried on.

AUTO WRECKER: Any person who sells, buys or deals in used automobiles, which automobiles are dismantled, taken apart and not used again as a motor vehicle.

PUBLIC GARAGE: Any building, structure, premises, enclosure, vacant property or other place, except a public thoroughfare, designed and maintained to be used for the storage of motor vehicles where two (2) or more automobiles, autocars, or any similar self-propelled vehicles are stored or parked in a condition ready for use.

REGULAR CAR: A motor vehicle regularly stored in such public garage.

TRANSIENT CAR: A motor vehicle stored for hire in a public garage for a limited period in excess of twenty four (24) hours but not stored regularly in such garage.

4-6A-2: LICENSING PROVISIONS:

A. Required: No person shall manage, conduct, operate or carry on the business of a public garage, automobile repair shop, auto salesroom or automobile wrecker without having first obtained a license therefor.

B. Application: The application for such license for the business of managing, conducting, operating or carrying on a public garage, automobile repair shop, auto salesroom or automobile wrecker shall conform to the general provisions of Chapter 1 of this Title relating to applications for licenses, and in addition thereto, shall specify the location of the building or place in which it is proposed to conduct such business, the construction of the building, the number of square feet in any building, premises or vacant property where such business shall be conducted. Every such application shall be approved by the President and Board of Trustees, the Building Commissioner and the License Committee before a license shall be issued. (Ord. 1970-2, 4-3-70)

C. Fee: The annual license fee for each such business shall be as provided in Chapter 1 of this Title. (Ord. 1970-2, 4-3-70; amd. 1983 Code)

4-6A-3: STORAGE OF VEHICLES:

No owner or operator of a public garage, automobile repair shop or automobile salesroom shall store any vehicles on any vacant lot or unimproved premises. All vehicles which are not in operating condition or which have been involved in an accident and have been damaged to such an extent as to be unsightly shall be stored within an enclosed building. (Ord. 1970-2, 4-3-70)

4-6A-4: GARAGE REGULATIONS:

A. Record of License Tags: It is hereby made the duty of each and every person operating a public garage to keep for public inspection a record of the license numbers and engine numbers of all motor vehicles taken in or held in charge by the garage for the purpose of selling, rental, livery, storage or repair.

B. Register of Vehicles: It shall be the duty of the owner or operator of any public garage to provide a register in book form, in which the owner or driver of any transient car to be stored in such public garage shall enter legibly in writing, in the English language, at the time any such motor vehicle is brought therein for storage, the date so delivered, the owner's name and address, the chauffeur's or driver's name and address, the trade or other name of the motor vehicle, its type, color, engine number, serial number, State license number, and Village license number, together with such other distinguishing marks as the owner or operator of such garage may deem necessary in order to fully identify such vehicle. When any such transient vehicle is claimed and taken out by its owner or authorized representative, it shall be the duty of the owner or operator of such public garage to note the date when the same is taken out.

It shall be necessary for such owner or operator of such public garage to require the signing of the garage register for a car regularly stored therein, except upon the initial date of storage.

- C. Records Inspection by Police: The garage register of any public garage shall, at all times, be open to inspection and investigation by all members of the Police Department of the Village. (Ord., 4-28-60)
- D. Obliterated Engine Numbers; Police to be Notified: It shall be the duty of the owner or operator of any such public garage to at once notify the Chief of Police, immediately upon the discovery by such owner or operator, or any employee thereof, of any alteration or obliteration of any engine number on any motor vehicle stored in such public garage, and to hold such motor vehicle for a period of at least twenty four (24) hours or until complete investigation of all facts surrounding such alteration or obliteration shall have been made by the Police Department of the Village. If resistance is made, notice shall at once be given to the Police Department or to any police officer within call.

4-6A-5: AUTO WRECKER REGULATIONS:

- A. Storage: Storage of any automobile by an auto wrecker, as hereinbefore defined, is hereby prohibited on any vacant property or premises and such business shall be conducted only within a building or structure.
- B. Bond: Before any person shall be issued a license to engage in a business as an auto wrecker, he shall first file with the Clerk a bond to be approved by the Village Board in the sum of twenty thousand dollars (\$20,000.00), assuring that the applicant will truly and faithfully comply with all laws and Statutes covering the conduct of the business, including the registering of wrecked automobiles.
- C. Location: No person shall operate or conduct the business of auto wrecker except in the exact location mentioned in the license granted by the Village. (Ord., 4-28-60)
- B. Bond: Before any person shall be issued a license to engage in a business as an auto wrecker, he shall first file with the Clerk a bond to be approved by the Village Board in the sum of twenty thousand dollars (\$20,000.00), assuring that the applicant will truly and faithfully comply with all laws and statutes covering the conduct of the business, including the registering of wrecked automobiles.
- C. Location: No person shall operate or conduct the business of auto wrecker except in the exact location mentioned in the license granted by the Village. (Ord., 4-28-60)

4-6A-6: AUTOMOBILE SALESROOM REGULATIONS:

- A. The hours of operation for automobile salesrooms shall be between the hours of nine o'clock (9:00) A.M. and ten o'clock (10:00) P.M.
- B. A maximum of ten (10) vehicles shall be offered for sale at any one time by any automobile salesroom. (Ord. 87-0-1, 1-8-87)

ARTICLE B. RIDING STABLES

4-6B-1: DEFINITION:

RIDING STABLE: Any barn, stable, building or other place, the principal use of which, or the chief source of profit of which, is derived from the boarding of horses or the keeping of horses, or the renting of horses to the public for hire. Such definition shall be construed as including what was formerly known as a boarding stable.

4-6B-2: LICENSING PROVISIONS:

- A. Required: No person shall conduct or operate a riding stable or engage in the business of a riding stable keeper without first obtaining a license so to do.
- B. Application: An application for license shall be made as provided in Chapter 1 of this Title.
- C. Fee: The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title.
- D. License Requirements: No riding stable license shall be issued unless the following conditions precedent have been complied with:

The stable for the use of which the license is applied has been inspected by the Health Officer and has been certified by him to be in a clean condition.

The walls and ceilings of the stable have been whitewashed and are in a clean condition.

A suitable concrete manure box has been provided in the stable.

An underground septic tank and leach field has been installed with drain so constructed as to permit urine from the stable to run in the tank.

The barns and fences appurtenant to the stable are kept in a clean and orderly condition, with all exterior wood properly painted.

4-6B-3: OPERATION AND LOCATION REGULATIONS:

- A. Area Restrictions: The President and Board of Trustees take cognizance of the fact and hereby declare that the area, of approximately two hundred fifty (250) acres, described immediately hereafter in this Section is a residence area. It shall be unlawful for any person to conduct a riding stable in or on any lot, fronting on any street, or within fifty feet (50') of such street or unplotted territory, anywhere in the North West One Quarter (NW 1/4) of Section Thirty-Four (34), the East Half (E 1/2)

and South West Quarter (SW1/4) of Section Thirty-Two (32), also the North Half (N 1/2) Section Five (5), all of the above described territory being in Township Thirty-Eight (38) North, Range Twelve (12) East of the Third (3rd) Principal Meridian, in the Townships of Palos and Lyons, County of Cook and State of Illinois and within the corporate limits of the Village.

B. Inspection: The Building Commissioner and Health Officer shall from time to time inspect, or cause to be inspected, each riding stable for the purpose of ascertaining whether the provisions of this Chapter are being observed by each riding stable keeper. (Ord., 5-27-43; amd. 1983 Code)

ARTICLE C. MASSAGE ESTABLISHMENT REGULATIONS

4-6C-1: PURPOSE:

This Article is to establish minimum requirements and standards for commercial massage establishments in the Village of Willow Springs in order to protect and maintain the public health, safety and welfare, to insure safe, clean and sanitary conditions and to prevent the spread of disease.

4-6C-2: DEFINITIONS:

MASSAGE ESTABLISHMENT: Any premises, place of business, or membership club, where there is conducted the business or activity of furnishing, providing or giving for a fee or other form of consideration a massage, fomentation, bath, manipulation of the human body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure or any nonmedical and/or nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or electronic therapeutic or bathing devices.

MASSAGE ESTABLISHMENT (EXCEPTION): The words "Massage Establishment" and the provisions of this Article shall not apply to any duly licensed physician, surgeon, osteopath, chiropractor or to other persons duly licensed by the State of Illinois to treat, manipulate, operate upon, or prescribe for the persons or bodies of human beings and who are actually practicing said licensed profession or to graduate nurses, or to students of medicine, surgery, osteopathy, chiropractic or similar professional callings actually attending accredited schools.

MASSAGE TECHNICIAN: Any person, male or female, who in connection with the activities of a message establishment administers to another person, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the human body, or other similar procedure as stated in this Section.

PERSON: Any natural person, firm, partnership, corporation, or association. (Ord. 76-3, 4-22-76)

4-6C-3: LICENSING PROVISIONS:

A. Required, Application: No person shall conduct or operate a massage establishment without first having obtained a license therefor. Application for such license shall be made as provided in Chapter 1 of this Title.

B. Investigation: The Village Clerk shall refer each application for license to the proper Village officer or officers, including but not limited to the Health Officer, in order to ascertain if the issuance of such license would be inimicable to the public peace, health, safety, morals and general welfare of the Village and its inhabitants.

1. The Police Chief shall investigate and shall ascertain whether or not the applicant and all persons directly or indirectly interested in the license or proposed business as owner, partners, officers, managers, employees, or other persons to be in charge of the premises are reputed to be persons of good moral character. He shall also ascertain whether or not any of such persons have been convicted of a felony or any crime involving fraud, embezzlement, or moral turpitude, or any offenses involving prostitution, lewd conduct, or offenses resulting from a reduction of the aforementioned offenses, or whether such person shall have had a license or permit for a similar business or liquor license suspended, canceled or revoked. The police chief shall cause fingerprints to be taken of the applicant and any other person referred to in this subsection. The police chief shall prepare a report of his findings and submit same to the license committee along with his recommendations, if any.

2. The aforesaid investigating officers shall file with the village clerk their reports in writing, stating the extent of their investigation, sources of information, particulars of objections and their recommendations.

C. Fee: The fee for each license granted hereunder shall be as provided in chapter 1 of this title. (Ord. 76-3, 4-22-1976; amd. 1983 Code)

4-6C-4: REGULATIONS FOR OPERATION:

A. Premises And Health: No massage establishment shall be operated, established or maintained in the village that does not comply with the following minimum standards:

1. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after each use on a patron or employee.

2. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from clean storage areas.

3. Clean linen and towels shall be provided for each massage patron. Common use of towels or linens shall not be permitted.

4. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

5. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers and cabinets.

6. Adequate bathing, dressing, locker and toilet facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet and massage room facilities shall be provided. Separate toilet and lavatory facilities shall be maintained for employees and/or licensed personnel.

7. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. Where carpeting is used on the floors, it shall be kept dry.

8. The premises shall be equipped with a service sink for custodial services.

9. Eating in the massage work areas shall not be permitted.

10. Animals, except for seeing eye dogs accompanying a blind patron or employee, shall not be permitted in the massage work area.

11. All massage technicians and employees shall wash their hands thoroughly before administering massage manipulations to each patron accommodated. No person suffering from a communicable disease shall work or be employed in a massage establishment. No person suffering from a communicable disease shall be accommodated as a patron therein. (Ord. 76-3, 4-22-1976)

B. Segregation Of Sexes: (Repealed by Ord. 17-O-2005)

C. Prohibited Practices: It shall be prohibited for any person to massage any other person, give or administer any bath or baths, or to give or administer any of the procedures or services set forth in this article for immoral purposes, or in a manner intended to arouse, appeal or to gratify the lust or passions or sexual desires of such other person.

D. Records: A person operating a massage establishment shall maintain a current file of all persons employed by him. Such file shall contain true names and aliases used by each such employee, age, birthdate, height, weight, color of hair and eyes, sex, home address, phone numbers, social security number, birth certificate, photograph and date

of employment and termination of employment. Such person shall make all records immediately available upon demand of any law enforcement officer.

- E. Communication Devices: A person operating a massage establishment shall not permit communication devices to be installed or used in any manner on the premises so as to interfere with or hinder inspections by law enforcement officers.
- F. Posting Ordinance: A person operating a massage establishment shall post and continually keep posted a copy of this Article at a conspicuous place inside the premises.
- G. Supervision: The licensee or a manager approved in connection with issuance of a license herein shall be present on the licensed premises at all times when the establishment is in operation.
- H. Hours: No person shall conduct or operate a massage establishment between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. of the following day.
- I. Inspection: Any person operating a massage establishment shall, during business hours be responsible for, and provide, that any premises used for the purpose of a massage establishment shall be readily accessible and open for inspection by law enforcement officers or other employees of the Village who are charged with enforcement of health and safety or penal laws of the Village, the County or the State. (Ord. 76-3, 4-22-76)

4-6C-5: MASSAGE TECHNICIAN:

Any person who administers massage services or manipulative exercises shall be a certified member of the American Massage Therapy Association and shall display such certificate posted at a conspicuous place inside the premises.

4-6C-6: EXEMPTION:

Any full service beauty salon, the majority of whose revenue is derived from services associated with hair-setting and cutting, nail sculpture and related services, and who offers massages on a limited basis, shall be exempt from the provisions of Sections 4-6C-3, and 4-6C-4 of this code. (Ord. 87-0-23B, 12-10-87)

ARTICLE D. VETERINARY HOSPITALS

4-6D-1: DEFINITION:

VETERINARY HOSPITAL: Any institution, place or enclosure used for the harboring or reception for the care and treatment of two (2) or more dogs, cats or other animals. (Ord. 73-12, 11-23-73)

4-6D-2: LICENSING PROVISIONS:

- A. License Required, Fee: No person shall engage in the business of a veterinary hospital without first obtaining a license therefor. The annual license fee for such veterinary hospital shall be as provided in Chapter 1 of this Title.
- B. Application: An application for a veterinary hospital license shall be made in conformity with the general requirements of the Village relating to applications for licenses as set forth in Chapter 1 of this Title. The Health Officer shall cause an investigation to be made of the premises named and described in the application for the purpose of determining the fitness and suitability of said premises for such business from a sanitation standpoint. (Ord. 73-12, 11-23-73; amd. 1983 Code)

4-6D-3: OPERATION REGULATIONS AND RESTRICTIONS:

- A. Licensed Veterinarian Required: It shall be unlawful to operate any veterinary hospital unless such hospital has at least one licensed veterinarian in attendance at all times.
- B. Sanitary Conditions Required: All veterinary hospitals shall be kept free and clean from all decaying food and from filth of any kind. All parts of said buildings, premises and enclosures shall be disinfected from time to time and shall be kept in a sanitary condition. The health officer shall periodically inspect such place of business to determine whether or not the provisions of this article relative to the health and sanitation thereof are being complied with.
- C. Animal Housing Restrictions: No animal shall be housed or kept out of doors on said premises, and no kennel shall be established or maintained on said premises.
- D. Incinerators Prohibited: It shall be unlawful to maintain, use or operate an incinerator on said premises. (Ord. 73-12, 11-23-1973)

ARTICLE E. CONTRACTORS

4-6E-1: REGISTRATION PROVISIONS:

- A. Registration Required: No person shall conduct, manage, operate or carry on the business of concrete or cement contractor; mason (brick or stone) contractor; carpenter contractor; electric contractor; lathing contractor; plaster contractor; excavating contractor; heating contractor; roofing contractor; drain layer; sewer contractor; plumbing contractor; septic tank contractor; or any other contracting business; or otherwise engage in the construction, erection, finishing, repairing, wrecking, or alteration of buildings or other structures without first obtaining either an annual business registration or temporary contractor's registration, as hereinafter provided.

B. Application: Application for an annual registration for a contractor whose place of business is located within the village, shall be made in the same manner as provided in chapter 1 of this title for licenses.

C. Fee, Annual: Each of the contracting businesses described in this code shall be and are hereby considered as separate businesses, requiring a separate registration for the conduct thereof. The fee for each registration issued hereunder shall be as provided in the fee schedule contained in section 4-1-14 of this title. (Ord. 12-O-2003, 5-22-2003)

4-6E-2: TEMPORARY CONTRACTOR'S REGISTRATION:

A contractor whose place of business is not within the village may obtain a temporary contractor's registration for individual jobs within the village in lieu of the annual registration (provided, that the individual job does not pertain to more than one building or structure) upon complying with the provisions hereof, applying for such temporary contractor's registration at the office of the village clerk, and the payment of one hundred dollars (\$100.00) for such temporary contractor's registration. (Ord. 12-O-2003, 5-22-2003)

4-6E-3: BOND REQUIRED:

Contractors registered hereunder must file with the clerk and keep in force during the registration period, a bond to the village in the penal sum of ten thousand dollars (\$10,000.00), with sureties to be approved by the president and board of trustees, conditioned upon the faithful observance and performance of all regulations of the village concerning such business and the work performed thereunder, then in force or which may thereafter be in force; further to indemnify, save and keep harmless the village from loss, cost, damages, expense or liability of any kind whatsoever which the village may suffer or which may accrue against, be charged to, or recovered from the village from or by reason of any act or thing done by such contractor, or by any negligence in the execution of any work done by such contractor, or by or on account of any improper work done under or by virtue of the authority issued or granted under the provisions of this code. (Ord. 12-O-2003, 5-22-2003)

4-6E-4: COMPLIANCE WITH BUILDING AND INSPECTION REQUIREMENTS:

Any person securing a registration hereunder shall comply with, and pay, all required building permit and inspection fees and charges and shall perform his work in accordance with the requirements of this code, and shall be subject to such inspection of the work as shall be deemed necessary by the building commissioner who shall have the right to enter at all times for the purpose of inspecting work being performed within the village. (Ord. 12-O-2003, 5-22-2003)

**CHAPTER 7
COIN OPERATED, SELF-SERVICE DEVICES**

ARTICLE A. SELF-SERVICE LAUNDRIES

4-7A-1: DEFINITION:

SELF-SERVICE LAUNDRIES: Any establishment in which coin operated facilities are available for washing clothes or for drying clothes or both, and which is open and available to the general public for use. (Ord., 1-24-1963)

4-7A-2: LICENSE REQUIRED, FEE:

It shall be unlawful to establish or operate any self-service laundry without first having secured a license therefor. Applications for such licenses shall be made as provided in chapter 1 of this title. The fee for each license issued hereunder shall be as provided in chapter 1 of this title. (Ord., 1-24-1963; amd. 1983 Code)

4-7A-3: HOURS OF OPERATION RESTRICTED:

It shall be unlawful to keep any such establishment open for business between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M. unless there is an adult attendant in charge of the premises during such hours. (Ord., 1-24-1963)

4-7A-4: EQUIPMENT INSTALLATION:

Installation of all equipment in such establishments shall be in conformity with all provisions of this Code relating to such installations.

4-7A-5: INSPECTIONS:

It shall be the duty of the President and Village Board to cause such inspection to be made of the premises as may be necessary for the purpose. (Ord., 1-24-63)

ARTICLE B. AUTOMATIC DRY CLEANING MACHINES

4-7B-1: DEFINITION:

AUTOMATIC DRY CLEANING MACHINE: Any device or apparatus for the cleaning of clothes or fabrics, and designed to be used or operated by any but 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.

4-7B-2: COMPLIANCE WITH REGULATIONS REQUIRED:

It shall be unlawful to install, operate or maintain any automatic dry cleaning machine as hereinafter defined except in compliance with the provisions of this Article or without complying with all of the provisions pertaining to the installation and operation of such machine herein contained; or in violation of any laws, rules, or regulations of the Department of Public Health, relating thereto. (Ord., 1-24-63)

4-7B-3: LICENSE REQUIRED; APPLICATION; FEE:

No person shall engage in the business of operating automatic dry cleaning machines in the Village without first having obtained a license therefor. Application for such license shall be made as provided in Chapter 1 of this Title. The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title. In the event any licensee shall secure additional machines during the license year, then the additional fee for each additional machine, as required in Chapter 1 of this Title, shall be paid to the Village Clerk within ten (10) days from the date of installation of said machine(s). (1983 Code)

4-7B-4: INSTALLATION REGULATIONS:

Each 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.

The exhaust system must maintain a minimum flow of one hundred (100) cubic feet per minute face velocity through the loading door whenever the door is open.

The discharge stack for the machines and for the room in which the machines are located shall extend at least two feet (2') above the level of any window which can be opened located within fifty feet (50') of the outlet of the stack, and shall be at least fifty feet (50') away from any fresh air intake leading to any premises.

The 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.

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. Waste water shall be discharged through an air gap.

The room in which such 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 machine 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 machine.

Each machine must be so designed and constructed as to prevent the leakage of liquids, gas or vapors.

4-7B-5: OPERATION REGULATIONS:

No automatic dry cleaning machine shall be operated unless all the equipment described in the foregoing Section is properly installed and in good operating working condition. No establishment for which a license is required under the provisions of 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. There shall be warning signs posted in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapor occurs. It shall be unlawful to permit any residue containing 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.

At least one legible sign shall be maintained 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.

4-7B-6: INSPECTIONS:

It shall be the duty of the President and Village Board to cause such inspections to be made as are necessary to see to the enforcement of the provisions of this Article. (Ord., 1-24-63)

**CHAPTER 8
FOOD SERVICE REGULATIONS**

ARTICLE A. FOOD SERVICE ESTABLISHMENTS

4-8A-1: PURPOSE, INTENT AND DEFINITIONS:

The purpose of this Article is to insure that all foods served in the Village are served in a safe and healthful manner. The rules and regulations set forth herein represent good food service practices and it is the intent hereof to encourage that all food be served accordingly. Provided, however, it is expressly intended that the provisions hereof shall not be applicable to the service of food during a religious or organizational ritual or the reenactment thereof. The following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them in this Section, except when the context otherwise requires and except where another definition may be set forth:

APPROVED: Acceptable to the President and Board of Trustees based on the determination of the Health Officer as to conformance with the appropriate rules and regulations set forth herein and good public health practices.

EMPLOYEE: Any person working on the premises of a food service establishment who engages in management or supervision, food preparation or service, or who comes in contact with any food utensil or preparation or service equipment.

FOOD: Any raw, cooked or processed edible substance, beverage or ingredients including ice used or intended for use or for sale in whole or in part for human consumption.

FOOD SERVICE ESTABLISHMENT: Any place where food that is intended for individual service and consumption is routinely provided, completely prepared. The term includes any such place, regardless of whether consumption is in, on or off the premises, and regardless of whether there is a charge for the food. The term does not include a private home where food is prepared for individual family consumption and it does not include a retail food store that does not cook or combine ready-to-eat potentially hazardous foods for human consumption.

HEALTH OFFICER: That person appointed by the President and Board of Trustees in accordance with this Village Code.

KITCHEN or FOOD PREPARATION AREA: An ascertainable room or area which is separate and distinct from other facilities within a food service establishment and which contains all necessary equipment for the type and volume of foods being prepared and served.

MOBILE FOOD UNIT: Any food service establishment or vehicle from which food is served without a fixed location and which is capable of being readily moved from location to location. This term does not include a food service establishment or mobile vehicle which serves only ice cream or ice cream products.

NEW ESTABLISHMENT: Any food service establishment not in existence upon the effective date hereof.

OCCASIONAL FOOD SERVICE ESTABLISHMENT: Any food service establishment which operates with no regularity or for a limited period of time and is operated by a charitable, religious, educational, Municipal or other not-for-profit organizations and operated not for profit but purely for social purposes or organizational fund raising only and the food is prepared and served by voluntary personnel from the membership of or affiliated with the charitable, religious, educational, Municipal or other not-for-profit organization.

PERSON: Any individual, partnership, corporation, association or other legal entity.

RULES AND REGULATIONS: Those rules and regulations set forth in Section 4-8A-9 of this Article.

TEMPORARY FOOD ESTABLISHMENT: Any food service establishment which is operated by a person for profit and not by a charitable, religious, educational, Municipal or other not-for-profit organization, and which has no permanent location and operates for only a specified period of time at certain locations (i.e., carnivals, fairs, public displays, exhibitions, etc.).

4-8A-2: LICENSE REQUIRED:

It shall be unlawful for any person to operate a food service establishment, a temporary food service establishment or occasional food service establishment without first obtaining a license to do so. A separate license shall be required for each such food service establishment, temporary food service establishment or occasional food service establishment.

4-8A-3: APPLICATION FOR LICENSE:

An application for a food service establishment license, a temporary food service establishment license or occasional food service establishment license shall be made in writing to the Village Clerk, and the appropriate license fee as provided for in this Article shall accompany the signed application. The application shall be on a form provided for that purpose and shall include the name and residence address of the person desiring same. If the applicant is a partnership or firm, the application shall contain the names and residence addresses of each of its members; if a limited partnership, the name and residence address of each general partner thereof, and if a corporation, the application shall contain the names and residence addresses of its principal officers. If the applicant is a religious or service organization, the application shall contain the name and residence address of the minister or president, whichever applies. In addition to said statements, there shall be set forth in said application, the location or proposed location and type of food service establishment, temporary food service establishment or occasional food service establishment, the number of employees to be engaged on the premises of such establishment, and such other information as the Village Clerk may require, and as may be required pursuant to the provisions of Chapter 1 of this Title. The application shall be signed by the applicant or applicants.

In the case of a new establishment, the applicant or applicants shall submit preliminary design plans to the Health Officer for his approval.

When an occasional food service establishment has a regular schedule of events including events whose dates of operation may be tentative or unknown at the time an application for said license is made, said schedule of events must be attached to the application. This said schedule may be modified or added to, provided written notice of said modification or addition is submitted to the Village not less than thirty (30) days prior to the event for which said modification or addition is made. When an occasional food service establishment has no regular schedule of hours, dates or locations for operation, a list of all possible hours, dates and locations must be attached to the application.

4-8A-4: LICENSE INSPECTION; INSPECTION FEE:

Upon receipt of the application for a new license or renewal of an existing license, together with the appropriate fee, the Village Clerk shall notify the Health Officer to make an inspection of the food service establishment, temporary food service establishment or occasional food service establishment for which a license is sought. When inspection reveals that the applicable requirements of this Article and the rules and regulations have been complied with and the food service operation is approved, and compliance has been made with all other ordinances of the Village, a license shall be issued to the applicant as provided in Chapter 1 of this Title, after payment of the Village inspection fee of \$40.00 plus the required Cook County inspection fee (as determined from time to time).

At least once each two (2) months the Health Officer shall make an inspection of each food service establishment and the Health Officer shall make such additional inspections and reinspections from time to time as shall be necessary for the enforcement of this Article. In the case of temporary food service establishments and occasional food service establishments, the Health Officer shall make such inspections and reinspections from time to time as shall be necessary for the enforcement of this Article.

It is intended that all food be prepared on the premises of the food service establishments, temporary food service establishments or occasional food service establishments immediately before serving or in an approved said establishment and delivered to the place of service in an approved manner. If food is prepared elsewhere, the name and address of the preparers must be available on request of the Health Officer, at the place of service, on the day of service and for ninety (90) days thereafter.

4-8A-5: LICENSE FEES:

The amount of the annual license fee for each food service establishment shall be as established in Chapter 1 of this Title.

4-8A-6: LICENSE YEAR, TERMINATION:

The license year for the Village shall commence on May 1 and terminate on April 30 in each year, where no provision to the contrary is made. All licenses whenever issued shall terminate on April 30 in each year.

4-8A-7: LICENSE PROCEDURES; RENEWALS:

- A. All licensable food service establishments as described in Section 4-8A-2 of this Article shall file with the Village Clerk an application for a license to operate a food service establishment in the Village no later than March 15 prior to each subsequent license year or not less than thirty (30) days before the applicant desires to commence operation in the Village. If any person fails to file its renewal application by March 15 of each year, an additional fee of ten dollars (\$10.00) shall be charged for each day after March 15 until the date of said renewal application is received in the office of the Village Clerk. Delinquency may also result in suspension and/or revocation of the right to conduct food service activities within the Village.
- B. All licenses authorized to be issued and required to be procured shall be issued by the President and Board of Trustees. The President and Board of Trustees may authorize a person or persons to assist them in the granting and issuing of licenses as herein provided.
- C. The required fee for each license issued shall be collected in full at the time the application for a license, or the renewal thereof, is filed with the Village Clerk. 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 any reason of nonuse of the license or discontinuance of the operation of the food service establishment.

4-8A-8: PRORATION OF LICENSE FEE:

When any license is issued after May 1 in any year, the license fee provided for in this Article shall be prorated over the remainder of the year by dividing the license fee required by twelve (12), which gives the amount of the license fee per month, and deducting for the months already passed; provided, however, that any license issued for a portion of a month shall be considered a full month and included in the months remaining of the then calendar year; further provided, that the minimum fee to be so paid shall be twenty five dollars (\$25.00). Except as otherwise provided, all license fees shall become a part of the General Corporate Fund.

4-8A-9: RULES AND REGULATIONS:

- A. Adopted: Adopted and applicable to the operation of a food service establishment and temporary food service establishment in the Village are those rules and regulations set forth with particularity in that booklet entitled, "Rules and Regulations Food Service Sanitation", 1983 Edition, effective January 23, 1983, published by the State of Illinois Department of Public Health, three (3) copies of which booklet are on file in

the office of the Village Clerk for public use, inspection and examination, and which three (3) copies have been on file for public use, inspection and examination for more than thirty (30) days prior to the effective date hereof, which foregoing rules and regulations are hereby adopted by reference and made a part hereof as if fully set forth herein.

- B. Standards Established: In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of the Village existing on the effective date of this Article, the provisions which, in the judgment of the Health Officer, establish the higher standard for the promotion and protection of the health and safety of the residents shall prevail. In any case where this Article is found to be in conflict with a provision of any other ordinance or code of the Village existing on the effective date of this Article which establishes the lower standard for the protection and promotion of the health and safety of the residents, the provisions of this Article shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Article.

4-8A-10: INSPECTION NOTICES:

- A. Content of Notice: Whenever the Health Officer makes an inspection and discovers that any of the requirements of this Article have been violated, he shall notify the licensee or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Officer shall:

1. Set forth the specific violations found.
2. Establish a specific and reasonable period of time for the correction of the violations found.
3. State that the failure to comply with any notice issued in accordance with the provisions of this Article may result in immediate suspension of the license or other prosecution.
4. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice of correction.

- B. Service of Notices: Notices provided for under this Article shall be deemed to have been properly served when a copy of the original inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. The original of such notice shall be filed with the records of the Health Officer.

4-8A-11: CORRECTION OF VIOLATIONS:

The completed inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

- A. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Officer.
- B. All violations shall be corrected as soon as possible, but in any event, within ten (10) days following inspection. Within fifteen (15) days after the inspection, the holder of the permit, license or certificate shall submit a written report to the Health Officer stating that the violations have been corrected. A follow-up inspection shall be conducted to confirm the correction.
- C. In the case of temporary food service establishments or occasional food service establishments, all violations shall be corrected within twenty four (24) hours. If violations are not corrected within twenty four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the Health Officer.
- D. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing will be provided if a written request is filed with the Health Officer within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.
- E. Whenever a food service establishment is required under these provisions to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

4-8A-12: EXAMINATION AND CONDEMNATION OF FOOD:

Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which he determines, or has probable cause to believe to be unwholesome, or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the Health Officer and neither such food nor the containers thereof, shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without the permission of the Health Officer, except on order by a court of competent jurisdiction.

4-8A-13: SUSPENSION OR REVOCATION OF LICENSE:

- A. When the conduct or operation of any food service establishment, temporary food service establishment or occasional food service establishment shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare or where the holder of any aforesaid license shall have refused to allow inspection of his premises or has refused to furnish a sample of his food for testing or otherwise violates the provisions of this Article, the Village President shall be authorized to summarily order the cessation of operation of such establishment, the suspension of any license and where appropriate, the closing of the premises for a period not to exceed ten (10) days.
- B. In the case of food service establishments or an occasional food service establishment which has had its license suspended as outlined in subsection A above, within eight (8) days after he has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license should be revoked. In the case of a temporary food service establishment, the suspension as outlined in subsection A above shall constitute an automatic revocation. However, such revocation shall not prejudice an applicant in applying for another temporary food service establishment license.

4-8A-14: APPEAL:

Any person aggrieved by the decision of the Village President in regard to the denial of an application for a license pursuant to this Article, or in connection with the revocation of a license issued hereunder, as provided hereinabove, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee in the same manner as provided above. The decision of the Board of Trustees on such appeal shall be final. (Ord. 83-0-12, 12-8-83)

ARTICLE B. MOBILE FOOD UNITS

4-8B-1: DEFINITION:

MOBILE FOOD UNIT: Any food service establishment or vehicle from which food is served without a fixed location and which is capable of being readily moved from location to location. This term does not include a food service establishment or vehicle which serves only ice cream products.

4-8B-2: LICENSE PROCEDURES, FEES AND REGULATIONS:

The license procedures and fees for mobile food units shall be as required in Chapters 1 and 8A of this Title. Further, the regulations contained in this Article shall be in addition

to, and shall not supersede, the regulations contained in said Chapters 1 and 8A of this Title.

4-8B-3: GENERAL OPERATION, PROHIBITED:

It shall be unlawful to sell or otherwise distribute food from a mobile food unit on the public streets and ways of the Village. The distribution of food by mobile food units shall be limited to off-street premises, such as construction sites, industrial or other commercial areas. Permission from the owner or person in charge of such premises shall be obtained prior to the distribution of food from a mobile food unit.

4-8B-4: ESTABLISHED ROUTE:

Prior to doing any business within the Village, a licensed mobile food unit shall give notice in writing to the Health Officer of its established route, listing such location, within the limitations set forth in Section 4-8B-3 hereof, wherein a mobile food unit will sell or otherwise distribute food. A mobile food unit shall be required to give notice in writing to the Health Officer prior to any changes in its established route.

4-8B-5: INSPECTIONS:

It shall be the duty of the Health Officer to regularly inspect all mobile food units. The method and frequency of such inspections shall be as deemed necessary by the Health Officer. (Ord. 83-0-13, 12-8-83)

ARTICLE C. COMMERCIAL FOOD PREPARATION FACILITIES

4-8C-1: DEFINITIONS: For the purposes of this Article C, the following definitions shall apply:

COMMERCIAL FOOD PREPARATION FACILITY. Any retail establishment that rents, or otherwise makes available, commercial-grade kitchen space within the establishment for use by persons or entities for food preparation for any purpose, including without limitation retail sale, catering, personal use, temporary extra production, capacity, menu planning, training, taste testing, product development, food packaging, or food storage. A commercial food preparation facility in the L1-Light Industrial District is not required to have a retail use on the premises.

OWNER LICENSE. The license issued under this Article C to the single person or entity having sale ownership of the Commercial Food Preparation Facility.

USER LICENSE. The license issued under this Article C to any person or entity or that uses a Commercial Food Preparation Facility other than the person or entity to which the Owner License was issued.

4-8C-2: LICENSE REQUIRED.

- A. No person or entity shall maintain or conduct a business with a Commercial Food Preparation Facility within the Village without first obtaining an Owner License.
- B. No person other than the holder of a User License may rent the use of or otherwise use a Commercial Food Preparation Facility without first obtaining a User License.
- C. The license application, review, issuance, renewal, suspension, revocation and other standards and provisions is governed by Chapter 1 (General Business Regulations) of Title 4 (Business Regulations) of the Willow Springs Village Code.
- D. Licenses issued under this Article C have a term of one (1) year.

4-8C-3: STANDARDS AND CONDITIONS.

- A. The Owner License holder and every User License holder engaged in product sales on the premises or anywhere within the corporate limits of the Village must be registered with the State of Illinois at the address of the facility for retail sales tax purposes.
- B. The Commercial Food Preparation Facility must comply with all standards for Commercial Food Preparation Facilities under Title 9A (Zoning Regulations) of the Willow Springs Village Code.
- C. The Commercial Food Preparation Facility must comply with all applicable food sanitation and other public health standards in the Willow Springs Village Code and the rules and regulations promulgated by the Illinois Department of Public Health.
- D. The premises within which a Commercial Food Preparation Facility is located must comply with the Willow Springs Village Code standards related to fire safety, refuse containers, and other public health and safety standards.
- E. Neither an Owner License nor a User License issued under this Article C may be sold or transferred in any manner to any other person or entity.
- F. The number of User License holders using a Commercial Food Preparation Facility at any one time is limited to the number of individual workspaces within the facility. (Ord. 2019-O-25, 9-12-19)

**CHAPTER 9
LODGING AND DWELLING ESTABLISHMENTS**

ARTICLE A. ROOMING HOUSES

4-9A-1: DEFINITION:

ROOMING HOUSE: Every dwelling house, rooming house, furnished rooming structure or portion thereof kept, held or used, where sleeping or lodging is provided (or which is equipped to provide lodging) by prearrangement for a definite period, for compensation for one or more persons in contradistinction to hotels open to transients.

4-9A-2: LICENSING PROVISIONS; APPLICATION:

A. Required: It shall be unlawful for any person to conduct, keep, manage or operate or cause to be conducted, kept, managed or operated, a rooming house without a license therefor. Application for such license shall be made as provided in Chapter 1 of this Title.

B. Fee: The fee for such license issued hereunder shall be as provided in Chapter 1 of this Title.

No rooming house shall provide for more than the number of persons permitted by the Zoning Regulations of the Village as amended and as may be amended from time to time.

C. Department Approval: Upon receipt of such application, it shall be the duty of the Village Clerk to submit the application to the Building Commissioner, to the Chief of the Fire Department, and to the Health Officer, who each authorizes the proper inspection, and no such license shall be issued by the Clerk until he has received the written approval from each of the officials.

1. Building Department: The Building Department shall determine that all the requirements of the Building Code, the Zoning Regulations, the Plumbing Code and the Electrical Code of the Village are complied with and that the premises are safe and habitable and are provided with adequate facilities for heat, light and ventilation.

2. Fire Department: The Chief of the Fire Department shall determine that all fire hazards have been eliminated from the premises; that the premises have proper and sufficient fire extinguishing equipment; that the premises comply with all regulations and recommendations of the Bureau of Fire Prevention; and that the occupants of the building have adequate fire protection.

3. Health Department: The Health Officer shall determine that all regulations and orders of the Illinois Department of Health, the Department of Health of the Village and the provisions of this Article pertaining to the sanitation of the rooming house premises and every part thereof and to the preservation of the health of the occupants thereof have been complied with.

It shall be the duty of the Health Officer to have printed such portions of this Article as he may deem requisite, and cause the same to be displayed in each room of any such rooming house, and have made such inspections as are necessary from time to time assuring the proper healthful occupancy of such establishments.

4-9A-3: BUILDING AND PREMISES REQUIREMENTS:

- A. Conformity with Regulations: No house or building hereafter constructed or erected in the Village shall be used as a rooming house; and no house or building heretofore erected and not now used for such purpose, or any building, house or portion thereof which is now used or intended to be used or occupied for rooming house purposes shall be converted into, used as or leased for a rooming house unless such building and every part thereof shall conform to the requirements of this Article and to such other requirements of the Building, Zoning and Health Regulations of the Village as may apply.
- B. Basement and Third Floor Occupancy: No license shall be issued to any person proposing to use a basement or any part thereof as habitable rooms for rooming house purposes. Third floor occupancy of any frame dwelling shall not be permitted without the written approval of the Building Commissioner, Chief of the Fire Department and the Health Officer.
- C. Exits: Each and every rooming house in Willow Springs, as herein defined, housing persons on the third floor shall be provided with at least two (2) inside stairways leading from the ground to each floor providing habitable rooms, and further that each and every rooming house where less than three (3) stories are occupied shall be provided with two (2) inside stairways in all cases when occupied by more than five (5) persons on the second floor (including members of the family) or in all cases where the total number of persons housed in the building exceeds eight (8) (including members of the family).
- D. Bathroom and Toilet: In every rooming house, water closet, lavatory and bathing facilities shall be provided on each floor, and water closets shall be provided in the ratio of at least one water closet to every eight (8) occupants or fraction thereof.
- E. Air Space: No room in any such rooming house shall be occupied as a sleeping room by any human being unless there is at least six hundred (600) cubic feet of air space, exclusive of wardrobe and closet space, for each and every person occupying any such room.

F. Light Housekeeping: No person who shall keep, conduct, operate or maintain such rooming houses shall permit in any living or sleeping room, the cooking or preparation of food or meals or the storage of food stuff, and light housekeeping, so called, shall not be permitted in any living or sleeping room.

G. Accessory Building: No accessory building shall be used for rooming house purposes.

4-9A-4: INSPECTION:

At least once a year after such license has been issued as herein provided or more often if deemed necessary and before the renewal of any such license to conduct, keep or operate any such rooming house, it shall be the duty of the Building Commissioner, Fire Chief and Health Officer to inspect the premises and determine that the provisions of the Village Code and the terms and conditions of this Article are being complied with.

4-9A-5: REGISTER:

The landlord, proprietor, keeper, manager or clerk of every such rooming house as defined herein shall enter the name and address of every person who becomes a lodger, boarder or guest therein. Such register shall also show the number or location of the room or bed occupied by such person, the date of his or her arrival, and the period for which he engaged board or lodging. The register shall also be accessible, without charge, to any police officer or duly authorized agent of the Department of Health, Fire Department, Building Department or Clerk of the Village.

4-9A-6: NUISANCE DECLARED:

The maintenance or use of any rooming house as herein defined in violation of the provisions of this Article is hereby declared to be and shall constitute a nuisance and may be abated accordingly. (1963 Code; amd. 1983 Code)

ARTICLE B. MOTELS

4-9B-1: REGULATIONS ESTABLISHED:

A. Compliance Required: The operation of motels and tourist camps, or any other facilities for the accommodation of overnight travelers by whatever name, shall be and the same are hereby prohibited, except upon compliance with the terms and provisions hereof.

B. State and Local Regulations: No establishment shall be operated except in conformity with the existing laws of the Village and laws of the State with reference to the accommodation of transients.

4-9B-2: BUILDING AND PREMISES REQUIREMENTS:

- A. Conformity: No building or structure of any kind shall be permitted for the purpose of accommodating travelers unless the same are substantially built and are in full conformance with all sanitary and health requirements of the Village normally required for any other residential structure, unless the same shall conform fully to the structural requirements of the Building Code and to the fire safety and fire prevention provisions of this Code. Each living unit shall have running water and toilet facilities.
- B. Zoning: No such facilities or structures shall be constructed except in conformity with the Zoning Regulations of the Village.
- C. Units Per Structure: In the event any motel or tourist camp shall consist of eight (8) living units or less, all of the living units shall be constructed in one building or structure. No separate or additional units shall be constructed unless the same are added onto and made a part of an existing building until there are at least eight (8) living units in the building.

In the event the motel or tourist camp shall consist of more than eight (8) units, then not less than eight (8) living units shall be combined into each single building and no additional living units shall be constructed unless they shall be added onto and made a part of an existing building until there are at least eight (8) living units in each building. To whatever extent possible, considering the number of units involved, no building shall contain less than eight (8) units. It shall be permissible to have as many more than eight (8) units in a building as desired.

- D. Heating Facilities: Any heating facilities shall be of good and substantial construction. All of the structures shall be of fireproof construction as defined by the Building Code. All of the structures shall have a central heating unit and heating facilities shall conform in all respects with the Building Code.
- E. Parking Facilities: There shall be ample parking facilities available on any premises used for the construction of the facilities with a minimum space of not less than one car for each living unit. Paved driveways and walks shall be constructed, leading from the street to each living unit.

4-9B-3: MANAGEMENT:

Every motel, tourist camp or other establishment for the accommodation of overnight travelers shall be in charge of a resident manager who shall be of good moral character and responsible at all times for maintaining the grounds, buildings and facilities in a sanitary, safe and usable condition. There shall be an office or room for every establishment where incoming occupants shall be registered and where the registration records of the establishment shall be maintained at all times and kept available and open for inspection at all times by the Municipal authorities. Either the manager, or some person authorized by him, shall be in attendance at the establishment all of the time that there are any transients or occupants of the same. (1963 Code)

CHAPTER 10 LANDFILLS

4-10-1: DEFINITIONS:

COVER MATERIAL: Solid materials, substances or compounds consisting solely of dirt, slag, clay, ashes or cinders, or like material, provided the same may be readily pulverized, spread, and compacted so as to form an effective cover seal over said fill.

FILL: Any solid materials, substances or compounds, including (but not by way of limitation of the generality of the foregoing) wood, concrete, plaster, dirt, slag, clay, bricks, ashes, cinders, stone, gravel, glass, rubber, and metal scrap, subject, however, to the following limitations.

The term "fill" shall not include highly flammable, toxic, explosive, or odorous materials and, specifically, the following: oxidizing materials, radioactive material, flammable solids, potentially explosive chemicals or highly toxic materials as the said terms are defined in section 20.2 of the Fire Prevention Code (1965 edition) recommended by the American Insurance Association successor to the National Board of Fire Underwriters; and shall not include "garbage" as the said term is defined in section 11-19-2 of chapter 24, Illinois Revised Statutes and in section 1001 of chapter 111 1/2, Illinois Revised Statutes or any other organic matter whatsoever, excepting such as may be incidentally a part of any substance, material or compound permitted as fill hereunder. In no event shall any such garbage or other organic matter comprise in amount more than five percent (5%) of the aggregate of such permitted fill at any time.

FILL SITE: The location or place at or upon which any fill is deposited or any landfill is established and operated.

PERSON: Any natural individual, firm, trust, partnership, association or corporation, in his, her, or its own capacity or as administrator, conservator, executor, trustee, receiver, or other legal representative.

SANITARY LANDFILL: The method of operation or process whereby fill is deposited in any pit, hole, excavation, pond, or other low place, and then compacted by mechanical equipment and covered by a layer of cover material.

4-10-2: ENFORCEMENT:

The Chief of Police is hereby charged with the enforcement of this Chapter. In the exercise of his duties hereunder, the said Chief shall be governed by the standards set forth in this Chapter.

4-10-3: PERMIT PROVISIONS:

- A. Required: No person shall maintain or operate any sanitary landfill or place for the disposal of fill within the Village without first having obtained a permit to do so.
- B. Application: Every application for a permit hereunder shall be made in writing to the Village Clerk on a form to be provided for that purpose. Such application shall contain the name and the place of business of the applicant. If the applicant is a partnership or firm, the application shall contain the names and addresses of each of its members; if a limited partnership, the names and residence addresses of each of its general partners and limited partners; and, if a corporation, the names and residence addresses of its officers, directors and shareholders, and if a trustee, the names and residence addresses of the beneficiaries of the trust.

The application shall also be accompanied by the following:

Plat of survey of the proposed fill site showing the location of all existing roadways and easements.

Legal description of the subject property, and a statement of the ownership thereof, which statement shall disclose the names and residence addresses of all parties having an interest in such property.

Description of the plan of filling the land or method of operation of the proposed sanitary landfill, including a detailed description of the types, capacities, and kinds of equipment and apparatus proposed to be used.

Topographic map or survey showing all existing grades and drainage courses on the land proposed to be filled.

Diagrams and a written description of the location and extent of all proposed earthwork, access roads, fill operations, equipment, personnel, and the estimated daily or weekly volume of fill to be deposited.

Such other information, including geological data, as may be required by the Board of Trustees.

- C. Investigation and Report: The Village Plan Commission shall fully investigate all of the matters and things disclosed in the application for permit and the accompanying data and documentary materials. Said Commission shall examine the proposed fill site and shall coordinate all of its investigations and inquiries with the proper officers of the Municipal, County and State departments of public health.

Pursuant to its investigation aforesaid, the said Commission shall prepare and file with the Board of Trustees its report containing its findings, conclusions, and recommendations for approval or denial respecting the proposed plan for conducting any sanitary landfill hereunder. In the making of such report, the said Commission shall be governed by the standards and regulations set forth in this Chapter.

D. Bond Required: Every permittee hereunder shall execute a bond unto the Village with such good and sufficient sureties thereon as may be approved by the Board of Trustees, in such penal sum as the Board of Trustees may from time to time prescribe, for the term of the permit issued hereunder, or any renewal thereof, conditioned upon the faithful performance by the permittee, its contractors, agents, and employees of all duties imposed by State law or the ordinances of the Village. Said bond shall further indemnify and hold harmless the Village from any loss or expense incurred by reason of the failure of the said permittee, its contractors, agents, and employees, to conform fully with the requirements of this Chapter in and about the operation and maintenance of any sanitary landfill hereunder.

E. Insurance Coverage Required:

1. Every applicant hereunder shall submit satisfactory proof in the form of a certificate or certificates of insurance issued by an insurer authorized to transact business in the State of Illinois, showing that the applicant has procured comprehensive public liability insurance fully protecting the Village against any loss, damage or liability that may result from the applicant's proposed operations in the Village. Such insurance shall provide for limits of coverage of not less than one hundred thousand dollars (\$100,000.00) for bodily injury to any one person; not less than three hundred thousand dollars (\$300,000.00) for bodily injury to any group of persons resulting from any one accident.

2. The applicant shall also furnish proper proof in the form of a certificate or certificates of insurance issued by an insurer authorized to transact business in the State evidencing that said applicant has obtained workmen's compensation and occupational disease insurance fully protecting the Village against any and all claims of employees, subcontractors, and other persons, by reason of bodily injury or death, that may result from the applicant's proposed operations in the Village.

3. The applicant shall also furnish evidence of the expiration dates of the insurance coverages required hereunder, and shall certify that such coverage shall not be cancelled or modified except upon ten (10) days' prior written notice given to the Village. Upon the cancellation, expiration, or modification of any coverages required hereunder without prior consent of the Village, any permit issued hereunder to said applicant shall become void.

F. Issuance: Every application hereunder shall be transmitted by the Village Clerk to the Village Plan Commission which shall recommend approval or denial thereof and such written recommendation shall be transmitted to the President and Board of Trustees for final approval or denial. No permit which has been recommended for approval by the Plan Commission shall be granted to any applicant therefor except upon approval by a majority vote of the corporate authorities and no permit which has been recommended for denial by the Plan Commission shall be granted to any applicant therefor except upon approval by a two-thirds (2/3) vote of the corporate authorities, and pursuant to the investigation and report required in this Chapter.

Every permit granted hereunder shall be issued by the Village Clerk and shall be made subject expressly to all of the provisions of this Chapter.

- G. Term of Permit: Every permit granted hereunder shall be in force for the term of one year, beginning on May 1 and continuing until April 30 of the following year.
- H. Revocation of Permit: Any permit issued hereunder may be revoked by the President at any time upon any violation by the permittee of any law, ordinance or regulation pertaining to the filling of any land or the operation or maintenance of any landfill in the Village.

4-10-4: PERMIT FEES:

The annual fees provided hereunder shall be paid irrespective of when the permit is issued; and no such fees shall be prorated or refunded. The annual fee for any permit issued hereunder shall be computed in accordance with the following schedule:

- For the operation of any sanitary landfill upon any fill site of one acre or more, but less than five (5) acres \$200.00
- For the operation of any sanitary landfill upon any fill site five (5) acres or more, but less than twenty five (25) acres \$450.00
- For the operation of any sanitary landfill upon any fill site of twenty five (25) acres or more \$750.00

4-10-5: INSPECTION:

The Village through its proper officers, agents, or employees shall have the right to enter upon the fill site at any time for the purpose of making such inspections as may be necessary to determine if the land is being filled or the sanitary landfill is being operated and maintained in accordance with the requirements of this Chapter.

4-10-6: REGULATIONS FOR OPERATION:

The following regulations shall govern with respect to the filling of any land or the operation and maintenance of any sanitary landfill for which a permit is issued or required hereunder.

- A. The permittee shall provide adequate drainage for the fill site and construct all necessary ditches, culverts, and drainage structures, so that surface waters and other drainage will not flood the fill site or erode or wash away any cover material.

- B. The permittee shall not fill in or obstruct in any manner any existing drainage ditches, courses, channels, or structures.
- C. The permittee shall not fill any land to a grade higher than that of land adjoining the fill site.
- D. The permittee will not be permitted to fill any land when the seepage, drainage, or pumpage therefrom will cause any water supply in the vicinity to become polluted or contaminated.
- E. The permittee will not deposit in, at, or upon the fill site any materials or substances other than fill as defined hereunder.
- F. All land shall be so filled and every sanitary landfill (for which a permit is issued hereunder) shall be so maintained and operated as not to create any nuisance, or any hazard or menace to the public health, comfort, safety and general welfare.
- G. No sanitary landfill shall be conducted upon any tract of land having an area of less than one acre.
- H. All land shall be filled and every sanitary landfill shall be operated and maintained in strict accordance with the requirements of this Chapter; and all reasonable regulations promulgated in pursuance hereof; and the provisions of the Zoning Ordinance of the Village.
- I. Materials may be salvaged from the fill by the permittee provided that such salvaged materials shall not be kept or stored on the fill site, and shall be removed therefrom not less frequently than weekly, and (pending their removal from the fill site) shall be stored in a neat and orderly manner.
- J. No materials deposited upon the fill site shall be burned. Adequate fire fighting protection shall be provided by the permittee at all times on the fill site.
- K. The fill deposited at the fill site shall be continuously compacted throughout each working day in layers of not to exceed two feet (2') and compaction shall be required to the extent that, after settling and weathering, the compacted fill (and cover material) will be substantially equivalent to, but not to exceed grade of land adjoining the fill site.
- L. Cover material shall be spread and compacted continuously during each working day over the compacted fill to a depth of not less than two feet (2'); and such cover material shall be graded and seeded in such manner as to prevent erosion.
- M. The permittee shall provide such equipment and machinery, and competent personnel, as shall be necessary to haul and transport fill and cover material to the fill site; to fill such site as required hereunder; to continuously and sufficiently compact the said fill;

and to continuously accumulate, spread and compact the necessary cover material over such fill.

- N. The permittee shall provide a dustless access road to the fill site, which shall be constructed and maintained by the permittee in a state of good repair at all times.
- O. The permittee shall erect and maintain, subject to the approval of the Building Commissioner, such temporary or permanent gates and fences as may be required to prevent the entry of unauthorized persons upon the fill site.
- P. Any and all operations connected with any sanitary landfill or the filling of any land hereunder may be carried on only between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. of any day, excepting Sunday, and at such other time or times as the Board of Trustees may approve.
- Q. The filling of any land and the operation of any landfill shall be subject to such further regulations as may be deemed necessary by the Board of Trustees to insure compliance by the permittee with the standards set forth hereunder. (Ord. 68-4-4, 8-22-68)

4-10-7: SITE APPROVAL:

A. Public Hearing:

1. The President and Board of Trustees shall conduct a public hearing in the manner prescribed herein whenever required by the Illinois Environmental Protection Act, hereinafter referred to as the "Act".
2. The Village President, or senior Trustee in his absence, shall be chairman of all such hearings and shall conduct the proceeding which may have the following agenda:
 - a. Call to order and roll call;
 - b. Presentation of applicant's witnesses and evidence, subject to cross examination;
 - c. Presentation of objector's witnesses and evidence, if any, subject to cross examination;
 - d. Public comments;
 - e. Final arguments; and
 - f. Adjourn.

After the public hearing, the President and Board of Trustees shall prepare their written decision approving or denying the site approval request in the manner set forth in the Act.

3. Any resident, business located within the Village, or property owner adjoining the applicant, intending to support or object to any application for site approval may do so by either:

a. Presenting evidence at the public hearing in which case notice of intention to present evidence must be made in writing and filed in the office of the Village Clerk during regular business hours prior to the public hearing; or

b. By attending the public hearing and expressing an opinion in favor of or against such application.

4. Public notice of the hearing shall be given in the manner required by the Act.

B. Application Fee: Any person intending to file with the Village an application for site approval in accordance with the Act shall pay a nonrefundable application fee in the amount of two hundred fifty dollars (\$250.00). All applications shall be filed in the office of the Village Clerk. No application will be accepted until payment of the application fee is made.

C. Professional Fees, Costs:

1. In addition to the application fee, all applicants for site approval shall be responsible for the payment of all professional fees and costs incurred by the Village in connection with the public hearing and all other work deemed necessary by the Village to comply with the Act. Said fees shall include, but not be limited to the following:

a. Consultant fees;

b. Village Engineer fees;

c. Attorney's fees; and

d. Court reporter (attending hearing and cost of transcript if requested) fees.

2. All fees set forth in this subsection shall be paid to the Village by the applicant within ten (10) days of receipt of invoice from the Village. (Ord. 82-0-6, 4-22-82)

4-10-8: PENALTY:

Any person violating any provision of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a

separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Nothing contained in this Chapter shall be construed to abridge or impair any right or remedy under chapter 110, section 264, et seq., Illinois Revised Statutes. (Ord. 68-4-4, 8-22-68)

**CHAPTER 11
LIQUID AND/OR GAS STORAGE TANKS**

4-11-1: APPLICABILITY TO FIRE REGULATIONS:

Any person licensed under this Chapter shall be subject to all applicable fire regulations of the Village and to all penalties for violation thereof. Nothing in this Chapter shall be construed as limiting any of the fire prevention regulations or the provisions of the ordinances of the Village as are presently in force or will from time to time be amended. (Ord. 74-11, 4-25-1974)

4-11-2: LICENSE PROVISIONS:

A. Required: No person shall keep, own and/or store liquid or gas for use in any business without first obtaining a license for each storage tank or similar facility in which liquid or gas is kept on hand or stored. (Ord. 75-24, 10-23-1975)

B. Applications:

1. All applications for licenses shall be made in writing to the Clerk on a form provided for that purpose. (Ord. 74-11, 4-25-1974)

2. Every application for license shall contain the name, address and phone number of the applicant and shall state the types of liquids and/or gases stored, the number of storage tanks and location. If the applicant is a partnership or firm, the application shall contain the names and residence addresses of each of its members; if a limited partnership, the names and residence addresses of each general partner thereof; and if a corporation, the names and residence addresses of its principal officers. (Ord. 75-24, 10-23-1975)

C. Fees: The annual fee for any license issued under the provisions of this Section shall be as follows:

Capacity In Gallons	Annual License Fee
551 gallons to 2,000 gallons	\$ 60.00
2,001 gallons to 12,000 gallons	85.00
12,001 gallons to 50,000 gallons	110.00
50,001 gallons to 100,000 gallons	120.00

100,001 gallons to 450,000 gallons	155.00
450,001 gallons on up	205.00

(Ord. 95-0-16, 7-13-1995)

D. Investigations: Prior to the issuance of any license, the Chief of the Fire Department and the Building Commissioner shall make or cause to be made such investigations as they deem necessary to determine whether the applicant's place of business and the methods and equipment intended to be used by such applicant comply with all the applicable provisions of the ordinances of the Village as are in force or from time to time amended, particularly those relating to building, zoning and fire prevention. No license shall be issued to any applicant whose place of business and methods and equipment do not comply with the applicable provisions of the ordinances of the Village as are in force or from time to time amended. Said Village officials shall indicate on the application for a license the results of their investigation and their approval or disapproval of said application. (Ord. 74-11, 4-25-1974)

4-11-3: SANITARY CONDITION REQUIREMENTS:

All places of business licensed under this Code shall be kept in a clean condition, free from accumulation of rags, waste paper and other combustible waste material. All storage tanks or containers used for the storage of liquids and/or gases and all buildings and premises where same are stored shall be constructed and maintained in accordance with the provisions of the Building and Fire Prevention Codes of the Village, and the licensee's activities shall comply with such provisions. No person shall smoke on any part of the premises where flammable liquids and/or gases are stored. (Ord. 75-24, 10-23-1975)

4-11-4: TESTS AND INSPECTIONS:

A. Pressure Tests Required: A pressure test shall be made for all tanks and lines used for the storage of liquids and/or gases at the time of installation of said tanks and lines and whenever there is reasonable cause to believe that any storage tank and its connecting piping may be leaking. Such tests shall be made by a person or company who, in the opinion of the Fire Chief of the Village, is qualified to make such tests. Such tests shall be made under the supervision of said Fire Chief. The results of said tests shall be sent to the Fire Department of the Village. No person engaging in any business licensed by the Village having such tanks or lines shall be issued a license unless the results of the tests indicating satisfactory levels of safety and performance are supplied to the Fire Department of the Village. (Ord. 75-24, 10-23-1975)

B. Inspections: The Chief of the Fire Department shall inspect or cause to be inspected as often as he deems necessary, all premises, vehicles, containers and tanks, either above or below ground or in a building, to determine whether all applicable provisions of this Chapter are being complied with. (Ord. 74-11, 4-25-1974)

C. Payment Of Inspectors: Inspectors shall be paid by the Village. Payment shall be such as the Village Board of Trustees may prescribe or approve from time to time. (Ord. 75-24, 10-23-1975)

4-11-5: PERMIT APPLICATION FEES:

A. Permit application fees for the construction, remodeling and/or repair of any bulk storage tank(s) which stores or is proposed to store any chemical materials of any kind whatsoever, including, but not limited to, flammable liquids and/or gas and gas and petroleum substances, shall be the greater of: an amount equal to 1.5% of the value of the proposed construction, repair or remodeling or the fees listed as follows:

Up to 2,000 Gals-	\$50.00
2,501 – 10,000 Gals-	\$100.00
10,001 – 30,000 Gals-	\$250.00
30,001 – 100,000 Gals-	\$750.00
100,001 – 500,000 Gals	\$1,500.00
500,001 – 1,000,000 Gals-	\$3,000.00

B. In addition to the permit application fee set forth in subsection A above, the applicant shall, at the time of the filing of a permit application, deposit with the Village a five hundred dollar (\$500.00) nonrefundable plan review fee. In the event the Village incurs more than five hundred dollars (\$500.00) for plan review costs, the applicant shall pay said additional costs before the issuance of the building permit. In the event the plan review fees are less than the sum of five hundred dollars (\$500.00), the difference shall be a credit against the permit fee cost.

C. The bulk storage tank fees set forth herein are in addition to, and not a substitute for, any other required building permit fees set forth in this Code, such as building permit fees, electrical and plumbing fees. (Ord. 96-0-19, 12-12-1996)

**CHAPTER 12
TAXICABS**

4-12-1: DEFINITIONS:

Unless otherwise stated, whenever used in this Chapter the following terms shall respectively be deemed to mean:

DRIVER or CHAUFFEUR: Any person who is in actual physical control of a vehicle.

OPERATOR: Any person having the management or control of the operations of a taxicab.

OWNER: Any person having legal title to a vehicle or, whether under conditional sale or otherwise, having immediate right of possession or control thereof.

TAXICAB: Any motor vehicle or other vehicle, including limousines, used upon the streets of the Village for the transportation of passengers for hire, except buses subject to State regulation as a public utility.

TAXIMETER: A mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time, or for both, and upon which charge shall be indicated by means of figures.

4-12-2: LICENSE REQUIRED:

Any person being the owner of a taxicab and maintaining a place of business, office or dispatch location within the Village shall not operate the same or permit the same to be operated on the public streets of the Village unless such vehicle be licensed as provided in this Chapter.

4-12-3: APPLICATION FOR LICENSE; ISSUANCE:

Application for license to operate a taxicab shall be made as provided in Chapter 1 of this Title. The application shall be filed with the Village Clerk and shall contain the full name and address of the applicant, the nature of ownership, whether absolute, conditional or as lessee, the number of vehicles for which a license is desired, a description of each vehicle, including the make or manufacturer's name, seating capacity, motor serial number if a motor vehicle, the length of time the vehicle has been in use and the number of miles said vehicle has been driven, the number of drivers to be employed and their names, resident addresses and such other information as the Board of Trustees may prescribe from time to time. Upon receipt of said application, the Village Clerk shall refer same to the Chief of Police of the Village who shall cause to be made the necessary investigations and inspections as hereinafter provided. Upon approval of the application by the Board of Trustees as hereinafter provided, and upon payment of the prescribed license fee, a license shall be issued by the Village Clerk to the owner of a taxicab authorizing said owner to operate same in the Village. All owners' licenses shall expire on December 31 following the date of issue.

4-12-4: EXAMINATION OF APPLICANT:

The Chief of Police, upon receipt of the application for a taxicab license, shall, in person or by some police officer designated by him, examine the applicant as to the truth of the statements made in such application, the applicant's knowledge of the provisions of this Chapter, of the traffic ordinances and of the geography of the Village, and the ability of

the applicant to comply with the provisions of this Chapter. The Chief of Police shall also check the driving background of each driver designated in the application. No license shall be issued to an applicant if the results of said examination are unsatisfactory in any respect nor to an applicant who makes a false statement in his application. After said examination and the inspection of the vehicle as hereinafter required, the Chief of Police shall endorse on the application his recommendation as to whether or not the license shall be issued and shall forward the application to the Board of Trustees. The Board of Trustees shall determine whether the applicant is entitled to a license under the provisions of this Chapter. No license shall be issued unless such approval has been given.

4-12-5: LICENSE FEE:

The annual fee for taxicabs shall be as set forth in Section 4-1-14, Schedule A, of this Village Code.

4-12-6: INSPECTION; TESTS:

No taxicab shall be licensed until it has been inspected and approved by the Chief of Police and found to be in safe condition for the transportation of passengers, clean, of good appearance, well painted, the taximeter, if required, functioning properly and in full compliance with the provisions of this Chapter. Every owner of a taxicab shall submit such vehicle owned to the Chief of Police for inspection at the time application is made for license and at least once every six (6) months thereafter and at any time upon complaint or upon demand by the Board of Trustees. On every inspection, whether before or after the annual license is issued, a physical inspection shall be made by the Chief of Police or some police officer designated by him, including the following items: condition of tires, including spare tire, cleanliness, general appearance, accommodation for passengers and condition and accuracy of taximeter. Mechanical tests shall also be made by the Chief of Police or a testing garage or testing station approved by him, including examination and testing of brakes, wheel alignment, horn, windshield wipers, rear view mirror, steering mechanism, headlights, taillights and stop lights. Tests shall also be made to ascertain that all doors are in working order and that all windows will move up and down.

If the tests are not satisfactory, the vehicle shall be disqualified for use as a taxicab. No owner or person in charge of such vehicle shall use it or permit it to be used in public passenger service until it has been repaired or reconditioned to the satisfaction of the Chief of Police and the inspection fee provided below, has been paid.

After every inspection the Chief of Police shall make a written report to the Board of Trustees of his findings, which shall be maintained in the Village Clerk's office with the application file.

The fee for each such inspection shall be fifteen dollars (\$15.00) and shall be separate from the annual license fee set forth above and shall, in the case of the inspection at the time of application or annual renewal, be paid at the time of the filing of the annual or

renewal application. For the subsequent inspections during the year, the inspection fees shall be paid at the time of the inspection.

4-12-7: INSURANCE:

Before any application for license or the annual renewal of a license to operate a taxicab shall be approved, the applicant shall furnish and deposit with the application the following:

- A. A certificate from the Secretary of State of Illinois showing compliance by the licensee for such vehicle with the provisions of the statutes of the State of Illinois now or hereafter in force relating to the bonding or insuring of motor vehicles used for the carriage of passengers for hire.
- B. A current Certificate of Insurance for a period, not less than the annual license year period, evidencing public liability insurance, including underinsured and uninsured motor vehicle coverage, not less than five hundred thousand dollars (\$500,000.00) per person and in the amount of not less than one million dollars (\$1,000,000.00) per accident or occurrence and five hundred thousand dollars (\$500,000.00) for property damage.
- C. Each such duplicate policy or Certificate of Insurance herein required shall provide for payment and satisfaction of any final judgment rendered as aforesaid and shall provide that suit may be brought in any court of competent jurisdiction upon such insurance policy by the owner of any such judgment, shall contain a description of each motor vehicle, giving the manufacturer's name, the serial number and the state license number, and shall also provide that said insurance policy cannot be cancelled by the company issuing the same without giving ten (10) days' notice in writing of such cancellation to the Village, C/O the Village Clerk, either personally or by certified mail.

4-12-8: LICENSE CARD:

Upon approval of the application for license of a taxicab, a license card shall be delivered to the owners, of such size and form as the Board of Trustees shall prescribe, which license card shall be prominently displayed in each taxicab. The card shall contain the name of the owner and the official license number of the vehicle and the license year for which it is issued; it shall be signed by the Village President and attested by the Village Clerk and shall contain blank spaces upon which entry shall be made of the date of every inspection of the vehicle. The licensee shall reimburse the Village for the expense of said license card.

4-12-9: REGISTER OF LICENSED VEHICLES:

The Village Clerk shall keep a register of the name of each person owning or operating a vehicle licensed under this Chapter together with the license number and description,

make and necessary dimensions of such vehicle, with the date and complete record of inspections made of it.

4-12-10: TAXIMETERS:

Every taxicab operated in the Village shall be equipped with a taximeter of a size and design approved by the Chief of Police. The driver of a taxicab, at the termination of his trip, shall throw the flag to the nonrecording position on the taximeter and call the passenger's attention to the fare registered. The taximeter shall not be changed until the fare has been paid or a charge ticket therefor made out and delivered to the person hiring such taxicab. Any person shall be entitled, upon request, to a receipt for the fare paid.

The taximeter shall be placed in the taxicab so as to be readily visible to passengers and shall be maintained in good operative condition at all times. It shall be tested for accuracy at least once every six (6) months, and at any time upon complaint, by the Chief of Police or some police officer designated by him, who shall test it by checking its registration over a course of known land and by checking its time registration. Errors in distance or time registration shall be corrected. No person other than a police officer shall change or tamper with the taximeter. No person shall transfer a taximeter to any other taxicab than the one in which it is installed unless a new inspection and certification thereof is made.

Each taximeter shall be provided with a flag at least three inches by two inches (3" X 2") in size, either painted red or bearing thereon in letters at least one inch (1") high the word "Vacant" or the words "For Hire." The flag post of such flag shall be kept up or towards a vertical position when the taxicab is for hire and shall be immediately pulled down and kept in a horizontal or lowered position at all times that such taxicab is engaged in the transportation of passengers for hire.

4-12-11: RATES OF FARE:

No person owning, operating or controlling any motor vehicle operated as a taxicab within the limits of the Village shall charge to exceed the following rates to be determined by the taximeter:

For the first mile or fraction
thereof for one person \$ 1.30 (with an allowable minimum charge of \$3.00 per trip)
For each succeeding quarter
mile or fraction thereof \$.30
For each 2 minutes of waiting
or fraction thereof \$.30

Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called or the time consumed while standing at the direction of the passenger, but no charge shall be made for time lost for inefficiency of

the taxicab or its operator or driver or time consumed by premature response to a call. For each additional passenger carried to the same destination, a charge not exceeding \$1.00 for the entire trip may be made. When a taxicab or motor vehicle for hire is dismissed at a point beyond the four (4) mile circle measured from the point of embarkation in the four (4) mile circle measured from the Village Hall, a charge of \$.30 a mile or fraction thereof may be made for each mile or fraction thereof traversed in returning to said four (4) mile circle from point of dismissal of vehicle. No returning charge whatever shall be made for any distance traversed within the said four (4) mile circle regardless of the point of commencement or finish of the trip made.

4-12-12: PAYMENT OF FARES; CARDS AFFIXED TO VEHICLES:

- A. Prepayment of Fare: Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the Village unless previously engaged or unable to do so. No driver of a licensed taxicab shall carry any other person than the first passenger first employing said taxicab without the consent of said passenger.
- B. Rate Card shall be Fixed in Vehicle: There shall be fixed in each vehicle mentioned in Section [4-12-1](#) of this Chapter, which is used for the conveyance of passengers for hire, a card containing the name of the owner of said vehicle and number of his license and the rates of fare established herein. Said card shall be so fixed that it can be conveniently read by any person riding in said vehicle.

4-12-13: VEHICLE REQUIREMENTS:

- A. Name of Owner Only on Door: Every vehicle licensed under the provisions of this Chapter shall have the name of the owner or company thereof plainly painted in letters at least two inches (2") in height in the center of the main panel of the door of said vehicle. If any licensee operates more than one taxicab, each vehicle shall be numbered with figures not less than two inches (2") high, and no two (2) vehicles shall bear the same number.
- B. Condition of Taxicabs: All taxicabs licensed under this Chapter shall be kept in a safe, clean and sanitary condition and equipped with properly working brakes, lights and warning signals in accordance with the motor vehicles laws of the State of Illinois and the provisions of this Chapter. The horn, windshield wipers, rear view mirror, steering mechanism, wheel alignment, headlights, taillights, stop lights, doors and windows shall be kept in proper working condition at all times.

4-12-14: TRANSFER OF LICENSE:

The owner's taxicab license provided for in this Chapter shall not be transferable.

4-12-15: SUSPENSION; REVOCATION OF LICENSE:

The Village President and Board of Trustees shall, voting jointly, revoke or suspend the license of any owner operating any taxicab which is not in a safe condition or which does not comply with the requirements of this Chapter, including those as to the vehicle's physical condition and mechanical operation. Licenses when so suspended or revoked shall not be reissued or reinstated until the licensee is in compliance with this Chapter and/or such vehicle and its equipment have been put in fit condition for the use by the public in a manner satisfactory to the President and Board of Trustees. (Ord. 91-0-1, 1-10-91)

CHAPTER 13 MUNICIPAL ELECTRIC UTILITY TAX

4-13-1: DEFINITIONS:

As used in this Chapter, unless the context otherwise requires, the following definitions shall apply:

PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation, the State of Illinois or any political subdivision thereof, and State university created by statute, or a receiver, trustee, conservator or other representative appointed by order of any court or by operation of law.

PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE: Any person having or maintaining within the State of Illinois, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within the State of Illinois under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in the State of Illinois permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

PURCHASE AT RETAIL: Any acquisition of electricity by a purchaser for purposes of use or consumption and not for resale, but shall not include the use of electricity by a public utility as defined in section 8-11-2 of the Illinois Municipal Code directly in the generation, production, transmission, delivery or sale of electricity.

PURCHASER: Any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail.

TAX COLLECTOR: The person delivering electricity to the purchaser.

VILLAGE: The Village of Willow Springs. (Ord. 98-0-19, 8-27-1998)

4-13-2: MUNICIPAL ELECTRIC UTILITY TAX IMPOSED:

- A. Pursuant to section 8-11-2 of the Illinois Municipal Code and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:
1. For the first 2,000 kilowatt-hours used or consumed in a month; 0.559 cents per kilowatt-hour.
 2. For the next 48,000 kilowatt-hours used or consumed in a month; 0.366 cents per kilowatt-hour.
 3. For the next 50,000 kilowatt-hours used or consumed in a month; 0.330 cents per kilowatt-hour.
 4. For the next 400,000 kilowatt-hours used or consumed in a month; 0.321 cents per kilowatt-hour.
 5. For the next 500,000 kilowatt-hours used or consumed in a month; 0.311 cents per kilowatt-hour.
 6. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.293 cents per kilowatt-hour.
 7. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.288 cents per kilowatt-hour.
 8. For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.284 cents per kilowatt-hour.
 9. For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.279 cents per kilowatt-hour.
 10. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.275 cents per kilowatt-hour.
- B. The tax imposed in subsection A of this Section is in addition to all taxes, fees and other revenue measures imposed by the Village, the United States of America, the State of Illinois or any other political subdivision of the State of Illinois.
- C. Notwithstanding any other provision of this Chapter, the tax provided for herein shall not be imposed if and to the extent that the imposition or collection of the tax would violate the Constitution or laws of the United States of America, or the constitution of the State of Illinois.

- D. The tax provided for in subsection A of this Section shall be imposed with respect to the use or consumption of electricity by residential customers beginning with the first bill issued on or after September 1, 1998; and with respect to the use or consumption of electricity by nonresidential customers beginning with the first bill issued to such customers for delivery services in accordance with section 16-104 of the Illinois Public Utilities Act, or the first bill issued to such customers on or after January 1, 2001, whichever issuance shall occur sooner. (Ord. 98-0-19, 8-27-1998)

4-13-3: COLLECTION OF MUNICIPAL ELECTRIC UTILITY TAX:

- A. Subject to the provisions of Section 4-13-5 of this Chapter concerning the delivery of electricity to resellers, the tax imposed under this Chapter shall be collected from purchasers by the person maintaining a place of business in the State of Illinois who delivers the electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.
- B. Any tax required to be collected by this Chapter, and any tax in fact collected, shall constitute a debt due and owing to the Village by the person delivering the electricity, provided, that the person delivering the electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible after reasonable collection efforts have been made, and provided further, that if such charges are thereafter collected, the person delivering the electricity shall be obligated to remit such tax to the Village.
- C. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax they collect to reimburse them for their expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax, and supplying data to the Village upon request. For purposes of this Chapter, any partial payment of a billed amount not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. (Ord. 98-0-19, 8-27-1998)

4-13-4: TAX REMITTANCE AND RETURN:

- A. Every tax collector shall, on a monthly basis, file a return in a form prescribed by the Village Clerk. The return and the accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected or is required to be collected under this Chapter.
- B. If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under this Chapter, then the purchaser shall file a

return in a form prescribed by the Village Clerk and pay the tax directly to the Village on or before the last day of the month during which the electricity is used or consumed. (Ord. 98-0-19, 8-27-1998)

4-13-5: RESALES OF ELECTRICITY:

- A. Electricity that is delivered to a person in the Village shall be considered to be for use and consumption by that person unless said person receiving the electricity has an active resale number issued by the Village Clerk and furnishes that number to the person who delivers the electricity, and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.
- B. If a person who receives electricity in the Village claims to be an authorized reseller of electricity, that person shall apply to the Village Clerk for a resale number. The applicant shall state in such application facts showing why it is not liable for the tax imposed by this Chapter on any purchases of electricity and shall furnish such additional information as the Village Clerk may reasonably require.
- C. Upon approval of the application, the Village Clerk shall assign a resale number to the applicant and shall certify the number to the applicant.
- D. The Village Clerk may cancel the resale number of any person if:
 - 1. That person fails to pay any tax payable under this Chapter for electricity used or consumed by that person; or
 - 2. The resale number was obtained through misrepresentation; or
 - 3. The resale number is no longer necessary because the person having obtained the number has discontinued making resales.
- E. If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Chapter directly to the Village pursuant to subsection 4-13-4B of this Chapter on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 4-13-4 of this Chapter and remit the tax pursuant to subsection 4-13-4A of this Chapter to the Village for the amount of electricity delivered by the reseller to a purchaser.
- F. Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of this Section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Village Clerk the total amount of electricity delivered to the reseller, and such other information that the Village Clerk may reasonably require. (Ord. 98-0-19, 8-27-1998)

4-13-6: BOOKS AND RECORDS:

Every tax collector, and every taxpayer required to pay the tax imposed by this Chapter, shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Chapter. These books and records shall be subject to and available for inspection by the Village at all times during business hours of the day. (Ord. 98-0-19, 8-27-1998)

4-13-7: CREDITS AND REFUNDS:

Notwithstanding any other provision of this Chapter, in order to permit sound fiscal planning and budgeting by the Village, no person shall be entitled to a refund of, or credit for, any tax imposed under this Chapter unless that person shall have filed with the Village Clerk a written claim for such refund or credit no later than one year after the date on which the tax was paid or remitted to the Village. (Ord. 98-0-19, 8-27-1998)

CHAPTER 14 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

4-14-1: DEFINITIONS:

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

AMOUNT PAID: The amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

DEPARTMENT: The Illinois department of revenue.

GROSS CHARGE: The amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this state, charges for the channel mileage between each channel point within this state, and charges for that portion of the interstate interoffice channel provided within Illinois. However, "gross charge" shall not include:

A. Any amounts added to a purchaser's bill because of a charge made pursuant to: 1) the tax imposed by this chapter, 2) the tax imposed by the telecommunications excise tax act, 3) the tax imposed by section 4251 of the internal revenue code, 4) 911 surcharges, or 5) charges added to customers' bills pursuant to the provisions of section 9-221 or 9-222 of the public utilities act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the

Illinois commerce commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the public utilities act;

B. Charges for a sent collect telecommunication received outside of such municipality;

C. Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time sharing agreement;

D. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

E. Charges to business enterprises certified as exempt under section 9-222.1 of the public utilities act to the extent of such exemption and during the period of time specified by the department of commerce and community affairs;

F. Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

G. Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

H. Charges paid by inserting coins in coin operated telecommunication devices; or

I. Amounts paid by telecommunications retailers under the telecommunications infrastructure maintenance fee act.

INTERSTATE TELECOMMUNICATIONS: All telecommunications that either originate or terminate outside this state.

INTRASTATE TELECOMMUNICATIONS: All telecommunications that originate and terminate within this state.

PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the federal and state governments, including state universities created by statute, or any city, town, county, or other political subdivision of this state.

PURCHASE AT RETAIL: The acquisition, consumption or use of telecommunications through a sale at retail.

RETAILER: Means and includes every person engaged in the business of making sales at retail as defined in this section. The department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the department, furnishes adequate security to ensure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the department at its discretion.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE (Or Any Like Term): Means and includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE AT RETAIL: The transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the federal and state governments, and state universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

SERVICE ADDRESS: The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the mobile telecommunications sourcing conformity act. For air to ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

TAXPAYER: A person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this chapter.

TELECOMMUNICATIONS: In addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this chapter, "private line" means a dedicated nontraffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end to end communications. Carrier access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end to end telecommunications service shall be nontaxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this act. For purposes of this section, "prepaid telephone calling arrangements" means that term as defined in section 2-27 of the retailers' occupations tax act. (Ord. 24-O-2002, 9-26-2002)

4-14-2: TAX IMPOSED:

A tax is hereby imposed upon any and all the following acts or privileges:

- A. The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer.
- B. The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multistate taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of such tax properly due and

paid in such other state which was not previously allowed as a credit against any other state or local tax in this state.

- C. The tax imposed by this chapter is not imposed on such act or privilege to the extent such act or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by the municipality. (Ord. 24-O-2002, 9-26-2002)

4-14-3: COLLECTION OF TAX BY RETAILERS:

- A. The tax authorized by this chapter shall be collected from the taxpayer by a retailer maintaining a place of business in this state and shall be remitted by such retailer to the department. Any tax required to be collected pursuant to or as authorized by this chapter and any such tax collected by such retailer and required to be remitted to the department shall constitute a debt owed by the retailer to the state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the department. The tax authorized by this chapter shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the department in the manner provided by the department.
- B. Whenever possible, the tax authorized by this chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications. (Ord. 24-O-2002, 9-26-2002)

4-14-4: RETURNS TO DEPARTMENT:

Commencing on February 1, 2003, the tax imposed under this chapter on telecommunication retailers shall be returned with appropriate forms and information as required by the department pursuant to the Illinois simplified municipal telecommunications tax act (public act 92-526, section 5-50) and any accompanying rules and regulations created by the department to implement this act. (Ord. 24-O-2002, 9-26-2002)

4-14-5: RESELLERS:

- A. If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the department for a resale number. Such applicant shall state facts which will show the department why such applicant is not liable for the tax authorized by this chapter on any of such purchases and shall furnish such additional information as the department may reasonably require.

- B. Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to the applicant. The department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.
- C. Except as provided hereinabove in this section, the act or privilege of originating or receiving telecommunications in this state shall not be made tax free on the ground of being a sale for resale unless the person has an active resale number from the department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is nontaxable because of being a sale for resale. (Ord. 24-O-2002, 9-26-2002)

4-14-6: REPEALER:

If public act 92-0526, entitled the "simplified municipal telecommunications tax act", is repealed or becomes ineffective for any reason, or if this chapter is repealed or becomes ineffective for any reason, then ordinance 97-O-16, passed September 25, 1997, shall be revived and deemed in full force and effect as of the date public act 92-0526 or this chapter is repealed or becomes ineffective. (Ord. 24-O-2002, 9-26-2002)

**CHAPTER 15
BUSINESS REGISTRATION**

4-15-1: PURPOSE:

This chapter is enacted for the purpose of establishing an inventory of the location of all businesses conducted within the village which are not subject to the village's statutory licensing authority as a mechanism whereby owners of businesses can be readily identified and notified by village officials in situations that warrant notification. (Ord. 6-O-2004, 2-26-2004)

4-15-2: DEFINITIONS:

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

BUSINESS: Business is meant to include all kinds of vocations, occupations, enterprises, establishments and other kinds of activities and matters, which are conducted for private profit or benefit, either directly or indirectly on any premises in the village. Businesses shall not include:

- A. Home occupations permitted as accessory uses by this code;
- B. Delivery of newspapers to residential dwelling units;

C. Residential solicitation provided the solicitor is registered pursuant to chapter 5, article A of this title; and

D. Vocations, occupations, enterprises, establishments and other kinds of activities and matters licensed by the village pursuant to chapter 1 of this title.

PERSON: Shall include individuals, partnerships, joint venturers, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees, or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person under either personal appointment or pursuant to law.

PREMISES: Shall include all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises. (Ord. 6-O-2004, 2-26-2004)

4-15-3: COMPLIANCE:

It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith, any vehicle, premises, machine or device in whole or in part from a fixed premises within the village of Willow Springs, without first registering with the village of Willow Springs. For the purpose of this chapter, any person shall be deemed to be in business and thus subject to the requirements of this chapter when he acquires or uses any premises in the village for business purposes. (Ord. 6-O-2004, 2-26-2004)

4-15-4: REGISTRATION:

Every person subject to this chapter shall submit a business registration form to the village clerk. No fee shall be charged in connection with the registration or renewal thereof. The business registration form shall provide the following information:

- A. General information, including, but not limited to, the business name, address, telephone numbers, and the names, addresses and telephone numbers of persons to contact in the case of emergencies during nonbusiness hours.
- B. Fire safety information including the presence of any fire alarms, smoke detection systems, standpipes, and sprinkler systems. (Ord. 6-O-2004, 2-26-2004)

4-15-5: REGISTRATION RENEWAL:

Annually, on or before January 10 of each year, each person, subject to this chapter, shall file a business registration renewal form with the village clerk. Such form shall supply any changes in information supplied by the initial registration form. (Ord. 6-O-2004, 2-26-2004)

4-15-6: PENALTY:

Any person operating a business within the village of Willow Springs without first registering with the village of Willow Springs as provided herein, shall, upon conviction for violation of this chapter, be fined a sum not less than one dollar (\$1.00) and not more than ten dollars (\$10.00). Each day of business operation without registration with the village shall constitute a separate offense. (Ord. 6-O-2004, 2-26-2004)

CHAPTER 16 CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES: MINIMUM WAGE LAW AND SICK LEAVE LAW

4-16-1: PAYMENT OF MINIMUM HOURLY WAGES AND PAID SICK LEAVE

A. Employers located within the Village shall comply with all applicable Federal and/or State laws and regulations, as such laws and regulations may exist from time to time, with regard to both the payment of minimum hourly wages and. paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall be in compliance with all applicable Federal and/or State laws and regulations, as such laws and regulations may exist from time to time.

B. No additional obligations with regard to paid sick leave or minimum hourly wages imposed by any ordinance adopted by the County of Cook Board of Commissioners shall apply to any employer located within the Village, the Village opts out of any such ordinance(s) adopted by the County of Cook Board of Commissioners, and this ordinance of the Village conflicts with any such ordinance(s) adopted by the County of Cook Board of Commissioners that imposes additional obligations with regard to paid sick leave or minimum hourly wages.

C. For the purposes of this Section, the term "employee" means an individual permitted to work by an employer regardless of the number of persons the employer employs, and the term "employer" means any person employing one (1) or more employees, or seeking to employ one (1) or more employees, if the person has its principal place of business within the Village or does business within the Village.

D. For the purposes of this Section, the term "employer" does not mean:

1. The government of the United States or a corporation wholly owned by the government of the United States;
2. An Indian tribe or a corporation wholly owned by an Indian tribe;
3. The government of the State or any agency or department thereof; or
4. Any unit of government.

E. In the event that Cook County Ordinance Number 16-5768 and Cook County Ordinance Number 16-4229, or any other related, superseding Cook County Ordinances, are repealed by Cook County or a court of final jurisdiction rules that they are void or they are superseded by the enactment of a State-wide minimum wage law and minimum sick leave law, this Chapter 16 of the Village Code and Village Ordinance Number 2017-0-21 shall automatically be repealed upon the effective date of the repealing law, the final court ruling or the enactment of the Statewide minimum wage law and minimum sick leave law that supersedes Cook County Ordinance Number 16-5768 and Cook County Ordinance Number 16-4229. (Ord. 2017-O-21)

CHAPTER 17

CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

4-17-1: Definitions: The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

4-17-2: Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Willow Springs. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Willow Springs of any of the following:

- Adult-Use Cannabis Craft Grower
- Adult-Use Cannabis Cultivation Center
- Adult-Use Cannabis Dispensing Organization
- Adult-Use Cannabis Infuser Organization or Infuser
- Adult-Use Cannabis Processing Organization or Processor
- Adult-Use Cannabis Transporting Organization or Transporter

4-17-3: Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village of Willow Springs in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

4-17-4: Violations: Penalty. Violations of this Chapter are punishable by a fine not to exceed \$750.00. For the purposes of this section, each day the violation is in existence shall be deemed to be a separate offense. (Ord 201-O-23, 8-15-19)

