

TITLE III
BUSINESS REGULATIONS AND LICENSES

Article 1
Business Licenses

Section 1 **License Required.** No retail business shall be operated in the Village until the operator of such retail business shall have secured from the Village a license to operate such business.

Section 2 **Application for License, Contents.** Application for the operation of a retail business within the Village limits shall be made to the Village Clerk. An application for the operation of a retail business shall state the nature of the business, the address of the premises where the business will be operated, the business' tax identification number, and other such pertinent information as may be required by the Board by ordinance or resolution. The license year will be from January 1 to December 31 of each year.

Section 3 **Village President.** Upon receipt of an application to operate a retail business, the Village Board shall have the sole authority to determine whether or not such application shall be issued.

Section 4 **Inspection of Premises.** All businesses licensed under this ordinance shall be inspected by the proper officials of the Village at least semiannually to ensure that certain businesses comply with the ordinances of the Village.

Section 5 **Revocation of License.** Any violation of any ordinances of the Village will constitute grounds for the revocation of a retail business license after the Village Board finds it a fact that any actual violation is detrimental to the best interests of the Village and its inhabitants.

The licensing authority shall give written notice by certified mail addressed to the licensee or applicant. The notice shall specify the alleged grounds of the violation and shall inform the recipient of his right to demand a hearing before a hearing officer designated for such purposes by the licensing authority. A demand for hearing shall be made in writing to the licensing authority and submitted no later than the tenth (10th) day next succeeding the date of mailing of the aforesaid notice. If no demand for a hearing is made within said time, the license shall forthwith be revoked, suspended, or denied. If a hearing is demanded, it shall be held within ten (10) days thereafter, upon written notice to the party demanding hearing. The hearing officer for such hearing shall be the zoning officer and is empowered to hear testimony, take evidence, and to make findings of fact. The hearing officer shall thereafter report these findings along with the hearing officer's recommendation, to the licensing authority. Upon receipt of the hearing officer's findings and recommendations, the licensing authority shall take final actions.

Article 2
Amusements**Section 1** **Definitions.**

Amusement Arcade. Any business establishment that does not sell or serve alcoholic beverages and has more than five (5) automatic devices upon its premises and which allows the automatic amusement devices to be operated for use in games, contests, or amusement through the exercise of skill.

Automatic Amusement Devices. All mechanical devices of entertainment and games of skill or amusement operated for gain or profit, including, but not necessarily limited to, the following: video games, other arcade games, billiards and pool tables, pinball games, virtual reality games, computerized games; and any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines, pistol ranges, baseball games, bowling games, tennis games, and all devices referred to as arcade equipment, and all games and operations similar thereto under whatever name they may be indicated. It shall also include those amusements operated by remote control, whether or not actuated by the insertion of a coin. For purposes of this article, the term “automatic amusement devices” shall not include mechanical devices commonly known as “kiddie rides” or “carnival amusement rides” designated for a child or adult amusement rides or music machines.”

License Year. The license year shall be the calendar year or the remainder thereof. All licenses shall be due January 1st and expire December 31st.

Section 2 **Amusement Arcade.**

2.1 License Required: Term. It shall be unlawful to establish or operate an amusement arcade within the Village without first obtaining a license for such establishment or operation from the President of the Village Board.

A license, if granted, shall be for the license year.

2.2 Application for License: Fee. All persons seeking a license shall submit an application, in writing, to the Village along with the annual license fee of \$25.00 and the cost of fingerprinting as hereinafter required. The application shall include the following information:

- A. The names and addresses of all persons, including corporations, in whose name the application is submitted.
- B. The address of the location for which the applicant seeks a license.
- C. The number and type of automatic amusement devices the applicant proposes to be maintained at the location.

- D. The criminal felony conviction record of the applicant, or its officers or any shareholder owning more than a five percent (5%) interest, if the applicant is a corporation, and, if the applicant does bear a conviction record of a criminal felony or felonies, any information which the applicant believes would show that the applicant has been rehabilitated.
- 2.3 Fingerprinting. Each owner and manager of the applicant shall submit to fingerprinting as directed by the police department.
- 2.4 Compliance with Applicable Codes. All applications for licenses required by this article, when filed, shall be referred to the Director of Community and Administrative Services to assure compliance with the applicable building, zoning, and housing ordinances of the Village and no license shall be granted to any applicant to any location unless and until the Village Director of Community and Administrative Services shall have certified that the proposed location complies with the applicable building, zoning, and housing ordinances of the Village.
- 2.5 Compliance with Health Code. Upon receipt of an application for a license required by this article, the Village Clerk shall forward such application to the Rock Island Health Department if food is to be dispensed upon the premises. No license shall be issued until the Rock Island Health Department shall have certified that the intended location of the business is in compliance with all applicable ordinances.
- 2.6 Issuance Process. Within not more than forty-five (45) days of receipt of such application, the Village President shall grant or deny the application for a license, authorizing the licensee to establish or operate an Amusement Arcade. Such license shall be posted in a conspicuous place on the premises. The license shall not be transferable.
- 2.7 Denial, Revocation, or Suspension of License. A license may be denied, revoked, or suspended for one or more of the following reasons:
- A. Willful violation of any provision of this article.
 - B. Conviction of a felony, under any state or federal law.
 - C. The maximum number of licenses permitted with the Village, as the Board shall from time to time determine, have been issued.
 - D. Willful violation of any ordinance of the Village.
 - E. Failure to submit a license renewal application.
 - F. Revocation of a license issued under this Article for good cause.
 - G. Upon submittal of an application for renewal, ineligibility of prior application is discovered.

- H. Ineligibility of any member of a partnership, if the application is submitted by a partnership; or, the ineligibility of any owner or shareholder having a five percent (5%) interest or more.
- I. Failure to own or lease the premises where the business shall operate.
- J. Connection of any crime or misdemeanor involving moral turpitude.

2.8 Hearing Procedure. If probable cause is discovered indicating that a licensee or applicant has violated the provisions of this Article or has falsified the application form, the Village President or his or her designee shall give written notice thereof by certified mail addressed to the licensee or applicant. The notice shall specify the alleged grounds of the violation and shall inform the recipient of his or her right to demand a hearing before the Village President or his or her designee. A demand for a hearing shall be made in writing to the Village President and submitted no later than the tenth (10th) day next succeeding the date of mailing of the aforesaid notice. If no demand for a hearing is made within said time, the license shall be revoked, suspended, or denied. If a hearing is demanded, it shall be held within ten (10) days upon written notice to the party demanding hearing. The Village President or his or her designee shall take evidence and make findings of fact. Based upon the findings, the Village President shall take final action.

2.9 General Requirements and Restrictions.

- A. **Supervision by an Adult.** All automatic amusement devices within the premises shall be visible to, and under the supervision of a responsible person, not a registered sex offender pursuant to the laws of this State, and a person of good moral character who is the age of twenty-one (21) years or older.
- B. **Age Limit; Hours.** During the regular school year, except weekends or legal holidays, persons under the age of seventeen (17) years shall not be allowed to operate automatic amusement devices or to remain on the premises of any licensed Amusement Arcade Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m.

2.10 Premises Requirements.

- A. **Location.** No amusement arcade shall be located within 300' of any church, grammar or secondary school, tavern, or residential zoning district unless the Village President waives the requirements of this provision.
- B. **Outside Security Lighting.** Outside security lighting must be installed when such lighting is deemed necessary by the Village President and the licensee is notified of this fact.

2.11 Violation, Penalty. Any licensee who, after notice and hearing, is found to have willfully violated any provision of this article shall be subject to the following penalties:

- A. For any first violation, a suspension of license for any period of time not to exceed thirty (30) days in duration and a fine not to exceed \$500.00.
- B. For any second violation, a suspension of license for any period of time not to exceed ninety (90) days in duration and a fine not to exceed \$750.00.
- C. For any third violation or more, either a suspension of license for any period of time not to exceed one hundred twenty (120) days in duration or a revocation of license and a fine not to exceed \$1,000.

Section 3 Automatic Amusement Devices.

- 3.1 License Required: Term. No person shall keep or permit to be kept for gain or profit within the corporate limits of the Village, any automatic amusement device without having first applied for and received a license to keep such machines or devices. Nothing contained in this section shall prohibit an establishment licensed by the Illinois Gaming Board pursuant to the Video Gaming Act (230 ILCS 40/1 et seq.) to operate a video gaming terminal, upon requirements of this Article.
- 3.2 Application for License; Fee. All persons seeking a license shall submit an application, in writing, to the Village President along with the annual license fee of \$25.00 per automatic amusement device and the cost of fingerprinting as hereinafter required. No allowance shall be made for the fact that less than a full year remains before the expiration of the license year. The application furnished to the licensing authority shall include the following information:
 - A. The names and addresses of all persons, including corporations, in whose name the application is submitted.
 - B. The address of the location for which the applicant seeks a license.
 - C. The number and type of automatic amusement devices the applicant proposes to be maintained at the location.
 - D. The criminal felony conviction record of the applicant, or its officers or any shareholder owning more than a five percent (5%) interest, if the applicant is a corporation, and, if the applicant does bear a conviction record of a criminal felony or felonies, any information which the applicant believes would show that the applicant has been rehabilitated.
- 3.3 Fingerprinting. Each owner and manager of the applicant shall submit to fingerprinting as directed by the police department unless each owner and manager of the applicant has furnished fingerprints as a part of the application process for a liquor license, or an Amusement Arcade license.
- 3.4 Compliance with Applicable Codes. All applications for licenses required by this Article, when filed, shall be referred to the Director of Community and Administrative Services to assure compliance with the applicable building, zoning, and housing ordinances of the Village and no

license shall be granted to any applicant to any location unless and until the Village Director of Community and Administrative Services shall have certified that the proposed location complies with the applicable building, zoning, and housing ordinances of the Village.

- 3.5 Compliance with Health Code. Upon receipt of an application for a license required by this article, the Village Clerk shall forward such application to the Rock Island County Health Department if food is to be dispensed upon the premises. No license shall be issued until the Rock Island County Health Department shall have certified that the intended location of the business is in compliance with all applicable county health ordinances and regulations.
- 3.6 Issuance Process. Upon receipt of a proper application accompanied by the payment of the proper fees and compliance with all requirements set forth in this Article, the Village President shall issue a license authorizing the licensee to keep and maintain as many of the automatic amusement devices as are listed in such application, at the place named therein and the license year, or the remainder thereof, as listed in such application; provided, however, if such automatic amusement device is one subject to the Video Gaming Act a maximum of five (5) automatic amusement devices are permitted per establishment. Such license shall be posted in a conspicuous place on the premises where such machines or devices are kept and shall state the number of such machines or devices covered thereby. The license shall not be transferable.
- 3.7 Denial, Revocation, or Suspension of License. A license may be denied, revoked, or suspended for one or more of the following reasons:
- A. Willful violation of any provision of this article.
 - B. Conviction of a felony, under any state or federal law.
 - C. The maximum number of licenses permitted with the Village, as the Board shall from time to time determine, have been issued.
 - D. Willful violation of any ordinance of the Village.
 - E. Failure to submit a license renewal application.
 - F. Revocation of a license issued under this article for good cause.
 - G. Upon submittal of an application for renewal, ineligibility of prior application is discovered.
 - H. Ineligibility of any member of a partnership, if the application is submitted by a partnership; or, the ineligibility of any owner or shareholder having a five percent (5%) interest or more.
 - I. Failure to own or lease the premises where the business shall operate.

- J. Connection of any crime or misdemeanor involving moral turpitude.

3.8 General Requirements and Restrictions.

The following shall apply to any establishment which is not authorized to sell alcohol unless fifty percent (50%) of more of its revenue is the result of the sale of food services:

- A. **Supervision by an Adult.** All automatic amusement devices within the premises shall be visible to, and under the supervision of, a responsible person of twenty-one (21) years or older.
- B. **Age Limit; Hours.** During the regular school year, except weekends or legal holidays, persons under the age of seventeen (17) years shall not be allowed to operate automatic amusement devices Monday through Friday, between the hours of 8:00 a.m. and 6:00 p.m.

3.9 Premises Requirements.

- A. **Location.** No establishment with automatic amusement devices shall be located within 300' of any church, grammar or secondary school, tavern, or residential zoning district unless the Village President waives the requirements of this provision.
- B. **Outside Security Lighting.** Outside security lighting must be installed when such lighting is deemed necessary by the Village President and the licensee is notified of this fact.

3.10 Hearing Procedure. If probable cause is discovered indicating that a licensee or applicant has violated the provisions of this Article or has falsified the application form, the Village President or his or her designee shall give written notice thereof by certified mail addressed to the licensee or applicant. The notice shall specify the alleged grounds of the violation and shall inform the recipient of his or her right to demand a hearing before the Village President or his or her designee. A demand for a hearing shall be made in writing to the Village President and submitted no later than the tenth (10th) day next succeeding the date of mailing of the aforesaid notice. If no demand for a hearing is made within said time, the license shall be revoked, suspended, or denied. If a hearing is demanded, it shall be held within ten (10) days upon written notice to the party demanding hearing. The Village President or his or her designee shall take evidence and make findings of fact. Based upon the findings, the Village President shall take final action.

3.11 Violation, Penalty. Any licensee who, after notice and hearing, is found to have willfully violated any provision of this article shall be subject to the following penalties:

- A. For any first violation, a suspension of license for any period of time not to exceed thirty (30) days in duration and a fine not to exceed \$500.00.
- B. For any second violation, a suspension of license for any period of time not to exceed ninety (90) days in duration and a fine not to exceed \$750.00.

- C. For any third violation or more, either a suspension of license for any period of time not to exceed one hundred twenty (120) days in duration or a revocation of license and a fine not to exceed \$1,000.

Article 3
Scavengers**Section 1** **Definitions.**

Scavenger. One who engages in the business or occupation of collecting and hauling for the purpose of disposal or otherwise, any garbage, refuse, junk or trash, or material.

Section 2 **Scavengers.** It shall be unlawful for any person, firm, or corporation to engage in the business of scavenger, of the collection of disposals of animal or vegetable refuse, or offal, without having first secured a license therefore. The annual fee for such license shall be Twenty-Five Dollars (\$25.00) with an additional Five Dollars (\$5.00) which each vehicle used in such operation, due July 1st.

2.1 Applications for such license to operate in the Village of Carbon Cliff as a scavenger shall be made to the Village Clerk, and shall be referred by him or her to the Board of Trustees; no such license shall be issued except on the order of the Board of Trustees.

2.2 Any vehicle used by such scavenger in his business shall be watertight and equipped with air-tight covers for such portions as are used for the transportation of refuse.

2.3 It shall be unlawful for any scavenger to dispose of or store any refuse at any place in the Village limits of the Village of Carbon Cliff or within one (1) mile thereof, without first securing the written permission of the Board of Trustee.

2.4 All applicants shall when making applications for a license hereunder, tender to the Village Clerk a certificate of insurance certifying to liability coverage in the amount of One Hundred Thousand Dollars (\$100,000.00) for each accident and a total aggregate coverage of Three Hundred Thousand Dollars (\$300,000.00).

Article 4
Taxi Operators**Section 1** **Definitions.**

Taxi Operators. Any person who operates a taxi for hire.

Section 2 **Taxi Operators.** No automobile, autocar, cab, or other similar vehicles shall be used for the transportation of persons for hire within the Village whether the automobile, autocar, or similar vehicle secures its passengers for public stand or stands upon the street or whether the same is kept in a private garage unless such vehicle can be licensed as provided.

2.1 The owner of any such automobile, autocar, cab, or other similar vehicles for which it is desired to secure a license shall make an application to the Village, setting forth therein the name of the owner or owners, a description of the vehicle for which it is desired to secure a license, and the place where the vehicle is kept if the same is kept in a private garage. Upon receipt of the application and upon proof being submitted to him that the applicant has complied with the provisions of the Illinois State Law pertaining to surety bonds or insurance policies by reason of the operation of such vehicle, and upon proof that the vehicle has been tested and a certificate of safety issued thereon, the Village Clerk, with the consent of the Board of Trustees, shall issue or cause to be issued a license for the vehicle upon the payment by the applicant of a license fee of Five Dollars (\$5.00) per annum for each vehicle.

2.2 Every taxicab operated on the streets of the Village shall be kept and maintained in a good and safe mechanical condition. Every such taxicab, within fifteen (15) days before the application for license is made, shall be subjected to the safety test provided by an official testing station as established and set up by Section 13.10 of Chapter 95-1/2 of the Revised Statutes of the State of Illinois 1985. Said safety test shall include the testing and inspection of brakes, lights, horns, reflectors, rearview mirrors, safety chains, frames, axles, body, wheels, steering apparatus, and other safety devices and appliances. The passing of the safety test shall not eliminate the possibility of prosecution for operating or causing to be operated a taxi-cab not in good and safe mechanical condition. If the taxi-cab is in safe mechanical condition, the operator of the official testing station shall at once issue and affix to said taxi-cab a certificate of safety which shall at all times be displayed on said taxi-cab. No certificate of safety issued during the second six (6) months of the license year shall be of any effect after the first day of the succeeding year. No taxicab shall be operated upon the streets, alleys, or public places of the Village without having been tested as required or without having the certificate of safety displayed on the taxicab.

2.3 Every automobile, autocar, cab, or other similar vehicle licensed under the provisions of this ordinance shall have the name of the owner plainly painted in letters at least one and one-half inches (1-1/2") in height, in a conspicuous place on the outside of each side of the vehicle, and the name and number shall be kept so painted plainly and distinctly at all times which the vehicle is in use during the continuance of the license. Upon the expiration of the license (unless same is renewed) the name and number shall be at once erased from the vehicle and the vehicle shall not be used with the name and number thereon.

- 2.4 Whenever any package, article or baggage, or goods of any kind shall be left in or upon any vehicle licensed under the provisions of this ordinance, the operator of the vehicle shall, upon discovery of such package, baggage, or goods, deliver the same to the policeman on duty at the police station in the Village of Carbon Cliff.
- 2.5 No person, firm, or corporation as aforesaid when unemployed and his legal fare is paid or tendered to him, shall without lawful excuse, refuse to convey within the Village any person, with or without baggage, as aforesaid when applied to for that purpose, or have undertaken to convey such person, shall omit or neglect to do so, under the penalty prescribed.
- 2.6 Any person, firm, or corporation licensed as aforesaid may demand his legal fare to be paid in advance by any person seeking to employ him and may refuse to convey any person who shall fail to comply with such demand. Any person, firm, or corporation so licensed shall give to any person requesting the same his name and the number of his license.

Article 5
Solicitors, Peddlers, & Transient Merchants

Section 1 **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Charitable Solicitor. A person making a solicitation for a charitable or not-for-profit association, organization, or entity for the purpose or benefit of that charitable, religious, political, or not-for-profit association, organization, entity, or project.

Commercial Solicitor. A person making a solicitation, not as a charitable solicitor, including but not limited to seeking to obtain prospective customers for application or purchase of insurance or seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or other publications.

Peddler. A person who goes upon the premises of any building in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. Peddler does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good, or service that is offered to a resident for purchase at a location away from his/her residence or at a time different from the time of the visit.

Peddling. This means a peddler going upon the premises of any building in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale.

Person. The word "person" means any individual, partnership, corporation, or joint stock association and includes any trustee, receiver, assignee, or representative thereof.

Solicitation. This means going upon the premises of any building in the Village, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, publications, or other personal property of any nature for future delivery, or for services to be performed in the future or seeking gifts or contributions of money, clothing or anything of value.

Transient Merchant. As defined in Section 2 of the Transient Merchant Act of 1987 (225 ILCS 465/2) any person or employee or agent whether or not a resident of the village, who temporarily engages in the sale of merchandise for present or future delivery within the Village and who in furtherance of such purpose leases, uses or occupies any building, vehicle, trailer, tent, railroad car, hotel or motel room or other place in the city for the exhibition and sale of such goods, wares, and merchandise and does not have an approved fixed business location or license for retail sales from the Village.

Section 2 **Commercial Soliciting Prohibited.** It shall be unlawful for any person to be a commercial solicitor in the Village.

Section 3 **Charitable Solicitation.** Soliciting by a charitable solicitor is allowed in the Village of Carbon Cliff and no permit or license from the Village shall be required.

Section 4 **Peddling and Transient Merchant Prohibited.** It shall be unlawful for any person to engage in the business of peddler or transient merchant in the Village.

Section 5 **Nuisance.** Commercial solicitors, peddlers, and transient merchants, not having been requested or invited by the occupant to come to the property, in the Village are declared to be a nuisance and a violation punishable as a misdemeanor.

Section 6 **Penalty.** Whoever violates any provisions of this article shall be penalized as provided in Title 1, Article 3, of the Village Code.”

Article 6
Alcoholic Liquor**Section 1**

Alcoholic Liquor. It shall be unlawful for any person, firm, or corporation to sell at retail, wholesale or otherwise, any alcoholic liquor in the Village of Carbon Cliff unless he shall have first complied with all the provisions of this section with relation thereto, including the purchase of a liquor license as provided, and unless he shall comply in all respects with the terms of such license.

- 1.1 Applications for license shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, as an individual, or by a duly authorized agent thereof, as a club or corporation, verify by oath or affidavit, and shall contain the following statements and information:
 - A. The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.
 - B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time, and place of his naturalization.
 - C. The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
 - D. The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
 - E. The amount of goods, wares, and merchandise on hand at the time application is made.
 - F. The location and description of the premises or place of business which is to be operated under such license.
 - G. A statement whether the applicant has made an application for a similar or other licenses on premises other than described in this application, and the disposition of such application.
 - H. Statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of this state, or the ordinances of this Village.
1. Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefore.

- J. A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinances of the Village in the conduct of his place of business.

1.2 No such license shall be issued to:

- A. A person who is not a resident of the Village.
- B. A person who is not a good character and reputation in the community in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony.
- E. A person who has been convicted of being the keeper or keeping a house of ill-fame.
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- G. A person whose license under this article has been revoked for cause.
- H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- I. A co-partnership, unless all of the members of such co-partnership possess the same qualifications required of a Licensee, other than residency.
- J. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license for any reason other than citizenship and residence within the Village.
- K. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee, other than residency.
- L. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
- M. A person who does not own the premises for which a license is sought or does not have a lease for the full period for which the license is issued.
- N. Any person, firm, or corporation not eligible for a state retail liquor dealer's license.

- O. 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 Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.
 - P. A person or entity to whom a federal wagering stamp has been issued by the federal government unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.
 - Q. 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 in an amount that is at least equal to the maximum liability amounts as set out in Section 6-21(a) of the Illinois Liquor Control Act of 1934.
- 1.3 A member of the Village Board of Trustees other than the President, may hold a license hereunder if:
- A. the sale of alcoholic liquor pursuant to the license is incidental to the selling of food;
 - B. the issuance of the license is approved by the State Commission;
 - C. the issuance of the license is in accordance with all applicable ordinances in effect where the premises are located; and,
 - D. the trustee does not vote on alcoholic liquor issues before the Board of Trustees or participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.
- 1.4 The Local Liquor Control Commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Local Liquor Control Commissioner. For purposes of obtaining fingerprints under this Section, the Local Liquor Control Commissioner shall collect a fee and submit the fingerprints and the fee to the Illinois Department of State Police.
- 1.5 Each license issued shall terminate on the 30th day of June following the issuance thereof, and each six (6) months thereafter.

- 1.6 The President of the Board of Trustees of the Village shall be the Local Liquor Control Commissioner, acting as and for and on behalf of the Village and shall be charged with the administration in the jurisdiction of the Village to enforce the appropriate provisions of the Illinois State Liquor Control Act and enforcement of the local ordinances of the Village relating to the sale and licensing of persons, firms, or corporations to sell at resale, wholesale or otherwise alcoholic liquors within the Village and other ordinances attendant thereto; provided, however, the President of the Board of Trustees, with the approval of the Board of Trustees, may from time to time, as deemed necessary and expedient to appoint a person or persons to assist in the exercise of the powers and the performance of the duties herein provided for the Local Liquor Control Commissioner.

The Local Liquor Control Commissioner will have, in addition to other powers, functions, and duties with respect to licenses and otherwise, and as more fully set out in other portions of the article, relating to the licensing for purposes of sale of alcoholic liquors, possess and have the following powers, functions and duties:

- A. To grant and or suspend not more than thirty (30) days or to revoke for cause all local licenses issued to persons, firms, or corporations for premises within the Village.
- B. To enter or to authorize any law enforcement officer or any person appointed by the Local Liquor Control Commissioner to assist him as mentioned to enter at any time upon any premises licensed to sell alcoholic liquors for purposes of determining whether any of the provisions of this ordinance, of any state law or any rules or regulations adopted by the Local Liquor Control Commissioner or the Illinois Liquor Control Commission, have been or are being violated and at such time to examine the premises of the licensee.
- C. To receive complaints from any five residents within the Village jurisdiction that any of the provisions of the Illinois State Act or the local ordinance or any rules or regulations adopted pursuant to any portion thereof, have been or are being violated, and to act upon such complaints in a manner provided.
- D. To receive local license fees and pay the same to the Village Treasurer.
- E. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this act by selling or offering for sale at retail alcoholic liquors without a retailer's license.
- F. To notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Sections 1.16 or 1.17 of this Article 6.
- G. To conduct hearings upon reasonable notice to any license holder hereunder for purposes of determining whether or not a license, as described, be issued, suspended, or revoked.

- H. To issue or cause to be issued over his signature, subpoenas which shall be effective throughout the State of Illinois and every portion thereof to compel attendance at hearings of witnesses thereto.
- I. To issue subpoenas for the books and records of any applicant or licensee.
- J. To hear testimony and take proof at the hearings.
- K. To make determinations of fact and issue findings thereon.
- L. To issue licenses to the applicants after said hearings or to make a refusal to so do thereupon.
- M. To suspend or revoke any license issued if he determines that the licensee has violated any provision of this article or any section of the Illinois Liquor Control Act or any rule or regulation promulgated thereunder or, in lieu thereof, levy a fine of up to One Thousand Dollars (\$1,000.00) for the first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation up to a maximum of \$15,000 during the period of the license.
- N. That the Local Liquor Control Commissioner shall be compensated at the rate of Twenty-Five Dollars (\$25.00) per month for his or her day-to-day services performed and shall be entitled to reimbursement for reasonable expenses incurred by him or her in attendance at any and all meetings, conferences, seminars and the like in conjunction with his duties as liquor commissioner.

1.7 Such licenses shall be divided into the following classes:

Class "A". Which shall permit only the retail sale of alcoholic liquor in sealed packages, not for consumption on the premises where sold. The fee for such a license shall be Five Hundred Dollars (\$500.00) payable yearly.

Class "B". Which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold. The annual fee for such a license shall be One Thousand Dollars (\$1,000.00) payable semiannually.

Class "C". Which shall permit the retail sale of alcoholic liquor by a Special Event Retailer. The license shall only be for a duration of no more than three days and at a fee of Twenty-Five Dollars (\$25.00) per day.

For the purpose of this section, a "Special Event Retailer" means an educational, fraternal, political, civic, religious, or non-profit organization that sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a Special Event Retail License.

All licenses issued shall be designed by the classification letter herein provided.

- 1.8 The total number of all licenses shall not exceed five (5), excluding Class C licenses.
- 1.9 No license shall be issued unless the applicant shall file with the application a certificate by an insurance company, authorized to do business in the State of Illinois, certifying that the applicant has in force and effect, dram shop insurance, as required by statute.
- 1.10 All such fees shall be paid to the Village Collector at the time application is made and shall be turned over to the Village Treasurer. In the event the application is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall be designed by the Village Board of Trustees.
- 1.11 A license shall be a purely personal privilege, and shall not constitute property nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The licenses shall cease upon the death of a licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators or the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of sale under the order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death, bankruptcy, or insolvency of such licensee, until the expiration of such license, but not longer than six (6) months after the death of such decedent, or such insolvency or bankruptcy. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.
- 1.12 A license issued shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the Local Liquor Control Commission. No change of location shall be permitted unless the proposed new locations are in compliance with the provisions and regulations of this chapter.
- 1.13 Any licensee may renew his 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 provided for shall not be deemed as a vested right which shall, in any case, prevent the President of the Village Board from decreasing the number of licenses to be issued within the Village.
- 1.14 All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the rules, regulations, or ordinances of Rock Island County regulating the condition of premises used for the storage of food for human consumption.
- 1.15 It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal

disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation, or distribution of such liquor.

1.16

- A. The holders of a Class "A" license shall be permitted to remain open for the retail sale of alcoholic liquor between the following hours:

From:	To:
7:00 am Monday	1:00 am Tuesday
7:00 am Tuesday	1:00 am Wednesday
7:00 am Wednesday	1:00 am Thursday
7:00 am Thursday	1:00 am Friday
7:00 am Friday	1:00 am Saturday
7:00 am Saturday	1:00 am Sunday
10:00 am Sunday	1:00 am Monday

- B. The holders of a Class "B" license shall be permitted to remain open for the retail sale and consumption of alcoholic liquor between the following hours:

From:	To:
7:00 am Monday	2:00 am Tuesday
7:00 am Tuesday	2:00 am Wednesday
7:00 am Wednesday	2:00 am Thursday
7:00 am Thursday	2:00 am Friday
7:00 am Friday	3:00 am Saturday
7:00 am Saturday	3:00 am Sunday
10:00 am Sunday	2:00 am Monday

- C. The Holders of a Class "C" license shall be permitted to remain open for the retail sale and consumption of beer or wine, or both, from 12:00 noon until 12:00 midnight on the dates designated by a Special Event Retailer's License.

It shall be unlawful to keep open for business or admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon any premises on which it is sold at retail during any hours other than those specifically provided for in this section.

- 1.17 In premises upon which the sale of alcoholic liquor for consumption on the premises is licensed (other than as a restaurant, hotel, or club) no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road, or sidewalk at all times, and no booth, screen, partition or other obstruction, not any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a clear view of the entire interior from the street, road, or sidewalk. All rooms where liquor is sold for consumption on the premises shall be

continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.

1.18 It shall be unlawful for any person under the age of twenty-one (21) years to consume, obtain, possess, or purchase any alcoholic liquor in any tavern, or other places in the Village where alcoholic liquor is sold.

1.19 It shall be unlawful for any person under the age of twenty-one (21) to misrepresent his or her age for the purpose of consuming, obtaining, possessing, or purchasing alcoholic liquor.

1.20

A. In every tavern or other place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:

WARNING TO PERSONS UNDER THE AGE OF 21

Under the ordinance of the Village of Carbon Cliff, any person, under the age of twenty-one (21) years who, for the purpose of consuming, obtaining, possessing or purchasing alcoholic liquor, represents that he or she is twenty-one (21) years of age or over shall be subject to a fine of up to Seven Hundred Fifty Dollars (\$750.00).

B. It shall be unlawful for any holder of a retail liquor dealer's license or his agent or employee to suffer or permit any person under the age of twenty-one (21) years to remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises are located, provided that this paragraph shall not apply to any licensed premises which derive its principal business from the sale of food or other commodities other than alcoholic liquor.

C. It shall be unlawful for any parent or guardian to permit any minor child of which he or she may be parent or guardian to violate any of the provisions of this section.

D. It shall be unlawful for any persons under the age of twenty-one (21) to attend any bar, to draw, pour, or mix any alcoholic liquor in any licensed retail premises.

E. It shall be unlawful for any person under the age of twenty-one (21) years of age to frequent any tavern or other place in the Village where alcoholic liquor is sold and consumed on the premises.

F. It shall be unlawful for any person under the age of twenty-one (21) to accept, consume, obtain, purchase, or have in their possession or on their person any alcoholic liquor.

G. In addition to all other fines and penalties, the President of the Village Board may revoke or suspend the retail liquor dealer's license for any violation of this section.

- 1.21 It shall be unlawful for any holder of a retail liquor dealer's license to sell, deliver, or give any alcoholic liquor to any intoxicated person.
- 1.22 It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor unless otherwise permitted by the action of the Village President and Board of Trustees, as allowed by the laws of the State of Illinois.
- 1.23 Any appeal to the Illinois Liquor Control Commission of any determination by the local liquor commissioner shall be limited to a review of the official record of the proceedings of the local liquor commissioner.

Article 7
Garage Sales**Section 1**

Garage Sales. A “Garage Sale” shall be defined to include garage sales, yard sales, basement sales, or other such sales conducted by an individual who is not ordinarily engaged in the wholesale or retail sales business and who is not licensed or authorized to conduct a wholesale or retail business within the Village. For this section, an “individual” shall be defined as an individual, a group of individuals, or an association of individuals.

- 1.1 The cost of a garage sale permit shall be \$5.00 per garage sale beginning with the calendar year 2022. There shall be no charge for the Village Wide Garage Sales.
- 1.2 Any individual may conduct three (3) garage sales per address within the Village per calendar year, provided, however, that before any such garage sale is conducted a permit shall be obtained from the Village Clerk.
- 1.3 Upon request, the Village Clerk shall issue to any individual a maximum of three (3) Garage Sale permits per address, per calendar year. There shall be no charge for the issuance of such a permit. Each permit shall be effective for a maximum of three (3) days.
- 1.4 No individual may combine the allowed three (3) garage sales per address, per calendar year into any one (1) sale that would be more than three (3) consecutive days in length. The Village Clerk shall not issue any garage sale permits that would allow any one (1) garage sale to be more than three (3) consecutive days in length.
- 1.5 No individual may hold a garage sale at another address, such as a neighbor, or any other address within the Village if either of the individuals has already met the maximum three (3) garage sales per calendar year.
- 1.6 No individual may ask another resident to host a garage sale on their behalf or in an attempt to conduct more than the three (3) garage sales permitted per year.
- 1.7 The hours for which an individual may conduct a garage sale shall be between the hours of 8:00 a.m. and 7:00 p.m.
- 1.8 Individuals are not allowed to conduct more than one (1) garage sale per month, per address, per calendar year; except in the months of June and September when individuals are allowed to conduct one (1) garage sale per address and are also allowed to participate in the Village-wide garage sales authorized in Section 1.06.
- 1.9 There shall be two (2) Village wide garage sales per calendar year. These Village wide garage sales shall be set for the second (2nd) full weekend in June, and the last full weekend in September. For the purpose of this ordinance, a full weekend shall be defined as a weekend containing a Friday, Saturday, and Sunday in the same month. The Village-wide garage sales shall not be counted toward the maximum of three (3) garage sales authorized in Section 1.01.

Individuals will not be required to obtain a permit or sign up with the Village Clerk for the two Village-wide garage sales.

- 1.10 The Village Clerk shall not issue a garage sale permit for the Thursday prior to or the Monday following the Village Wide Garage Sale.
- 1.11 The Garage Sale permit issued by the Village Clerk shall be displayed on the outside of the premises, in clear view of the public, during the course of the garage sale for which it was issued.
- 1.12 Provided that there is inclement weather during a Village Wide garage sale, the Village will not reschedule the Village Wide garage sale. If an individual garage sale, in part or in whole, is canceled or not held due to inclement weather, the individual shall forfeit said sale and not be permitted to hold that sale at a later date.
- 1.13 Placement of signs shall be restricted and shall not be placed on utility poles or street signs. Permission from property owners must be obtained prior to placing a sign on private property. Property owners reserve the right to remove any sign placed on their property without proper consent.
- 1.14 All signs, displays, tables, and all items pertaining to the sale must be taken down no later than one day after the conclusion of the garage sale. No individual shall be allowed to leave up any portion of their garage sale, covered or uncovered, for the intended purpose of having an additional sale the following month.

Article 8
Auctions and Auctioneers

- Section 1** **No Sale at Auction in Public Place.** No goods, wares, merchandise, or any other thing whatever shall be sold or exposed for sale in any street, avenue, alley, or public place in the Village of Carbon Cliff at auction, but all auctions shall be held or conducted in a store, warehouse or other proper places, which shall be so arranged that none of the bidders or bystanders will be compelled or required to stand or remain on the street or sidewalk in front of such warehouse, store, or other places in such manner as to obstruct free travel.
- Section 2** **License Required.** All sales of real and personal property at public auction within the Village, except such as are made under and by virtue of legal process, shall be made by a person who shall have first obtained a license for such purpose, as provided.
- Section 3** **No Crier Allowed.** No crier or any show, signal, mechanical sound device or sound amplifier, or means of attracting attention, other than signs or flags, shall be employed or permitted to be used at or near any place of sale, or at or near any auction room or near any auction.
- Section 4** **Fee for License – Bond.** Any person may become an auctioneer and be licensed to sell personal property at public auction, at a place to be named in the license, upon paying to the Village the sum of Fifty Dollars (\$50.00) for a license for each calendar year; all such licenses shall be due on the first (1st) day of January of each year and it shall expire on the thirty-first (31st) day of December, following the date of issuance, and where a new license is issued after July 1st of a year, the fee shall be one-half (1/2) of the annual fee. A person may also be licensed as an auctioneer upon payment of Ten Dollars (\$10.00) for every single day that he conducts an auction, each license application shall be accompanied by a bond to the Village, executed by the applicant with two (2) sureties, to be approved by the Village President, in the penal sum of Five Hundred Dollars (\$500.00), conditioned for the due observance of the ordinances of the Village.
- Section 5** **Application for License.** Every person desiring to obtain a license shall apply in writing for the same to the Village Clerk setting forth therein the location of this proposed place of business, and the names of his sureties, and in no case shall such license be transferable, or the place of business changed, without the consent in writing of the President.
- Section 6** **Penalty for Selling Without License.** Any person or persons who shall sell or attempt to sell at public auction in the Village any goods, chattels, or personal property, except under and by virtue of legal process or under and by virtue of a mortgage, without having first obtained a license, as above required, shall on conviction pay a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.
- Section 7** **Penalty for Substitution.** Any auctioneer who shall exhibit and offer for sale at auction any article, and induce its purchase by any bidder, and who shall afterwards substitute any article in lieu of that offered to and purchased by the bidder, shall forfeit his license and be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

Section 8

False Representation – Penalty. Any auctioneer or person present when any article is offered for sale who shall knowingly, with intent to induce any person or persons to purchase the same, or any part thereof, make any false representation or statement as to the ownership of or the character or quality of the article or articles so offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such article or articles, shall on conviction be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and if any such false representation is made by an auctioneer his license shall be forfeited.

Section 9

Fictitious Bids. No auctioneer who shall procure any person to make a fictitious bid at any auction sale of real or personal property, or who shall conspire with any person or persons to make a fictitious bid at any such auction sale, or who shall knowingly permit any person to make a fictitious bid at any such auction sale, or any auctioneer who shall himself fictitiously raise any bid at any such auction sale.

Article 9**Dealers in Second-Hand Motor Vehicle Parts, Automotive Wreckers, and Junk Dealers**

- Section 1** **License to Conduct Business.** It shall be unlawful for any person, firm, or corporation to engage in the business of wrecking automobiles or other motor vehicles and selling the second-hand parts or salvage, or of engaging in the business of selling at wholesale or retail any second-hand motor vehicles, tires, supplies, parts, and accessories, or of engaging in the business of operating a retail or wholesale junkyard or junk store dealing in the purchase or sale of junk, rags, empty bottles, paper or bagging, old iron, brass, copper, tin, or other metals or salvage material without having first obtained a license as provided.
- Section 2** **Application.** Any person, firm, or corporation now engaged in or hereafter desiring to engage in any of the businesses specified in Section 1 above shall make a written application to the Village Clerk stating the name of the applicant, the place of business, and the number of persons to be employed or engaged in said business other than the applicant, and the kind of business to be carried on, which application shall be forwarded to the Village President who shall issue or cause to be issued the license upon the payment of the fee provided to the Village Clerk.
- Section 3** **License Fee.** The annual license fee where each such place of business is conducted shall be payable in advance and shall be Two Hundred Dollars (\$200.00).
- All such licenses shall be due on the first (1st) day of January of each year and shall expire on the thirty-first (31st) day of December following the date of issuance; and when issued for a period of less than one year, the fee to be paid shall be a proportionate part of the fee fixed by this section, provided that no fee shall be less than one-half (1/2) of the annual fee.
- Section 4** **Dealings with Minors.** No person operating any of the businesses specified in Section 1 above shall purchase any goods, articles, or things, except old rags and wastepaper, from any minor under the age of eighteen (18) years, under the penalty of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense.
- Section 5** **Property Subject to Inspection.** Every operator of any of the businesses specified in Section 1 who shall receive or be in possession of any goods, articles, or things which may have been lost or stolen, or alleged or supposed to have been lost or stolen, shall, on a demand to view the same, present said articles to the Village Marshal, or officer of the police force, or to the President and Board of Trustees, or any member thereof.
- Section 6** **Village Marshal is Inspector.** The Village Marshal, aided and assisted by such deputy as he may deem necessary, shall be the inspector of the businesses specified in Section 1.

Article 10
Cable Television Systems**Section 1**

Definitions. For the purpose of this article, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

Applicant. Any person, firm, partnership, association, corporation, company, or organization of any kind that submits an application to the Village for a franchise to operate a cable television system under the terms and conditions set forth in this ordinance.

Basic CATV Service. The distribution of broadcast television and radio signals.

Cable Television System. A system composed of, without limitation, antenna, cables, wires, lines, ducts, towers, wave guides, or any other conductors, converters, equipment or facilities of all kinds, designed, constructed, or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable audio and/or visual radio television, electronic or electrical signals to and from persons, subscribers, and locations in the franchise area.

CATV or Cable System. A cable television system as defined.

Company. Any company that is granted a Cable Television Systems Franchise in the Village of Carbon Cliff, Illinois.

Council or Village Board. The Board of Trustees of the Village of Carbon Cliff, Illinois.

Expanded CATV Service. Any communications service in addition to basic CATV service provided by the company either directly or as a carrier for their subsidiaries, affiliates, or any other person engaged in communication service including, but not limited to, pay TV, burglar alarm service, data or other electronic transmission services, facsimile reproduction services, meter reading services, and home shopping services.

Franchise Area. That area incorporated as the Village of Carbon Cliff.

Gross Annual Basic Subscriber Receipts. Any and all compensation received directly by the company from subscribers for regularly furnished basic CATV service. Gross annual basic subscriber receipts shall not include receipts derived from expanded CATV service or from taxes on services furnished by the company imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the company for such governmental unit.

Person. Any individual, partnership, association, corporation, company, or organization.

Property of the Company. All property owned, installed, or used by the company in the conduct of a CATV business in the Village.

Street. The surface of and the space above and below any public place, street, right-of-way, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, and communications or utility easement, now or hereafter existing as such within the franchise area.

Subscriber. Any person receiving basic CATV service.

Village. The Village of Carbon Cliff is a political subdivision of the State of Illinois.

Section 2 **Grant of Authority.** The Board of Trustees is authorized to grant the non-exclusive right, privilege, and franchise to an applicant to engage in the business of operating a CATV system in the Village for the purpose of providing basic CATV service and such other aspects of expanded CATV as the applicant may from time to time deem advisable. That in granting a franchise, the Board of Trustees shall also grant to the applicant the right and privilege to erect, install, construct, repair, replace, reconstruct, maintain, and retain, in, over, under, upon, across, and along any street and public place, now laid out or dedicated and all extensions and additions in the franchise are, such property of the applicant as may be necessary and appurtenant to the CATV system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the Village.

Section 3 **Non-Exclusive Grant.** The right to use and occupy streets and public places for the purpose of this article shall not be exclusive, and the Village reserves the right to grant similar uses in said streets to other persons.

Section 4 **Term of Franchise.** Any franchise granted pursuant to this article shall be for a term of fifteen (15) years and may be renewed for successive fifteen-year terms on the same terms and conditions as contained, or such different or additional terms and conditions as may be lawfully required by the Board of Trustees following a full public proceeding affording due process, and which terms and conditions are consistent with the requirements of any then applicable rules and regulations of the Federal Communications Commission. If a company wishes to renew its franchise for an additional term of fifteen (15) years, it shall so notify the Board of Trustees in writing not more than one (1) year nor less than six (6) months prior to the expiration of the preceding fifteen-year term. The franchise term may be extended for one period of six (6) months provided that proceedings for renewal of the franchise have been commenced by giving public notice thereof and the company has accepted such extension prior to the expiration date of the franchise.

Section 5 **Construction Standards.** Streets may be occupied on the following conditions:

5.1 The company shall locate all structures, lines, equipment, and property of the company within the franchise area so as to cause minimum interference with the proper use of the streets and the rights and reasonable convenience of property owners who join said streets. The CATV system shall be constructed and operated in compliance with Village construction and electrical codes. The company shall install and maintain the property of the company in such a manner that it will not interfere with any installation of the Village.

5.2 The company shall, at its own expense and in a manner approved by the Village, restore any street or paved area which the company disrupts, to as nearly as possible as good a condition as before the street was disrupted.

- 5.3 The company shall place any poles in any street in such a manner so as not to interfere with the usual travel on such street.
- 5.4 The company shall, at the request of any person holding a building moving permit issued by the Village, temporarily raise, or lower its cable to permit the moving of buildings. The expense of such temporary raising or lowering of cables shall be paid by the person requesting the same, and the company may require payment in advance. The company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.
- 5.5 The company shall have the authority to trim trees upon and overhanging streets so as to prevent the branches of such trees from coming in contact with the property of the company.
- 5.6 The company shall, to the extent feasible, place its cables, wires, or other like facilities underground. If at any time during the term of the franchise the cables, wires, or other facilities of public utilities are placed underground.
- 5.7 The company shall protect, support, temporarily disconnect, relocate in the same street or other public places, or remove from the street or other public place (all such activity of the company referred to as "relocation") property of the company when reasonably required by the Village by reason of traffic conditions, public safety, street construction, change or establishment of street grade installation of sewers, drains, water pipes, power lines, and tracks or structures or improvements by public agencies; provided however, that the company shall be entitled to reimbursement for the costs incurred by it in connection with such relocation; and provided further, that if such reimbursement is not sought from the Village but from a private contractor who is performing the work necessitating such relocation, the company shall have the right to receive appropriate security for anticipated relocation expenses prior to making such relocation.
- 5.8 The Village may use, for any public or municipal purpose, any poles or conduits maintained exclusively by or for the company in any street, provided such use by the Village does not interfere with the use by the company. The Village shall indemnify, hold harmless, and defend the company against and from any and all claims, demands, actions, suits, proceedings, damages, costs, or liabilities of every kind and nature arising out of the Village's negligence in the use of the company's poles or conduits.

Section 6 **Safety Requirements.** The company shall observe the following safety requirements:

- 6.1 The company shall at all times employ ordinary care and shall use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- 6.2 The company shall maintain all structures, lines, and equipment in, over, under, and upon the streets wherever located in a safe condition and in good order and repair.

Section 7 **Service Policies.** In order that subscribers will not be unfairly burdened, the following service policies are adopted:

7.1 System Expansion to Isolated Subscribers.

- A. The company shall extend cable television services to any isolated residence at the standard rate if:
1. The resident requests the service extension.
 2. The service residence would require no more than a standard one hundred (100) feet aerial drop line.
- B. The company shall extend cable television services to any isolated residence requiring more than a standard one hundred (100) feet aerial drop line at an added installation charge if such service has been requested by the resident. The added installation charge shall be the actual cost of the distance exceeding one hundred (100) feet. The company may require advance payment for such installation charge.

7.2 System Expansion to New or Existing Developments, Overhead Construction.

- A. The company shall extend cable services to any existing development or group of residences at the standard rate if:
1. The existing development or group of residences to be served has a density of at least eighty (80) residences per strand mile or trunk line cable installed.
 2. Fifty (50) percent of the residences within the development or group of residences to be served have agreed to subscribe to the service.
- B. Any development or group of residences not meeting these requirements may be served at the company's discretion.

7.3 System Expansion to New or Existing Developments, Underground Construction.

- A. The company may extend cable or conduit to all new residential developments as they are constructed. Costs of trenching, conduit, pedestals, and/or vaults and laterals as well as easements required to bring service to and within the development shall be borne by the developer and/or landowner. All installations and construction by the developer and/or landowner shall be to the specifications of the company.
- B. The company need not provide cable television services to a new development until fifty (50) percent of the residential dwelling units within the development have agreed to subscribe to cable services.
- C. For any system expansion in existing developments, the company shall place the cable system underground where both telephone and power lines are underground. For existing facilities, the company shall replace aerial facilities with underground facilities concurrently and in cooperation with similar programs of the telephone and

power utilities. Where undergrounding is required, the company shall have the option of sharing or not sharing utility trenches.

7.4 System Expansion, Limitations.

- A. No provision of this ordinance shall require the company to extend in any twelve (12) month period, after the initial installation, trunk and/or distribution lines to more than twenty (20) percent of that portion of the franchise area not having cable at the time of the adoption of this ordinance. Requests for system extensions in excess of this limitation may be deferred by the company to the next twelve (12) month period. Should the company elect to extend the system in excess of this limitation, credit for such extension shall be made against extension requirements in the next twelve (12) month period.
- B. Upon request of the company, the Village may defer or suspend any required expansion upon a showing by the company that such expansion would cause financial hardship to the company. The Village Clerk shall publish a notice of the time and place of any hearing on such request at least ten (10) days prior to any hearing, in a newspaper of general circulation within the Village. The Village Clerk shall also cause a copy of such notice to be mailed to the company at least ten (10) days prior to the hearing.

Section 8 **Operational Standards.** The company shall operate and maintain its cable television system in full compliance with performance standards established by the Federal Communications Commission.

Section 9 **Indemnification of Village.** In order that the Village shall be protected:

- 9.1 The company shall at all times hold the Village harmless from any and all claims, liability, demands, or damage of every kind and description (collectively referred to as "claims") including court costs and reasonable attorney's fees, which may arise out of the negligence of the company in the ownership, construction, maintenance, and operation of the cable television system; provided that the Village shall give the company written notice within a reasonable period of time after the Village receives actual notice of any claims filed against it. The company may elect to defend the Village against such claims.

If the company elects to defend the Village against any such claims, then the company shall have full and total responsibility for said defense and shall have the right to seek an appeal from any adverse judgment, or agree to any settlement without the consent of the Village.

- 9.2 The company shall maintain in full force and effect during the life of this franchise, public liability insurance in a solvent insurance company authorized to do business in the State of Illinois, in the amount of:
- A. Two Hundred Fifty Thousand Dollars (\$250,000.00) property damage in any one accident.

- B. Two Hundred Fifty Thousand Dollars (\$250,000.00) for personal injury to any one person.
- C. Seven Hundred Fifty Thousand Dollars (\$750,000.00) for personal injury to any one accident; provided however, that all such insurance may contain reasonable deductible provisions not to exceed One Thousand Dollars (\$1,000.00) for any type of coverage.

9.3 The company shall provide the Village with a certificate of insurance evidencing the existence of public liability insurance.

Section 10 **Procedures.** In order that all parties be afforded due process of law:

10.1 Any inquiry, proceeding, investigation, or other action taken or proposed to be taken by the Village adverse to the operation of the company cable television system, shall be taken only after:

- A. The minimum legally required public notice is published in a local newspaper having general circulation in the Village (and in the absence of any such requirement, the notice shall be published at least ten (10) days prior to the date of the proposed action).
- B. A written summary of such action or proposed action is served on the company at least ten (10) days prior to the proposed action.
- C. The company has been given an opportunity to respond in writing and at any hearing held by the Village.

10.2 The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the Village. If a hearing is to be held, the public notice shall give the date and time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The company shall be an indispensable party to any proceedings conducted in regard to its operations.

Section 11 **Procedure Upon Termination.** Upon expiration of the initial term of the franchise, if the company had not been granted an extension or renewal and accepted the same, the company may enter upon the streets of the Village for the purpose of removing there from its property and otherwise. In removing its property, the company shall, at its own expense, leave the streets in as nearly as possible as good condition as that prevailing immediately prior to the company's removal of its property.

Section 12 **Approval of Transfer.** The company may not sell, assign, convey, or transfer its rights under this article to another person, other than the parent company or a wholly owned subsidiary of a parent company, except as security for monies borrowed, without the approval of the Village Board. The Village Board approval shall not be unreasonably withheld.

Section 13 **New Developments.** It shall be the policy of the Village liberally to amend this article upon application of the company, to enable the company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers.

Section 14 **Local Office, Complaints.** The following complaint procedure shall be established:

- 14.1 Subscribers may telephone the business office of the company during regular business hours without incurring added messages or toll charges so that CATV maintenance service shall be promptly available.
- 14.2 If a subscriber has an unresolved complaint regarding the quality of cable television service, equipment malfunctions, or similar matters, the subscriber may file his complaint with the Village Clerk, or such other person who may have primary responsibility for the continuing administration of the franchise and the procedures for resolving complaints, and thereafter may meet jointly with a representative of the Village Board and a representative of the company within thirty (30) days to fully discuss and resolve such matters.
- 14.3 The company shall notify each subscriber, at the time of initial subscription to the service of the company, of the procedures for reporting and resolving such complaints.

Section 15 **Miscellaneous Provisions.** The following general provisions are adopted:

- 15.1 When not otherwise prescribed, all matters required to be filed with the Village shall be filed with the Village Clerk.
- 15.2 The company shall provide without charge an outlet to each government office building, fire station, police station, and public school building at locations passed by its cable. The distribution of the cable facility inside buildings shall be the responsibility of the building owner.
- 15.3 In the case of any emergency or disaster, the company shall, upon request of the Village, make available its facilities to the Village for reasonable use during the emergency or disaster period.

Section 16 **Compliance With Applicable Laws and Ordinances.** The company shall, during the life of its franchise, be subject to all lawful exercise of police power by the Village. The Village reserves the right to adopt from time to time such ordinances as may be deemed necessary to the exercise of police power. The exercise of the Village's police power shall be reasonable and not destructive of the rights herein granted and not in conflict with the laws of the United States, the State of Illinois, or other local laws or regulations.

Section 17 **Violations.** The Village declares certain acts unlawful and provides penalties as follows:

- 17.1 From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install, or maintain within any street in the Village, or within any other public property of the Village which has not yet become a street but is designated or delineated as a proposed street on any tentative subdivision map approved by the Village, any equipment or

facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing use of such street or property or area has first been obtained and unless such franchise is in full force and effect.

- 17.2 It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise with any part of a franchised CATV system within this Village for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of the system.
- 17.3 It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs, or sound.

Section 18 Rates.

- 18.1 The company may from time to time change its rates so as to ensure a fair and compensatory return on its investment; provided that the company shall give the Village Clerk written notice of any proposed rate increase at least sixty (60) days prior to its proposed effective date. The Village Board may hold a hearing (at which hearing the company shall be afforded due process of law) to determine whether the company's proposed rate increase will be fair and compensatory. The company agrees to cooperate with the Village Board in connection with such public proceedings and, upon request, to supply the Village Board data as reasonably may be required by the Village Board for determining the fairness of the proposed rate increase. The pendency of such proceedings shall not prevent the proposed rate increase from going into effect as scheduled, but if the Village Board ultimately determines that a different rate than that proposed by the company is the proper rate, such different rate shall be appropriate from the first day of the month following the date of the Village Board's action.
- 18.2 The company may charge a connection fee for each outlet. From time to time such fee may be increased in order to compensate for the company's installation costs. In no event shall the company be required to charge fees at less than the cost of providing such installation. Nothing shall prevent the company from charging certain subscribers added installation fees as contemplated by Section 7.
- 18.3 The company may impose a late charge of one and one-half (1-1/2) percent per month or the maximum rate permitted by law, whichever is less, for each monthly payment not paid within thirty (30) days of the date of the required payment.
- 18.4 Nothing contained shall prevent the company from challenging before any court of appropriate jurisdiction the reasonableness of any action by the Village Board in fixing rates different from those initially set by the company.

Section 19 Franchise Payments. In consideration for permission to use the streets and public ways of the Village and in order to recover the cost of regulating the cable television system and for all rights granted or incident to the company's operation, the company shall pay to the Village, on or before April 30 of each year, a franchise fee equivalent to five (5) percent of the company's gross annual basic subscriber receipts received from cable television operations in the Village for the proceeding calendar year. No

other fee, charge, or consideration shall be imposed. At the time of each payment due, upon the request of the Board of Trustees, the company shall provide to the Village an annual summary report showing gross annual basic subscriber receipts received during the preceding year.

Article 11
Cable/Video Service Provider Fee

Section 1 **Definitions.** For purposes of this article, the following terms shall have the meanings ascribed to them in this section:

Cable Service means that term as defined in 47 U.S.C. § 522(6).

Commission means the Illinois Commerce Commission.

Gross Revenues means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village.

Gross revenues shall include the following:

- Recurring charges for cable or video service.
- Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges;
- Rental of set-top boxes and other cable service or video service equipment;
- Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges;
- Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges;
- Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments;
- A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village. The allocation shall be based on the number of subscribers in the Village and divided by the total number of subscribers in relation to the relevant region or national compensation arrangement.
- Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for the promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel.

- In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business; and,
- The service provider fee permitted by 220 ILCS 5/21-801(b).

Gross revenues do not include any of the following:

- Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi);
- Refunds, discounts or other price adjustments that reduce the amount of gross revenue received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
- Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or nonvideo service in accordance with the holder's books and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders;
- The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service;
- Any tax or fee of general applicability imposed upon subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes;
- Security deposits collected from subscribers; and,
- Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the

effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

Holder means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

Service Provider Fee means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to the Village for the service areas within its territorial jurisdiction.

Video Service means video programming and subscriber interaction if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

Section 2 **Fee Imposed.**

- 2.1 A fee in the amount of five percent (5%) of the holder's gross revenue is hereby imposed on any holder providing cable service or video service in the Village.
- 2.2 The holder shall notify the Village at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the Village.
- 2.3 The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.
- 2.4 The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- 2.5 The fee imposed by this Section does not apply to cable service or video service providers that are acting under an existing franchise agreement and making payments therefor pursuant to Article 10, Title III of the Carbon Cliff Village Code.
- 2.6 An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that the holder owes this Section 2.

Section 3 **Applicable Principles.** All determinations under this Article shall be made pursuant to generally accepted accounting principles.

Section 4

No Impact on Other Taxes. Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with the respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's 911 or E911 fees, taxes, or charges.

Section 5**Audits of Service Provider.**

- 5.1 A holder that has received State-issued authorization is subject to an audit of its service provider fees derived from the provision of cable service or video service to subscribers within any part of the Village. Any such audit shall be conducted by the Village or its agent for the sole purpose of determining any overpayment or underpayment of the holder's service provider fee to the Village and shall be governed by Section 11-42-11.05 of the Illinois Municipal Code (65 ILCS 5/11-42-11.05).
- 5.2 Any additional amount due after an audit shall be paid within thirty (30) days after the municipality's submission of an invoice for the sum.

Section 6**Late Fees/Payments.**

All fees due and payments which are past due shall be governed by ordinances adopted by the Village pursuant to the Local Government Taxpayer's Bill of Rights Act, 50 ILCS 45/1 et seq."

Article 12

Massage Establishment and Personnel

Section 1 **Definitions.** For the purposes of this article, the following terms shall have the meanings ascribed to them in this section:

Massage. The practice of a profession, is scientifically applied to the patient by the operator's hands.

Massage Establishments. Shall be construed and deemed to mean any massage establishment or place of business wherein massage as to all or any one or more of the above-named subjects and methods of treatments, as defined in this section, is administered or used.

Massage Therapist. Shall mean any person who practices or administers all or any of the following named subjects, and who has made a study of the underlying principles of anatomy and physiology as generally included in a regular course of study by a recognized and approved school of massage: The art of body massage either by hands or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower, or cabinet baths. Variations of the following procedures are employed: touch, stroking, friction, kneading, vibration, percussion, and medical gymnastics. Massage therapists shall not diagnose or treat classified diseases, not practice spinal or other joint manipulations, nor prescribe medicines or drugs.

Section 2 **Massage Therapists to be Licensed.**

2.1 It shall be unlawful for any person to engage in the practice, attempt to practice, or hold themselves forth as practicing massage, whether for a fee or gratuitously, or to conduct massage, without a license issued pursuant to the provisions of this article.

2.2 It shall be unlawful for any person to operate or conduct any massage establishment which does not conform to the sanitary provisions contained, or to employ any person as a massage operator who does not hold a license.

Section 3 **Exceptions to Provisions of Article.** The requirements of this article shall have no application and no effect upon and shall not be construed as applying to physicians, surgeons, chiropractors, osteopaths, or any nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice said respective professions in this state. Practical nurses or other persons without qualifications as massage therapists, whether employed by physicians, surgeons, chiropractors, or osteopaths or not, may not render massage or massage procedures.

Section 4 **Application and Fee.**

4.1 Any person desiring to obtain a license to operate a massage establishment or to perform massage services shall make application to the Village Clerk, who shall refer all such applications to the chief of police for an appropriate investigation.

4.2 Each application shall be accompanied by a license fee of Seventy-Five Dollars (\$75.00).

Section 5 **Contents of Application.** The application for a license required by this article shall contain the following information:

- 5.1 Full name and current address.
- 5.2 The two (2) previous addresses of the applicant immediately prior to the current address.
- 5.3 Written proof that the applicant is over the age of eighteen (18) years.
- 5.4 Applicant's height, weight, and color of eyes and hair.
- 5.5 Two (2) current photographs at least two (2) inches by two (2) inches in size.
- 5.6 The business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of the application.
- 5.7 The massage or similar business license history of the applicant, including whether such person in previous operation in this or another area has had his license revoked or suspended, the reason therefore, and any business activity or occupation subsequent to the action of suspension or revocation.
- 5.8 All convictions (excluding traffic-related convictions), and the grounds therefore.
- 5.9 A certificate from a medical doctor designating that the applicant has recently been examined and is free of any contagious or communicable disease.

Section 6 **Education and Training.** The applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the methods, profession, and work of massage therapists are taught. The term "recognized school" shall mean and include any school or institution of learning which has for its purpose the teaching of the theory, methods, profession, or work of massage therapists, which school requires a resident course of study of not less than one thousand (1,000) hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning. The license registrar shall maintain a public list of all massage schools approved for license applicants, first verifying in each instance the fact that the curriculum of such school meets the minimum standards. Schools offering correspondence courses and not requiring actual class attendance shall not be deemed recognized schools. The applicant, on request of the Village, must confirm the fact that they actually attended classes and matriculated in a recognized school.

Section 7 **Facilities Necessary.** No license to conduct a massage establishment shall be issued unless an inspection discloses that the establishment complies with each of the following minimum requirements:

- 7.1 A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided also that all such signs shall otherwise comply with the general sign requirements of the Village.
- 7.2 Minimum lighting shall be provided in accordance with the Uniform Building Code, and, additionally, at least one artificial light of not less than one hundred (100) watts shall be lit in each enclosed room or booth while massage services are being rendered.
- 7.3 Minimum ventilation shall be provided in accordance with the Uniform Building Code.
- 7.4 Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided and used after each massage.
- 7.5 Hot and cold running water shall be provided.
- 7.6 Closed cabinets shall be utilized for the storage of clean linen.
- 7.7 Adequate dressing and toilet facilities shall be provided for patrons.
- 7.8 All walls, ceilings, floors, steam rooms, and all other physical facilities for the establishment shall be kept in good repair and maintained in a clean and sanitary condition.
- 7.9 Clean and sanitary towels and linens shall be provided for patrons receiving massage services. No common use of towels or linens shall be permitted.

Section 8 Licensing Procedures; Non transferability Of License.

- 8.1 Upon payment of the application fee, submitting of all information required by an application, and upon proper inspection, a license shall be granted by the Mayor, if all requirements described are met, and unless it appears that any such applicant has deliberately falsified the application, or the record of such applicant reveals a conviction of a felony or a crime of moral turpitude.
- 8.2 All licenses issued are nontransferable; provided however, that a change of location of a massage establishment may be permitted pursuant to the provisions hereof.

Section 9 Display of License. Every person to whom a license shall have been granted shall display said license in a conspicuous place.

Section 10 Change of Location. A change of location of the massage premises shall be approved by the mayor, provided all general ordinances are complied with and the change or location fee of Five Dollars (\$5.00) is first paid.

Section 11 Employees to be Licensed. It shall be the responsibility of the holder of the license for a massage establishment to ensure that each person employed as a massage therapist shall first have obtained a valid license pursuant to this article.

Section 12 **Inspection of Establishment.** During the business hours of the massage establishment, inspections of each massage establishment may be made for the purpose of determining that the provisions of this article are met.

Section 13 **Hearing Prerequisite to Revocation of License; Notice.** No license shall be revoked until after due notice and a hearing shall have been held before the mayor to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least ten (10) days prior to the date of the hearing. The notice shall state the grounds of the complaint against the holder of such license and shall designate the time and place where such hearing will be had. The notice shall be served upon the license holder by delivering the same personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. In the event the license holder cannot be found, and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed, registered, and postage fully prepaid, addressed to the license holder at his place of business or residence at least ten (10) days prior to the date of such hearing.

Section 14 **Registration of Patrons.** Patrons shall be required to register upon entering the establishment with their true and correct name and address, and such register shall be subject to official inspection by municipal personnel.

Section 15 **Grounds for Revocation.** The license of a massage therapist may be revoked upon one or more of the following grounds:

- 15.1 That the holder is guilty of fraud in the practice of massage, or fraud or deceit in his being licensed for the practice of massage.
- 15.2 That the holder has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which, if committed within this state, would constitute a felony under the law.
- 15.3 That the holder is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
- 15.4 That the holder is addicted to the habitual use of intoxicating liquors, narcotics, or stimulants to the an extent as to incapacitate the person for the performance of his professional duties.
- 15.5 That the holder is guilty of fraudulent, false, misleading or deceptive advertising, or that he prescribes medicines or drugs, or practices any other licensed profession without legal authority.
- 15.6 That the holder is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing, or permitting any unlicensed person to perform massage in his establishment.
- 15.7 That patrons fail or falsely register.
- 15.8 That liquor is being sold or consumed within the establishment.

Section 16

Massagist Practicing When Provision of Article Becomes Effective. Any person, resident of Carbon Cliff, who is actually engaged in the practice of massage, and who has practiced the profession three (3) years or more or served as an apprentice three (3) years at any place within the state, or who has a diploma from an approved school of massage, as defined at the time of final passage of, or who is eligible for membership in the American Massage and Therapy Association (also called "A.M.T.A."), shall be granted a license as a state-registered massage therapist, without first having met the other requirements of this article, except as to physical conditions and adequacy of facilities, upon payment of the prescribed fee. The person shall have one year from the effective date of the ordinance from which this article is derived to so qualify.