# VILLAGE OF POPLAR GROVE

*"A Great Place to Call Home"*

## ADMINISTRATION & ZONING COMMITTEE

**Monday, December 10, 2018 - 6:45 PM**

or immediately following Finance and Public Works Committee Meeting

200 N. Hill Street, Poplar Grove, IL 61065

## AGENDA

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF PHONE PARTICIPATION (Roll Call)**

**APPROVAL OF AGENDA (Voice Vote)**

**APPROVAL OF MINUTES (Voice Vote)**

1. Motion to approve minutes from the November 12, 2018

**PUBLIC COMMENT** *Public Comment is encouraged. The Village Board will receive comments from the public, pursuant to State Statutes. Comments will be limited to five minutes on topics relating to the Village of Poplar Grove. Be further advised that matters brought up at this time may be referred to the appropriate committee or individual for further discussion or consideration.*

**DEPARTMENT REPORTS**

2. Code Enforcement and Building Permits, B&F Construction

**ORDINANCE COMMITTEE, ERIC MILLER**

3. Discussion and possible recommendation to the Village Board to approve **Ordinance 2018-05** an Ordinance amending Title 2 of Poplar Grove, Illinois Code of Ordinances

**OLD BUSINESS**

4. Discussion and possible recommendation to the Village Board to approve General Liability Insurance for the Village of Poplar Grove for the upcoming calendar year.

**NEW BUSINESS**

5. Discussion and possible recommendation to the Village Board to approve **Ordinance 18-38** an Ordinance of the Village of Poplar Grove, Illinois Establishing Meeting Dates and times of the Board of Trustees to the Village of Poplar Grove and its Committees and Commissions for Calendar year 2019.
6. Discussion and possible recommendation to the Village Board to approve **Resolution 18-19** a Resolution of the Village of Poplar Grove, Illinois approving a recording extension for Poplar Woods Third Addition Final Plat of Subdivision.

**ADJOURNMENT (Voice Vote)**

KJA 12/07/2018

# VILLAGE OF POPLAR GROVE

*"A Great Place to Call Home"*

## ADMINISTRATION & ZONING COMMITTEE

**Monday, November 12, 2018 - 6:30 PM**

or immediately following Finance and Public Works Committee Meeting
200 N. Hill Street, Poplar Grove, IL 61065

## MINUTES

**ROLL CALL**
President Costanza called the meeting to order at 6:30pm
PRESENT
President Owen Costanza
Chairman Ron Quimby
Trustee Jeff Goings
Trustee Neeley Erickson
Trustee Sophia Ramdass
Trustee Eric Miller
Attorney Roxanne Sosnowski
Clerk Karri Anderberg
Public Works Mitch Hilden
Engineer Chris Dopkins
Waste Water Ion Steer
ABSENT
Trustee Erin Walsh

**APPROVAL OF PHONE PARTICIPATION (Roll Call)**
No Phone Participation

**APPROVAL OF AGENDA (Voice Vote)**
Motion made by Trustee Goings, Seconded by Chairman Quimby. Motion passed by voice vote.

**APPROVAL OF MINUTES (Voice Vote)**
1. Motion to approve minutes from the October 8, 2018 meeting.

Motion made by Trustee Goings, Seconded by Chairman Quimby. Motion was passed by Voice vote.

**PUBLIC COMMENT** *Public Comment is encouraged. The Village Board will receive comments from the public, pursuant to State Statutes. Comments will be limited to five minutes on topics relating to the Village of Poplar Grove. Be further advised that matters brought up at this time may be referred to the appropriate committee or individual for further discussion or consideration.*

Mrs. Sharon West came to the board to complain about the barking dog in her neighborhood. She wants to see them fined. Also, she wants to know if her neighbor pulled a fence permit for the fence that they put up over the weekend. Mrs. West will contact the office and file a formal complaint, so Code Enforcement can go out and look.

2. IML RMA Presentation, Aaron Golden
   Aaron Golden came to present what IML RMA is all about and what coverage we have with them.

**DEPARTMENT REPORTS**

3. Code Enforcement & Building Inspection Report, B&F
   no questions for B&F

**NEW BUSINESS**

4. Discussion and Possible Recommendation to the Village Board to approve **Ordinance 18-35** an Ordinance Granting a Map Amendment from the GB, General Business District to the LI, Light Industrial District (Ne Corner of 4324 IL Route 173)
   This will be going next to the Lindbergs farm behind the old stop and go on 173

   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote

5. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-36** An Ordinance Granting a Special Use for a Solar Farm within the LI, Light Industrial District (4324 Illinois Route 173 (East Half)
   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by Voice Vote

6. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-37** An Ordinance Granting a Special Use for a Solar Farm within the LI, Light Industrial District (4324 Illinois Route 173 (West Half)
   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote

7. Discussion and possible recommendation to the Village Board to approve **Ordinance 18-28** An Ordinance of the Village of Poplar Grove, Illinois Approving Authorizing the Village to enter into a Spectrum Lease Agreement (Radio Water Meters)

   Motion was made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by Voice Vote. This is an ordinance to update our contract with Spectrum for our Census equipment.

8. Discussion and Possible Recommendation to the Village Board to approve **Ordinance 18-29** An Ordinance Adopting a Policy Prohibiting Sexual Harassment for the Village of Poplar Grove
   Motion was made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by Voice Vote.

   This is updating our policy to match what the State of Illinois passed back in October.

9. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-33** An Ordinance Amending Title 10 (Mobile Home Park/Subdivision Regulations), Chapter 2 (Zoning Application Procedure and License Requirement), Section 10-2-2 (License Requirement) of Village of Poplar Grove, Illinois Code of Ordinances
   The ordinance is taking out the language that reads "fee schedule" and puts the fee of 50 dollars right into the ordinance.

   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote.

10. Discussion and Possible Recommendation to Village Board to approve **Ordinance 18-34** An Ordinance of the Village of Poplar Grove, Boone County, Illinois, Ascertaining the Prevailing Rate of Wages for laborers, Workmen and Mechanics Employed on Public Works of Said Village
    Motion made by Trustee Erickson, Seconded by Trustee Goings. Motion carried by Voice Vote.

11. Discussion and Possible Recommendation to Village Board to approve **Resolution 18-18** A Resolution of the Village of Poplar Grove, Illinois to Approve and Authorize the Village President to Execute a Propane Contract with Arneson Oil & Propane
    Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion Carried by voice vote.
    Board would like the Public Works Director to get 3 bids before approving a contract.

    Motion was amended to table the item to a future meeting to allow Public Works to get 3 quotes made by Trustee Goings, Seconded by Trustee Erickson. Motion carried by voice vote

12. Discussion and Possible Recommendation to the Village Board to amend the adopted Trick or Treat hours in the Village
    Motion made by Chairman Quimby, Seconded by Trustee Goings. Motion carried by voice vote
    Some residents want to change trick or treating hours. Some feel they are not long enough. Some Trustees are concerned about safety because some of subdivisions don't have street lights and or sidewalks.
    The Board will visit this issue again next fall when it is closer to Halloween.
13. Discussion and Possible Recommendation to Village Board to approve Class A/Beer Garden Seven Day for Hegbom Inc. (Bravo Pizza & Italian Restaurant)
    Motion made by Chairman Quimby, Seconded by Trustee Erickson. motion was carried by voice vote.

**ADJOURNMENT (Voice Vote)**

Motion to adjourn was made by Trustee Erickson Seconded by Trustee Goings.

Meeting adjourned at 7:30pm

# B&F CONSTRUCTION CODE SERVICES, INC.

*Building & Fire Protection Plan Review*

*Training • Inspections • Code Consulting*

To: Karri Anderberg – Village Clerk

From: Kenneth Garrett – Vice President – B & F Construction Code Services, Inc.

Date: December 5, 2018

Re: Monthly Report – November

**Summary**

Issued 2 building permits this month and 9 miscellaneous permits. Attended court on November 5th on the Forest Pallet case. Continuing conducting inspections for Petry Homes. Property Maintenance continues and attended court for citations issued. The department continues to be active, this month the number of permits, inspections and code enforcement equaled 98. This number increased slightly from 96 last month to 98 this month.

Below are the statistics for the month of November.

**Category**

| | |
|---|---|
| Complaints | 7 |
| Verbal/Written Warnings | 7 |
| Permits Issued | 11 |
| Court Tickets Issued | 13 |
| Meetings | 3 |
| Phone Calls/Admin. (Thursdays only) | 8 |
| B&F Inspections | 48 |
| Stop Work Orders | 1 |
| ***Total*** | ***98*** |

ORDINANCE No. 2018-_____

**AN ORDINANCE AMENDING TITLE 2 OF POPLAR GROVE, ILLINOIS CODE OF ORDINANCES**

**WHEREAS**, the Village of Poplar Grove, Illinois Village Code has undergone a complete review and revision since 1984; and

**WHEREAS**, the Village Code contains outdated and conflicting language; and

**WHEREAS**, it is in the best interests of the Village to conduct a thorough review and revision of the village code.

NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES FOR THE VILLAGE OF POPLAR GROVE, ILLINOIS AS FOLLOWS:

**SECTION 1**: Title 2 shall be amended as follows (strike-though language to be removed, bolded and underlined language to be added):

## CHAPTER 1
## MUNICIPAL OCCUPATION TAXES

2-1-1: MUNICIPAL USE TAX:

**2-1-1: MUNICIPAL USE TAX:**

A tax is hereby imposed in accordance with the provisions of section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the Municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one percent (1%) of the selling price of such tangible property, with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955 1 .

Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued. (Ord. 322, 11-5-1974)

## CHAPTER 2
## LIQUOR CONTROL

2-2-1: LOCAL LIQUOR CONTROL COMMISSIONER:
2-2-2: LICENSE REQUIRED:
2-2-3: APPLICATION FOR LICENSE; RESIDENCY REQUIREMENT:
2-2-4: LICENSE CLASSIFICATIONS, FEES, NUMBER ISSUED:
2-2-5: HOURS OF SALE:
2-2-6: PREMISES REQUIREMENTS AND RESTRICTIONS:
2-2-7: PROHIBITED ACTS OR CONDITIONS:
2-2-8: REVOCATION OF LICENSE:
2-2-9: PENALTY:

**2-2-1: LOCAL LIQUOR CONTROL COMMISSIONER:**

The president of the board of trustees shall be the liquor control commissioner who shall be charged with the administration of the provisions of this chapter. In the absence of the village president, the village clerk shall serve as the liquor control commissioner in accordance with Section 5/4-2 of the Liquor Control Act of 1934. (Ord. 270, 6-5-1979)

**2-2-2: LICENSE REQUIRED:**

The liquor control commissioner, with the advice and consent of the village board of trustees, shall grant,

within the limits of the village, licenses to such persons as can qualify and desire same, to sell alcoholic liquors in accordance with this chapter.
(Ord. 270, 6-5-1979; amd. 1984 Code; amd. Ord. 2015-15, 11-9-2015)

**2-2-3: APPLICATION FOR LICENSE; RESIDENCY REQUIREMENT:**

Applications for licenses shall be made to the village clerk on such forms as may be furnished from time to time. Such applications, as well as residency and other licensing requirements, shall conform to the requisites set forth in 235 Illinois Compiled Statutes 5/6-1 and 5/7-1. ~~An applicant must provide the village with a~~

A complete application shall consist of: 1) application form filled out in its entirety and signed by the applicant; 2) a copy of the applicant's dramshop insurance naming the village as certificate holder and an additional insured; 3) Proof of Basset~~bassett~~ training for each employee that will be serving alcoholic beverages and 3) the appropriate fee for class(es) of license applied for. An initial one-time application fee of one hundred dollars ($100.00) applies to all liquor licenses. No application fee shall be due on any renewal application. This fee is in addition to, and not in place of, any license renewal fees that may apply on an annual basis in accordance with Section 4 herein. Any application for renewal of a liquor license shall be submitted to the village clerk no later than June 1 each calendar year. In the event that a license holder fails to submit a renewal application by June 1, the fee for each class of license shall increase by fifty percent (50%). (Ord. 270, 6-5-1979; amd. 1984 Code; Ord. 758, 11-9-2009; amd. Ord. 2013-004, 4-8-2013)

**2-2-4: LICENSE CLASSIFICATIONS, FEES, NUMBER ISSUED:**

A. Classes: ~~There shall be an annual fee, as stated in division E of this section, for each license issued pursuant to this section.~~ Licenses to sell alcoholic beverages shall be and is hereby divided into the following classes: (Ord. 559, 3-11-2002; amd. Ord. 2013-004, 4-8-2013)

~~Class A/Six Day: Class A/Six Day licenses, which shall authorize the retail sale of alcoholic beverages on the premises specified in the application for consumption on the premises. The Class A/Six Day license shall authorize the retail sale on the premises specified on the following days of the week: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~Class A: A class A license shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as retail sale of alcoholic liquor in packages or bottles not for consumption on the premises, each day of the week except Sunday. A class A license holder shall have a fully-operational kitchen, including but not limited to, the following equipment: hood exhaust system and ANSEL system, on premises where alcoholic liquor is consumed on premises. Such license may also permit such sales in packages or bottles on the premises, immediately adjacent to those licensed premises where alcoholic liquor is consumed, when such premises are operated under the same name, same ownership, and within the same common building, each day of the week except Sundays. The fee for a class A license shall be $1,200.00 per year.

~~Class A/Seven Day: Class A/Seven Day licenses, which shall authorize the retail sale of alcoholic beverages on the premises specified in the application for consumption on the premises. The Class A/Seven Day license shall authorize the retail sale on the premises specified on the following days of the week: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday~~Class B: A class B license shall be for retail sale of alcoholic liquor, for sale only in packages or bottles, and not for consumption on the premises, each day of the week except Sunday. Such license may permit distribution of free samples to customers for consumption on premises. The fee for a class B license shall be $850.00.

~~Class A/Beer Garden/Six Day: Class A/Beer Garden/Six Day licenses, which shall authorize the retail sale on the premises specified in the application of alcoholic beverages for consumption on the premises. For the purposes of this license, premises shall include not only the interior of any building or structure for the premises specified but also an open unroofed area immediately contiguous to the building or structure where alcoholic beverages are served or consumed. The Class A/Beer Garden/Six Day license shall authorize the retail sale on the premises specified on the following days of the week: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday~~Class C: A class C license shall be for the retail sale of alcoholic spirits containing less than twelve percent (12%) alcohol by volume only for consumption on the premises, each day of the week except Sunday. The fee for a class C license shall be $700.00.

**Comment [RS1]:** Who is going to police this? If this is a beer and wine license only we need to make that clear.

~~Class A/Beer Garden/Seven Day: Class A/Beer Garden/Seven Day licenses, which shall authorize the retail sale on the premises specified in the application of alcoholic beverages for consumption on the premises. For the purposes of this license, premises shall include not only the interior of any building or~~

~~structure for the premises specified but also an open unroofed area immediately contiguous to the building or structure where alcoholic beverages are served or consumed. The Class A/Beer Garden/Seven Day license shall authorize the retail sale on the premises specified on the following days of the week: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday~~Class D: A class D license shall permit the retail sale of alcoholic liquor, whether consumed on or off premises, on Sunday and shall require a prospective licensee to acquire a class A,B,C and G license with an additional fee of $300.00. Those holding a class F license shall pay an additional fee of $150.00.

Class E: A class E license shall authorize the retail sale of alcoholic beverages on a one day basis only. This license shall be renewable for up to three (3) consecutive days by the same license holder upon application being made to the Village Clerk. The hours of sale for a class E license shall be 11:00 am to 11:00 pm. The fee for a class E license shall be $100.00 per day. No application of a class E license shall be granted more than four (4) licenses for the year beginning July 1 of the current calendar year through June 30 of the next calendar year. Any not-for-profit organization may request a waiver of the license fee for the Board of Trustees of the Village of Poplar Grove at the time of their application. Any not-for-profit seeking said waiver shall be a registered 501(c) organization with the Internal Revenue Service.

Class F: A class F license shall authorize the consumption of beer, wine or other alcoholic liquor containing less than twelve percent (12%) alcohol by volume which has been brought onto the premises of a business operating as a public accommodation as defined in section 11-42-10.1 of the Illinois Municipal Code by a patron or patrons for their personal consumption while being served a meal in said establishment. The license holder is only allowed to provide glasses, ice and an ice holder for the patrons. The license holder, its agents, and/or its employees may open, but shall be prohibited from serving, pouring, and/or storing any alcoholic liquor for its patrons. It shall be unlawful for the license holder, its agents and/or its employees to permit any patron to leave the licensed premises with open alcoholic liquor, and the license holder shall require that patrons who leave with such of their own alcoholic liquor that has not been consumed to do so only in sealed or unopened containers in compliance with Illinois law. No consumption of alcoholic liquor shall be permitted on the premises unless it is served as a complement to the sale of food. The annual fee for a class F license shall be $150.00.

Class G: A class G license shall authorize the retail sale and consumption on the premises as well as the adjacent golf course specified in the application of alcoholic beverages for consumption on the premises as well as the retail sale of such beverages, and where the bar area is contiguous with the rest of the premises and golf course. The annual fee for a class G license shall be $1,000.00. Sales shall occur only between April 1 of the calendar year and November 30 of the same calendar year. If the holder of a class G license wishes to serve between December 1 of a calendar year and March 31 of the next calendar year ("Prohibited Dates"), the class G license holder shall pay an additional fee of $200.00 prior to serving alcoholic beverages during the Prohibited Dates, unless said service of alcoholic beverages does not exceed three (3) days per week during the Prohibited Dates.

Class H: Any holder of a class A, C or G license may apply for a class H license to cater an event and operate on any public or private property authorized by the liquor commissioner. The annual fee for a class H license shall be $250.00.

Class I: Any person or entity having a valid state and local liquor license (issued by a municipality other than the Village of Poplar Grove) in connection with the operation of a restaurant, club, package liquor store, or tavern may obtain a class I license by paying an annual fee of $500.00. Such license shall authorize the licensee to operate catering services on public or private property as authorized by the liquor commissioner. A class I license may not be used more than five (5) days in any year, with a year being defined as July 1 through June 30. If a class I licensee wishes to use said license more than five (5) nonconsecutive days per year, the licensee can purchase additional days at a cost of $100.00 per day. An applicant of a class I license shall apply for said license through the village clerk at least thirty (30) days prior to the first date of use. Failure to apply within said timeframe shall result in an automatic denial of the applicant's application. Any application denied for failure to file timely may be re-filed without prejudice in

**Comment [RS2]:** A Class B license is a liquor store (off premise sales only, but on Sundays we are going to allow on premise consumption?

**Comment [RS3]:** Who is going to police the open and close dates?

accordance with the rules of a class I license.

~~Class A/Beer Garden/Six Day and Seven Day~~Class J: Class J licenses shall authorize the sale of alcoholic beverage in a beer garden attached to the premises of the holder of a class A license. Licenses shall be subject to the following conditions and restrictions, in addition, but not limited to. those conditions and restrictions required as part of the village of Poplar Grove zoning application process contained in Title 8, Zoning of the Village of Poplar Grove code of ordinances:

1. Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:

a. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liguor on the premises and shall have obtained all permits or approvals required by the ordinances of the village code, village or other governmental authority.

b. The open unroofed area shall be no greater than one-half (1/2) the other floor space of the licensed premises.

c. The open unroofed area shall have a maximum capacity as defined by the fire inspector which shall be separately posted at the entrance to the open unroofed area.

d. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the liquor commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the village regarding vision, clearance and required distances from corners.

e. All electrical wiring shall comply with the codes of the village.

f. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.

g. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the village code of ordinances pertaining to noise.

h. The license holder shall be responsible for preventing violations of this chapter.

i. No open unroofed area where alcoholic beverages are served pursuant to this license shall be permitted within one hundred feet (100) feet of land zoned for residential purposes.

The annual fee for a class J license shall be $300.00.

Class K: Any holder of a class A, B, C or G license may apply for a class K license which class K license shall be required in order for the license holder to have, locate, operate or maintain video gaming terminals (as defined under the Video Gaming Act, 230 ILCS 40/1 *et seq*., with the class A, B, C or G licensed establishment. Any holder of a class K license shall comply with all provisions of the Illinois Video Gaming Act. The annual fee for a class K license shall be $1,000.00, which fee shall be in addition to the annual class A, B, C or G license fee.

**Comment [RS4]:** All packaged liquor stores will be allowed to apply for video gaming? I think this may violate the Video Gaming Act.

B. The total number of ~~Class A~~ licenses per class to issue hereunder is ~~seven (7).~~as follows:

Class A – 3 Downtown, 3 Countryside and 1 South Orth
Class B – 1 Downtown and 1 Countryside
Class C – 1 Downtown and 1 Countryside
Class D – No limit
Class E – No limit
Class F – 1 village wide
Class G – 2 village wide
Class H – No limit
Class I – No limit
Class J – No limit
Class K –No limit

For the purposes of this section B, the following definitions apply: "Downtown" shall be defined as the area bounded by Quail Trap Road on the north, Carson Drive on the east, Hill Street on the west and Whiting

Road on the South; "Countryside" shall be defined as Whiting Road on the north, Harvest Way on the east, Illinois Route 76 on the West and Orth Road on the South; and "South Orth" shall be defined as Orth Road on the north, Poplar Grove Road on the east, Illinois Route 76 on the west and Woodstock Road on the south.

**Comment [RS5]:** I have not seen a non home rule municipality insert location restrictions before in its liquor chapter that are more restrictive that state statute. In my opinion this is not legal for a non-home rule municipality.

~~Class A/C/Seven (7) Day License which shall authorize the retail sale of alcoholic beverages on the premises in the area specified on the map accompanying the application for consumption on the premises.~~

~~This License shall also authorize the sale of alcoholic beverages in original packages in retail packaged liquor stores in the area specified on a map attached to the application for consumption off the premises.~~

~~Class A/C/Seven (7) Day License shall be valid on the following days of the week; Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.~~

~~The hours that alcoholic beverages may be sold under the Class A/C/Seven (7) Day License shall be those hours indicated in Title 2, Chapter 2, Section 2-2-5 with subsection (C) being also applicable.~~

~~The total number of Class A/C/Seven (7) Day Licenses to be issued hereunder are one (1). (Ord. 2014-06, 4-14-2014)~~

~~Class A-G: Class A-G licenses, which shall authorize the retail sale and consumption on the premises as well as the adjacent golf course specified in the application of alcoholic beverages for consumption on the premises as well as the retail sale of such beverages, and where the bar area is contiguous with the rest of the premises and golf course.~~

~~The total number of Class A-G licenses to issue hereunder is two (2). (Ord. 688, 3-12-2007; amd. Ord. 2013-004, 4-8-2013)~~

~~Class B/Six Day: Class B/Six Day licenses, which shall authorize the retail sale of wine and beer on the premises specified in the application of alcoholic beverages for consumption on the premises. The Class B/Six Day license shall be valid on the following days of the week: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~

~~Class B/Seven Day: Class B/Seven Day licenses, which shall authorize the retail sale of wine and beer on the premises specified in the application of alcoholic beverages for consumption on the premises. The Class B/Seven Day license shall be valid on the following days of the week: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~

~~The total number of Class B licenses to issue hereunder is one (1). (Ord. 559, 3-11-2002; amd. Ord. 2013-004, 4-8-2013)~~

~~Class C/Six Day: Class C/Six Day licenses, which shall authorize the sale of alcoholic beverages in original packages in retail package liquor stores for consumption off the premises. The Class C/Six Day license shall be valid on the following days of the week: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~

~~Class C/Seven Day: Class C/Seven Day licenses, which shall authorize the sale of alcoholic beverages in original packages in retail package liquor stores for consumption off the premises. The Class C/Seven Day license shall be valid on the following days of the week: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~

~~The total number of class C licenses to issue hereunder is six (6). (Ord. 721, 12-10-2007; amd. Ord. 2012-031, 10-8-2012; amd. Ord. 2013-004, 4-8-2013)~~

~~Class D/Six Day (BYOW): Class D/Six Day (BYOW) licenses shall authorize the consumption of wine which has been brought onto the premises of a business operating as a public accommodation as defined in section 11-42-10.1 of the Illinois Municipal Code by a patron or patrons for their personal consumption while being served a meal in said establishment. Class D/Six Day license shall be valid on the following days of the week: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~

~~Class D/Seven Day (BYOW): Class D/Seven Day (BYOW) licenses shall authorize the consumption of wine which has been brought onto the premises of a business operating as a public accommodation as defined in section 11-42-10.1 of the Illinois Municipal Code by a patron or patrons for their personal consumption while being served a meal in said establishment. Class D/Seven Day license shall be valid on the following days of the week: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.~~

~~a. The total number of Class D licenses to issue hereunder is one (1);~~

~~b. Only wine is allowed to be consumed on the premises of the holder of a Class D (BYOW) license;~~

~~c. The license holder is only allowed to provide glasses, ice and an ice holder for the patrons;~~

~~d. The license holder, its agents, and/or its employees may open, but shall be prohibited from serving,~~

~~pouring, and/or storing any wine for its patrons;~~

~~e. It shall be unlawful for the license holder, its agents and/or its employees to permit any patron to leave the licensed premises with open wine and the license holder shall require that patrons who leave with such of their own wine that has not been consumed to do so only in sealed or unopened containers in compliance with Illinois law;~~

~~f. No consumption of wine shall be permitted on the premises unless it is served as a complement to the sale of food;~~

~~g. A certificate of insurance, reflecting coverage for general liability purposes in such minimum amounts as the liquor commissioner may deem necessary from time to time, shall be presented to the village by the applicant for a Class D (BYOW) Six Day or Seven Day establishment and the village shall be named as an additional insured on the license holder's insurance. Further, the license holder shall agree in writing to save and hold harmless the village's agents, employees elected and appointed officials from any and all claims or causes of actions arising out of the consumption of alcoholic liquor on the premises as a condition of the license;~~

~~h. The hours during which a Class D (BYOW) Six Day or Seven Day license holder may permit consumption of wine on its premises shall conform identically to the hours applicable to a Class A license holder as set forth in subsection A of this section. (Ord. 2013-004, 4-8-2013)~~

~~B. Initial Licensing Period; Prorating: All licenses terminate on June 30 of each calendar year. The annual license fee set forth in section 2-2-4 of this chapter shall be paid in advance and there shall be no refund of any portion of the same: except that the annual license fee to be paid can be prorated in proportion to the full calendar months which have expired if a new application is approved after June 1 of a particular year. (amd. Ord. 2013-004, 4-8-2013)~~

~~C. Catering Endorsement:~~

~~1. Annual Catering Endorsement: Any licensee holding a village class A, B or C license in connection with the operation of a restaurant, club, package liquor sales, or tavern may obtain an annual catering endorsement by paying an annual fee as stated in the liquor license fee ordinance. The annual catering endorsement shall thereupon be endorsed in writing on the license. Such an endorsement shall authorize the licensee to operate on public or private property authorized by the liquor commissioner.~~

~~2. Special Catering Endorsement/License:~~

~~a. Any corporation having a valid state and local liquor license but not a village of Poplar Grove liquor license in connection with the operation of a restaurant, club, package liquor store, or tavern may obtain a special catering license by paying an annual fee as stated in the liquor license fee ordinance. Subject to the restrictions of subsection C3 of this section, such a license shall authorize the licensee to operate on public or private property authorized by the liquor commissioner.~~

~~b. Any licensee holding a village class A, B or C license in connection with operation of a restaurant, club, package liquor store, or tavern may obtain a special catering endorsement by paying a one time fee as stated in the liquor license fee ordinance. Subject to the restrictions of subsection C3 of this section, such endorsement shall authorize the licensee to operate on public or private property authorized by the liquor commissioner.~~

~~3. Restrictions: The special catering endorsement shall be limited to only one special event and for no longer than three (3) consecutive days. For each day thereafter, there shall be an additional fee as stated in the liquor license fee ordinance.~~

~~4. Notify Commissioner: The licensee must notify the liquor commissioner at least fourteen (14) days and secure his approval at least three (3) days prior to the event on such forms prescribed by the liquor commissioner stating the purpose of the special event, number of people estimated to be attending and the hours of the event.~~

~~5~~C. Denial Of Request: The liquor commissioner, in the interest of the public health and safety, may deny the request. The liquor commissioner is specifically granted the authority to issue an order directing the licensee to cease operation after the special event has commenced, if, in the liquor commissioner's opinion, the event is jeopardizing the health and safety of the community.

~~6~~D. Violation; Revocation: Such authorization is subject to all applicable ordinances, regulations, and statutes and if the licensee violates any ordinance, regulation or statute, the liquor commissioner may revoke the endorsement or the license as provided by ordinance and statute.

~~D~~E. Class “BB” (Bar-Boutique Gaming) Licenses: Class “BB” shall authorize the retail sale of alcoholic

liquor on the premises specified for consumption on the premises only, provided the licensed premises also has, locates, maintains and lawfully operates Video Gaming Terminals (as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq.) within the Class "BB" licensed establishment. The annual fee for such license shall be five thousand dollars ($5.000.00). The maximum number of Class "BB" licenses issued by the Village shall be one (1) at any given time. A Class "BB" License and the holder thereof, shall be subject to the following limitations:

1. The licensed premises shall not exceed 1,500 square feet.
2. The number of patrons on the licensed premises at any given time shall not exceed five (5) times the number of licensed Video Gaming Terminals at the premises.
3. Live music. DJ, karaoke, and/or juke boxes are prohibited on the licensed premises. Notwithstanding the foregoing, a music system, operated solely by the licensee, shall be permitted so long as such system is operated at such levels so as to not be heard outside of the licensed premises.
4. Licensee shall not be permitted to have a patio or beer garden of any kind.
5. No alcohol related signs which are visible from the outside of the licensed premises shall be permitted on the licensed premises.
6. No games, other than the video gaming terminals as defined under the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., shall be permitted on the licensed premises, including, but not limited to, pool tables, dartboards, and shuffle board.

~~E. Liquor license fee schedule.~~

| ~~Class Description~~ | ~~Total Number Allowed Per Class~~ | ~~Annual Fee (7 day license)~~ | ~~Annual Fee (6 day license)~~ |
|---|---|---|---|
| ~~Class A~~ | ~~Class A (7)~~ | ~~$1,000~~ | ~~$850~~ |
| ~~Class A w/ beer garden~~ | | ~~$1,100~~ | ~~$950~~ |
| ~~Class A-G~~ | ~~Class A-G (2)~~ | ~~$1,000~~ | |
| ~~Class B~~ | ~~Class B (1)~~ | ~~$800~~ | ~~$700~~ |
| ~~Class C~~ | ~~Class C (6)~~ | ~~$600~~ | ~~$500~~ |
| ~~Class D~~ | ~~Class (D (1)~~ | ~~$200~~ | ~~$150~~ |
| ~~Class BB~~ | ~~Class BB (1)~~ | ~~$5,000~~ | |
| ~~Annual catering endorsement (for those holding Village Class A, B, C license)~~ | | ~~$200/year~~ | |
| ~~Special catering endorsement (for those not holding Village Class A, B, C license)~~ | | ~~$250/year~~ | |
| ~~Special catering endorsement (for those holding Village Class A, B, C license)~~ | | ~~$50/event (for events up to 3 days, $50 per day thereafter)~~ | |

(Ord. 756, 8-10-2009; amd. Ord. 2013-004, 4-8-2013; amd. Ord. 2014-01, 1-13-2014; amd. Ord. 2014-02, 1-13-2014)

**2-2-5: HOURS OF SALE:**

A. General Hours: Except as otherwise provided in this section, no person shall sell, offer for sale or permit to be sold, including packaged alcohol, or allow anyone on the licensed premises to consume or possess for consumption, any alcoholic beverages during the following hours:

1. Between the hours of 2:00 a.m. and 6:00 a.m., Monday through Saturday.
2. Between the hours of 2:00 a.m. and 9:00 a.m. on Sundays.

B. New Year's Exception: On New Year's Eve of each year, a person, association, business or club licensed under this chapter may be open for business an additional hour, from two o' clock (2:00) a.m. to three o' clock (3:00) a.m. January 1.

C. It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic beverages is sold at retail during the hours or days during which the sale of such beverages is prohibited, unless all alcoholic beverages are locked and out of sight with notice given to consumers.

(Ord. 544, 8-20-2001; Ord. 679, 8-14-2006; amd. Ord. 2013-005, 4-8-2013; amd. Ord. 2014-06, 4-14-2014; amd. Ord. 2015-16, 11-9-2015)

## 2-2-6: PREMISES REQUIREMENTS AND RESTRICTIONS:

A. Sanitary Conditions: All premises used for the retail sale of alcoholic beverages, or for the storage of such beverages for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the village ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

B. Outside Areas On The Premises (Beer Garden): It shall be lawful for class A Beer Garden Six and Seven Day licensees to allow consumption of alcoholic beverages on the outside areas of their premises, provided there is not a disruption of the peace and quiet of the neighborhood. If there is a disruption of peace and quiet of the neighborhood, the liquor commissioner shall have the power to revoke the licensee's license and/or fine according to sections 2-2-8 and 2-2-9 of this chapter.

C. View Into Premises: In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant or hotel), 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 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 nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon 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. In case the view into any such licensed premises required by the foregoing provisions, shall be wilfully obscured by the licensee or by him wilfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided.

D. Health and Safety Code: No liquor licensed premises shall be operated or occupied in violation of any building, fire, health or safety code, rule, regulation, occupancy or capacity limitation established or adopted by the village of Poplar Grove or the state of Illinois.

E. Occupancy Standards: Maximum capacity or occupancy restrictions shall be established for each premises by the fire chief of ~~North Boone fire protection district 3, Boone County, Illinois~~ the local fire protection district.

F. Notice - Occupancy Standards: Any person, business or corporation maintaining or running an establishment opened to the public, operating under a Class A liquor license shall post, in a conspicuous place in public view, at or near the entrance of the establishment the total number of individuals allowed in the establishment at any one time according to the standards as set by the fire chief of ~~North Boone fire protection district 3, Boone County, Illinois~~the local fire protection district.

G. Inspection: The premises used by the licensee for the retail sale of alcoholic beverages shall be open at all times to inspection by any law enforcement officer, authorized inspector or members of the village board. The failure or refusal to permit and allow such entry and inspection shall work an automatic suspension, without a hearing, of the license and the rights and privileges granted therewith to the licensee for the premises sought to be entered and inspected. Such a suspension may only be terminated by the commission after a public hearing, which must be held within ten days of such suspension, and after public notice has been given at least three (3) days in advance. After such hearing, the suspension may be terminated, continued indefinitely or the license may be revoked.

H. Warning to Minors: Every licensee under this chapter shall display in a prominent place a printed card in any location that he/she uses for the sale of alcoholic beverages. The card should read, or contain language similar to, the following:

"WARNING TO MINORS—You are subject to a fine under the ordinances of the Village of Poplar Grove and/or statutes of the State of Illinois, if you purchase alcoholic beverages, or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages."

I. Duty to report: Each licensee under this chapter and each of his agents and employees shall promptly report to the Boone County sheriffs department and the village of Poplar Grove liquor commissioner any incident occurring in, on or about the licensed premises and in his or her knowledge or view relating to the commission of any crime, including any violation of this chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises, and cooperate

fully in any such investigation including the giving of any oral or written statements, and any other physical evidence in their possession or control, including but not limited to: photographs, videotape, compact disc, and digital video disc depictions of the events in question, at such reasonable times and in such reasonable locations to any police officer engaged in said investigation.

J. Telephone Requirement: Each licensee shall maintain on each licensed premises not less than one (1) telephone in operating order, which phone must be within the easy access of the bartender or other responsible person in charge of the premises at all times for the purpose of reporting to the police department incidents occurring on or about the licensed premises.

K. Violations: Any one person, business or corporation or other legal entity who violates subsection H of this section shall be subject to a fine in the amount of one hundred dollars ($100.00) for failure to post said occupancy limits or to keep count of the number of individuals in their establishment at any one time or for allowing each person to remain in the establishment over and above the occupancy limits set by the standards posted by the fire chief of North Boone fire protection district 3. Boone County. Illinois.

L. Location Restrictions: No licenses shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for aged or indigent persons or for veterans. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on nor to the renewal of any license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where the church or school has been established within such one hundred feet (100') since the issuance of the original license. Additionally, this prohibition shall not apply to new licenses applied for locations which previously held a liquor license in the name of a previous licensee for which a church or school has been established within such one hundred feet (100') since the issuance of an original license for that location. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. (amd. Ord. 2012-015, 4-9-2012; amd. Ord. 2013-005, 4-8-2013)

M. State License Required: Notwithstanding any other provisions of this chapter, after issuance of a license pursuant to this chapter, the continued possession of a valid state liquor license shall be an ongoing condition precedent to maintaining a village liquor license. Should a village liquor license holder, at any time, have the underlying state liquor license expire or be suspended, revoked or terminated in any manner whatsoever, the holder's village liquor license shall also be immediately suspended, in addition to any other offenses delineated herein, it shall be a violation of this chapter for any liquor license holder to fail to inform the village liquor commissioner of any suspension, revocation, termination or other adverse action taken with respect to the holder's state license. (Ord. 270, 6-5-1979; amd. 1984 Code; amd. Ord. 2013-005, 4-8-2013)

**2-2-7: PROHIBITED ACTS OR CONDITIONS:**

A. Employees:

1. No person who has been issued a retail liquor dealer's license shall employ any of the following persons on his premises:

a. Any person who has been convicted of a felony or released from the conviction of a felony whichever is last within the last ten (10) years.

b. Any person afflicted with, or who is a carrier of, any contagious or infectious disease except to the extent that denial of employment on such ground would be a violation of federal or state law.

c. Any person employed to serve alcoholic beverages who is not twenty-one (21) years of age, unless allowed under section 2-2-7A2.

2. It shall be unlawful to employ in any premises used for the retail sale of alcoholic beverages any person under the age of twenty-one (21) for the purposes offending bar, serving alcoholic beverages, or selling alcoholic beverages as packaged goods, unless such sale of alcoholic beverages is incidental to the sale of food for consumption on the premises. In premises where the sale of alcoholic beverages is incidental to the sale of food for consumption on the premises, no licensee shall employ any person under the age of twenty-one (21) after nine o'clock (9:00) p.m.

B. Customers:

1. Intoxicated Person: No licensee shall permit an intoxicated person to enter into or allow to remain upon the licensed or accessory premises.

2. Disorderly or Dangerous Persons: No licensee shall permit any person to enter into or remain upon the licensed or accessory premises who is engaged in conduct which, under the circumstances, constitutes,

creates or which would tend to create a breach of the peace or any person that commits or attempts to commit battery, assault, indecent exposure, criminal damage to property, or other violation of federal, state or local law, upon the licensed or accessory premises.

3. Dancing: No licensee shall permit dancing upon the licensed premises except in an area specifically designated for dancing only or upon a stage.

4. Violation of Laws:

a. No licensee shall permit or allow the violation of village ordinance, state statute or federal law upon the licensed or accessory premises by any person.

b. No licensee shall violate any village ordinance, state statute or federal law upon the licensed or accessory premises.

5. Nudity: No licensee shall permit any person, while on the licensed or accessory premises and public view, to:

a. Expose his or her genitals, pubic hair, buttocks, anus, or anal cleft;

b. Employ any device or covering which is intended to give the appearance of or simulate his or her genitals, pubic hair, buttocks, anus, or anal cleft;

c. Appear without a fully opaque covering of his or her genitals, pubic hair, buttocks, anus, or anal cleft;

d. No licensee shall permit any female person, while on the licensed or accessory premises and in public view, to expose that area of the human breast below the top of the areola; or employ any device or covering which is intended to give the appearance of or simulate that area of the human breast below the top of the areola; or appear without a fully opaque covering of that area of the human breast below the top of the areola.

6. Persons Prohibited: No licensee shall permit any known prostitutes, male or female procurers, vagrants or intoxicated persons to be present on the premises.

7. Remaining on Premises After Closing Hours: It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited, nor to permit or allow any persons to remain in said premises except the licensee and regular employees; no alcoholic liquors may be sold to or consumed by the public during such hours.

8. Minors: No person under the age of twenty-one (21) shall be permitted to enter or remain upon premises maintained by a licensee, with the exception that persons under the age of twenty-one (21) shall be permitted on any licensed premises where the sale of alcoholic liquor is incidental to the sale of food for consumption on the premises. Notwithstanding the foregoing exception, no person under the age of twenty-one (21) shall be permitted to enter or remain upon premises maintained by a licensee after nine o'clock (9:00) p.m. (Ord. 778, 1-11-2010; Ord. 2010-786, 6-14-2010, eff. 6-24-2010; amd. Ord. 2013-005, 4-8-2013)

**2-2-8: REVOCATION OF LICENSE:**

The liquor commissioner hereunder may revoke any license issued under the provisions of this chapter for any violation of any provision of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor. (Ord. 270, 6-5-1979)

**2-2-9: PENALTY:**

Any person violating any provision of this chapter shall be fined not less than ~~fifty~~one hundred dollars ($~~50~~100.00) nor more than five hundred dollars ($500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 270, 6-5-1979; amd. 1984 Code)

## CHAPTER 3
## GENERAL BUSINESS LICENSING AND REGULATIONS

SECTION:


2-3-1: Purpose and Jurisdiction
2-3-2: Definitions
2-3-3: License Required
2-3-4: Application
2-3-5: Investigations and Inspections
2-3-6: Issuance or Denial of License

2-3-7: License Term; Expiration; Renewal
2-3-8: Licenses Not Assignable; Unlawful Use
2-3-9: License Fees
2-3-10: Coin-Operated Vending Machines
2-3-11: Flammable and Combustible Materials
2-3-12: Contractors
2-3-13: Peddler/Hawker/Solicitor
2-3-14: Temporary Vendor/Seasonal Sale of Farm Products
2-3-15: Building and Premises
2-3-16: Location
2-3-17: Nuisances Prohibited
2-3-18: Working Conditions
2-3-19: Businesses Open to Public
2-3-20: Appeal
2-3-21: License To Be Posted; Destruction; Removal of License
2-3-22: Compliance with Ordinances and Statutes
2-3-23: Enforcement
2-3-24: Suspension and Revocation of License
2-3-25: Penalty; Enforcement

**2-3-1: PURPOSE AND JURISDICTION:**

Because each business located in the Village of Poplar Grove is a basic part of and affects the physical and economic well-being of the Village, necessitating special services from the village in the form of health and police inspections and services, such businesses shall in all respects be in full compliance with the provisions hereinafter contained in this chapter. This chapter is designed to provide for the means whereby the Village may render the necessary inspections and services to businesses in order to promote, protect, and safeguard the public safety, health, and welfare of the citizens of the village and to enable the maintenance of an accurate record of businesses located and carrying on commercial activities or commerce within the village. (Ord. 2013-009, 5-13-2013)

**2-3-2: DEFINITIONS:**

The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

CONTRACTOR: Person or company that undertakes a contract to perform a service or provide materials for a construction job, including, without limitation, roofing, flooring, concrete or construction management services.

BUSINESS: Any vocation, occupation, profession, enterprise, establishment, concern, or other type of activity, together with all devices, machines, equipment, vehicles, and appurtenances used therein, as set forth in § 2-3-19 hereof.

PEDDLER/ HAWKER: Any person who travels about selling small wares which he or she carries with him or her.

PERSON: Any individual, firm, association, partnership, corporation, limited liability company, trust, or other legal entity, except for such person or persons as may be organized as an Illinois not-for-profit corporation or governmental bodies properly organized under the law of the State of Illinois.

SOLICITOR: Any person who engages in the door to door seeking to sell goods, wares, merchandise, foodstuffs, services of any kind, nature or character for any kind of consideration for delivery at the premises where sold; or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever for any consideration whatsoever for delivery at a future date; or seeking to obtain prospective customers for application or purchase of insurance of any type or character; or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

TEMPORARY VENDOR: Any person engaging or intending to engage in business as a merchant in a temporary, stationary structure in the Village of Poplar Grove. Peddlers/Hawkers shall not be considered temporary vendors. (Ord. 2013-009, 5-13-2013)

**2-3-3: LICENSE REQUIRED:**

It shall be unlawful for any person to conduct, engage in, maintain, operate, carry on, or manage any business in any non-residential zoning district as licensed hereunder, either by himself, herself, or itself or through an agent, employee, or partner, without first having obtained a license for such business. A license is required when any person, by himself, herself, or itself or through an agent, employee, or partner, is held forth as being engaged in the business; or if he, she, or it solicits patronage therefore, actively or passively; or if he, she, or it performs or attempts to perform any part of such business in the Village of Poplar Grove.

If any business falls into more than one of the categories requiring a license under this chapter, a separate license shall be obtained for each category.

A license shall not be required for any amusement, entertainment, or exhibition given by residents of the Village of Poplar Grove who are not engaged therein as a business for personal profit or gain and the proceeds of which are exclusively for the benefit of a charitable organization registered with the Illinois Attorney General pursuant to the Solicitation for Charity Act, 225 ILCS 460/0.01, et seq.

In addition, the provisions of this chapter shall not apply to officers or employees of the Village, county, state or federal governments, or any subdivision thereof, when on official business, nor shall the provisions off the Chapter apply to volunteers seeking donations for not for profit corporations, or to contributions of which are recognized as deductible for federal income tax purposes. (Ord. 2013-009, 5-13-2013)

**2-3-4: APPLICATION:**

Applications for all licenses required by this chapter shall be made in writing to the Village of Poplar Grove Village ~~Administrator~~Clerk, on a form provided by the Village, except as may otherwise be provided by this chapter. If the applicant is an individual, the application shall contain the individual's name, residential address, and residential telephone number. If the applicant is a partnership or other non-corporate business entity, the application shall contain the name and residential address and residential telephone number of each partner, principal, or member thereof. If the applicant is a corporation, the application shall contain the name, residential address, and residential telephone number of each principal officer and the registered agent thereof. Each application shall also contain such information as may be prescribed by the Village ~~Administrator~~Clerk, including but not limited to:

1. The license desired;
2. The location to be used;
3. The license period;
4. The fee to be paid;
5. The number of the certificate of registration required under the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and/or the Use Tax Act, if applicable; and
6. Such additional information as may be needed for the evaluation of the application.

Forms for all licenses and applications therefore shall be prepared and kept on file by the Village of Poplar Grove Village Clerk. Each license issued shall bear the signature of the Village President and the Village Clerk, except as may otherwise be provided by this chapter. (Ord. 2013-009, 5-13-2013)

**2-3-5: INVESTIGATIONS AND INSPECTIONS:**

A. Investigation of Applicant:

1. Upon the receipt of an application for a license, when an investigation or inspection is required by this chapter before the issuance of such license or when an inspection or investigation shall be deemed reasonably necessary or appropriate, the Village ~~Administrator~~Clerk shall direct the appropriate individual to make such investigation within ten days after receiving such application.

2. If it shall appear to the Village ~~Administrator~~Clerk that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified by the Village ~~Administrator~~Clerk.

B. Inspection Officials: The Building Inspector of the Village of Poplar Grove, in consultation with the Boone County Health Department, shall make or cause to be made inspections regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of the health of the public. The Building Inspector shall make or cause to be made any inspections that relate to compliance with the Building Code, Zoning Ordinance, and other related regulations. All other investigations, except where otherwise provided, shall be made by the any officer, employee, or agent designated by the Village ~~Administrator~~Clerk.

C. Inspections; Analyses:

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

2. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the Village sufficient samples of such material or commodity as requested.

3. In addition to any other penalty that may be provided, the Village President may revoke the license of any owner or operator of a licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of a commodity or material or who interferes with such officer or employee while in the performance of his or her duties; provided, however, that no license shall be subject to revocation for such cause unless the officer or employee has been refused permission to enter upon the premises in the name of the Village after first having presented a warrant issued by the appropriate Circuit Court authorizing such entry.

4. In order to facilitate proper inspection in keeping with the provisions of this subsection, any official, sanitarian, inspector, or other employee or person designated to make such inspections under the supervision of the Boone County Health Department shall be considered to be an officer or official of the Village of Poplar Grove for such purpose and for any purpose relative to the provision of this chapter but for no other purpose unless so designated by this chapter. (Ord. 2013-009, 5-13-2013)

**2-3-6: ISSUANCE OR DENIAL OF LICENSE:**

A. If after due consideration of the information contained within the application and the related investigative report, the village president, with the advice and consent of the village board of trustees, determines that the applicant does not meet the standards set forth in this chapter, such license shall be denied. Thereupon, the village president, or his or her designee, shall promptly notify the applicant that no license will be issued, indicating the reasons therefor.

B. If after due consideration of the information contained within the application and the related investigative report, the village president, with the advice and consent of the village board of trustees, determines that the applicant meets the standards set forth in this chapter, such license shall be granted and the village president, or his or her designee, shall notify the applicant thereof.

C. No license authorized pursuant to this chapter shall be issued to persons or entities who have been determined by a court of competent jurisdiction to owe a debt to the village in the form of an adjudicated fine or judgment. Upon payment of the adjudicated fine or judgment in full, said person or entity shall be entitled to issuance of the requested license, provided that all other requirements for the issuance of the license have been met.

(Ord. 2013-009, 5-13-2013; amd. Ord. 2015-15, 11-9-2015)

**2-3-7: LICENSE TERM; EXPIRATION; RENEWAL:**

A. Each individual license shall indicate its term. All annual licenses shall be operative, and the license year for the village shall commence, on the first day of May of each year. No license shall be granted for a period longer than one year. Except where otherwise provided herein, every license shall expire on the 30th day of April following the date of issuance. Licenses may be obtained at any time throughout the year, but will expire on the 30th day of April following the date of issuance.

B. Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license. (Ord. 2013-009, 5-13-2013)

**2-3-8: LICENSES NOT ASSIGNABLE; UNLAWFUL USE:**

No license may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person shall use or display any license that has been improperly acquired. No person shall alter, deface, forge, or counterfeit any license issued by the Village. (Ord. 2013-009, 5-13-2013)

**2-3-9: LICENSE FEES:**

A. Payment of License Fees: Unless otherwise provided for in this chapter, all businesses licensed hereunder shall pay an annual fee of $25.00. In the absence of provisions to the contrary, all fees and charges

for licenses or permits shall be paid in advance at the time application therefore is made to the village in the amounts prescribed in this section. Except as otherwise provided, all license fees shall become a part of the general corporate fund to reimburse the fund for the costs incurred in investigations and processing applications for the licenses required herein and for the costs of regulating the subject businesses. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of death or departure of the licensee; nor shall any rebate or refund be made by reason of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment, business, or activity.

~~B. Fee Schedule: License fees under the terms of this chapter shall be as set forth and adopted by the Village of Poplar Grove Business License Fee Schedule Ordinance by the Village of Poplar Grove Board of Trustees on such terms and schedule as the Board deems necessary.~~ (Ord. 2013-009, 5-13-2013)

**2-3-10: COIN-OPERATED VENDING MACHINES:**

All food, beverages, candy, and confections sold or offered for sale in coin-operated automatic vending machines shall at all times be wholesome, free from spoilage, and safe for human consumption, and such machines shall be maintained in a clean and sanitary condition. All employees handling such food, beverages, candy, and confections shall conform to the requirements set forth above in section 10 for employees of food establishments. (Ord. 2013-009, 5-13-2013)

**2-3-11: FLAMMABLE AND COMBUSTIBLE MATERIALS:**

All gasoline, flammable liquids and gases, dry cleaning chemicals, and other highly volatile or flammable substances stored in any business shall be kept in tanks, barrels, drums, or other containers that are properly constructed and maintained in good condition so as to prevent fires, explosions, or other hazards to the safety of persons and property in the vicinity thereof. Combustible materials shall be kept away from heating and other equipment with open flames so as to prevent fires or other hazards to the safety of persons and property in the vicinity thereof. No smoking shall be permitted in close proximity to such materials, and "No Smoking" signs shall be conspicuously displayed in such areas. Each business storing such materials shall be equipped with one or more fire extinguishers as needed. (Ord. 2013-009, 5-13-2013)

**2-3-12: CONTRACTORS:**

No contractor shall perform services within the limits of the Village without obtaining a license. No fee shall be charged for said license unless the contractor operates its principal place of business within the limits of the Village. Contractors licensed hereunder shall maintain their equipment and work areas in a safe condition. All debris shall be contained on the site and disposed of routinely. All openings and excavations shall be well-marked or covered. Curbs and sidewalks shall be planked sufficiently to prevent damage before any heavy equipment is moved across them. Dirt or mud that is dragged into public streets must be cleaned daily. All contractors applying for a license hereunder shall provide a certificate of insurance with the application. All contractors licensed hereunder must show proof of licensure before a building permit is issued. (Ord. 2013-009, 5-13-2013)

**2-3-13: PEDDLER/HAWKER/SOLICITOR:**

No person shall engage in the business of solicitor, hawker or peddler of any merchandise, article or thing in the Village of Poplar Grove unless said business is performed on behalf of a school, religious institution, licensed not-for-profit organization, or falls under the definition of non-commercial activity. Non-commercial activity shall be defined as activities that are not commercial in nature, such as activities that do not involve sale of any commercial item, but rather which are solely consisting of: a) religious or political free speech without any corresponding financial or commercial activity; b) solicitation of gratuitous donations for non-commercial entities or undertakings such as charities, political organizations, churches or similar matters without the provision of any non-gratuitous consideration, product or service; or, c) other similar activities not involving commerce or trade or the sale of any commercial item. If there is any element of commercial activity, a given activity shall not qualify as non-commercial activity (e.g. the solicitation of payments in exchange for a commercial item shall be deemed commercial activity).

Penalty: A violation of any provision of this section shall be an unlawful ordinance violation, with a minimum penalty of three hundred dollars ($300.00). Each day that said violation is permitted to persist shall be a separate violation, punishable by fine. In the case of recurrent conduct on a single day, in the event a person is issued a citation for unlawful activity and, following the issuance of said citation, re-engages in the same or substantially similar unlawful conduct on that same day, each incident of conduct occurring after the issuance of the original citation shall be a separate offense, punishable by an individual fine.

(Ord. 2013-009, 5-13-2013; Ord. 17-14, passed 8-16-2017)

~~**2-3-14: TEMPORARY VENDOR/SEASONAL SALE OF FARM PRODUCTS:**~~

~~No person shall engage in the business of temporary vendor of any merchandise, article or thing in the Village of Poplar Grove without a license. The seasonal sale of farm products shall be classified as a temporary vendor. Possession of a temporary vendor license is a privilege, not a right; and the Village reserves the right in its sole discretion to determine the number of temporary vendor licenses to be issued and to refuse issuance of or to rescind said license. Any vendor who violates the terms or conditions of the license is subject to revocation of the license pursuant to section 2-3-24. Applications for a temporary vendor's license shall be made to the Village Clerk upon forms supplied by the village, not less than seven (7) business days in advance of the date for which the license is requested. No license shall be issued unless the application has been completed in full.~~

~~A. In the instance of an application for a temporary vendor on public property, in addition to completed application, the applicant must supply proof of liability insurance, naming the Village of Poplar Grove as certificate holder and additional insured, for the activity to be licensed in an amount not less than one hundred thousand dollars ($100,000.00) combined single limit. If applicable, applicant must supply proof of health department permit. If applicable, applicant must supply proof of valid driver's license.~~

~~B. The fee for a temporary vendor's license is as outlined in § 2-3-9. All temporary vendor licenses shall be valid for a period of time as determined by the Village AdministratorBoard of Trustees and stated within the license as such businesses are typically operating at differing time frames. Applicant must abide by all other conditions for approval as set forth by the Village of Poplar Grove, including, but not limited to, location of structure(s), duration of stay, placement of signage, use of auxiliary equipment, and trash collection. Upon issuance of the license, the Village AdministratorClerk is directed to prepare, as part of the license, a written document outlining all conditions of approval. The temporary vendor's license will require that the license holder maintain the area within and in proximity to the licensed location in a neat, clean and hazard free condition.~~

~~C. A temporary vendor's license issued in conformance with this section will serve to satisfy both as the business license as well as any other permit required under Title 7, Building Regulations of the Village of Poplar Grove Code of Ordinances.~~

~~D. Upon approval of the Village AdministratorClerk and upon satisfactory execution of a document stating same, the fee for a temporary vendor's license may be waived for any not for profit group operating a structure by and for the exclusive benefit of the not for profit.~~

~~E. The temporary vendor license issued in conformity with the provisions of this section shall be displayed at all times in a prominent place in said structure. Any and all temporary vendor licenses shall be subject to any restrictions or conditions deemed desirable by the Village.~~ (Ord. 2013-009, 5-13-2013)

**2-3-1~~5~~4: BUILDING AND PREMISES:**

No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village of Poplar Grove and the State of Illinois. (Ord. 2013-009, 5-13-2013)

**2-3-1~~6~~5: LOCATION:**

A. No license for the operation of a business in the Village of Poplar Grove shall be construed to permit the operation of a licensed business in more than one location in the Village; a separate license shall be required for each location of a licensed establishment. For the purposes of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

B. The location of any licensed business may be changed provided that ten days' notice thereof is given to the Village ~~Administrator~~Clerk in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the Village of Poplar Grove shall be complied with. (Ord. 2013-009, 5-13-2013)

**2-3-1~~7~~6: NUISANCES PROHIBITED:**

A. No business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under this chapter or under the provisions of any other Village of Poplar Grove

**Comment [RS6]:** This language was specifically added to the code to address Lisa's Farm Stand. Is there a reason it is being recommended for removal?

ordinance prohibiting nuisances generally.

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

C. No substance, matter, or thing of any kind whatever that shall be dangerous or detrimental to health shall be allowed to exist in connection with any business or occupation or be used in any work or labor performed in the Village of Poplar Grove.

D. It shall be the duty of the occupant of every building, structure, or premises used or maintained in connection with any business to cause to be removed at his or her own cost and expense at least once each week all refuse produced therein; provided, however, that such removal shall occur more frequently as necessary to prevent nuisances from odor, vermin, and/or litter. (Ord. 2013-009, 5-13-2013)

**2-3-~~18~~7: WORKING CONDITIONS:**

A. Health Requirements:

1. No owner, lessee, manager, or superintendent of any store, factory, workshop, or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty in respect to light, ventilation, heat, or cleanliness.

2. All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also, as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise that are injurious to health. Sufficient washroom facilities for male and female employees shall be provided, and such facilities shall be properly ventilated.

B. Heating Requirements:

1. It shall be the duty of every person owning or controlling the heating plant that furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than 68° Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein at such times as employees are required to be on the premises from October 1 of each year to June 1 of the succeeding year, Sundays and holidays excepted; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than 68° Fahrenheit is necessary or expedient for the work or manufacturing process of such business.

2. It shall be the duty of any person owning or controlling the heating plant that furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than 68° Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein, at such times as employees are required to be on the premises from October 1 of each year to June 1 of the succeeding year, Sundays and legal holidays excepted.

C. Inspections: The Building Inspector shall visit or cause to be visited all such places of employment in the Village of Poplar Grove as often as he or she shall deem necessary to ensure compliance with the provision of this chapter and to have such arrangements made as may be deemed necessary for the health and safety of the employees. (Ord. 2013-009, 5-13-2013)

**2-3-~~19~~8: BUSINESSES OPEN TO PUBLIC:**

All businesses licensed under this chapter that invite the public generally into their establishments for the purpose of conducting business shall be subject to the following regulations in addition to all other ordinances and regulations of the Village of Poplar Grove:

A. All areas within the licensed premises where the public may enter shall be kept in a safe and sanitary condition. ,

B. All businesses subject to this Section shall refrain from all deceptive trade practices as defined by state or federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business license of the establishment may be revoked pursuant to the provisions of this chapter.

C. All businesses in which there are bowling alleys, billiard or pool tables, or ten or more coin-operated amusement machines or jukeboxes shall have a supervisor present at all times when open to the public. (Ord. 2013-009, 5-13-2013)

**2-3-~~20~~19: APPEAL:**

Any person aggrieved by the decision of the Village ~~Administrator~~Clerk in regard to the denial of an application for a business license, as provided in this chapter, or the Village President in connection with the

suspension or revocation of a license or the closing of an establishment dangerous to the public, as provided in this chapter, shall have the right to appeal to the Village of Poplar Grove Board of Trustees. Such appeal shall be taken by filing with the Village ~~Administrator~~Clerk within ten days after the notice of a denial of an application or a revocation of a license a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in § 2-3-24 hereof. The decision of the Board of Trustees on such appeal shall be by a vote of a majority of the trustees then holding office and shall be final. (Ord. 2013-009, 5-13-2013)

**2-3-2~~1~~0: LICENSE TO BE POSTED; DESTRUCTION; REMOVAL OF LICENSE:**

A. It shall be the duty of any person conducting a licensed business in the Village of Poplar Grove to keep his or her license displayed at all times in a prominent place on the premises, machine, or vehicle used for such business.

B. No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner any license, certificate, plate, or sticker that has been issued by the Village except when such license, certificate, plate, or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Village President or his or her duly authorized representative from removing any license, certificate, plate, or sticker from the possession of a former licensee, his premises, any vehicle, or any machine when the license has been revoked under the provisions of this chapter. (Ord. 2013-009, 5-13-2013)

**2-3-2~~2~~1: COMPLIANCE WITH ORDINANCES AND STATUTES:**

The building and premises used in any business licensed hereunder shall comply with all Village of Poplar Grove zoning, building, fire, and health codes and ordinances, as well as all other applicable Village of Poplar Grove codes, ordinances, rules, and regulations, and shall be maintained in good repair, free of litter and debris, and kept in a safe condition for employees, customers, and other persons present therein or thereon. In addition, any business licensed hereunder shall comply with all statutes of the State of Illinois. (Ord. 2013-009, 5-13-2013)

**2-3-2~~3~~2: ENFORCEMENT:**

The Village Administrator shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. All municipal employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other Village of Poplar Grove ordinances relating to the licensing of businesses and occupations and their regulations. (Ord. 2013-009, 5-13-2013)

**2-3-2~~4~~3: SUSPENSION AND REVOCATION OF LICENSE:**

A. Suspension of Business Operation: When the conduct or operation of any business shall constitute a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises and the suspension of any license for a period not to exceed ten days. Within eight days after he or she has so acted, the Village President shall call a hearing for the purpose of determining whether the license should be suspended for an additional period of time or revoked.

B. Revocation of License: Licenses issued under the ordinances of the Village of Poplar Grove, unless otherwise provided, may be suspended for up to 30 days or revoked by the Village President after notice and hearing as provided below for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application for the license;
2. Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license, or the premises occupied;
3. Conviction of the licensee of any felony or of a misdemeanor when such conviction indicates his or her inability to operate a safe, honest, or legitimate business operation within the Village of Poplar Grove;
4. Failure of the licensee to pay any fine. A judgment or penalty owing to the Village of Poplar Grove;
5. Refusal to permit an inspection or sampling, or any interference with a duly authorized Village of Poplar Grove officer or employee while in the performance of his or her duties in making such inspections, as provided in this chapter; or
6. Any other violation of any Village of Poplar Grove ordinances, resolutions, or regulations.

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

C. Hearing:

1. Notice of the hearing for suspension or revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee at his or her last known address at least five days prior to the date set for the hearing.

2. At the hearing, the Village Attorney shall present the complaint and shall represent the Village of Poplar Grove. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. A stenographic or electronically recorded record of the hearing shall be kept. The Village President shall preside and shall render the decision within a reasonable time after the conclusion of the hearing, but not later than 30 days thereafter. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

3. Any licensee whose license is suspended or revoked shall pay to the village the costs of the hearing before the Village President. The Village President shall determine the costs incurred by the village for the hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the Village or such lesser sum as the Village President may allow.

4. The licensee shall pay said costs to the Village within 30 days of notification of the costs by the Village President. Failure to pay these costs within 30 days of notification is a violation of this section and may be cause for license suspension or revocation or the levy of a fine. (Ord. 2013-009, 5-13-2013)

**2-3-2~~5~~4: PENALTY; ENFORCEMENT:**

A. In addition to the suspension and revocation provisions above, any person, firm, or corporation convicted of violating any provisions of this chapter shall be subject to a fine of not less than ~~fifty~~one hundred dollars ($~~50~~100.00) and not more than seven hundred and fifty dollars ($750.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. Whenever a person, firm, or corporation violates any of the provisions of this chapter, the Village of Poplar Grove may cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance herewith. (Ord. 2013-009, 5-13-2013)

## CHAPTER 4
## UTILITIES TAX


2-4-1: TAX IMPOSED:
2-4-2: EXCEPTIONS:
2-4-3: ADDITIONAL TAXATION:
2-4-4: DEFINITIONS:
2-4-5: COLLECTION:
2-4-6: EFFECTIVE DATE OF IMPOSITION OF TAX:
2-4-7: REPORTS TO VILLAGE:
2-4-8: CREDIT FOR OVERPAYMENT:
2-4-9: LIMITATIONS:
2-4-10: PENALTIES:
2-4-11: SEVERABILITY:
2-4-12: SUNSET PROVISION:


**2-4-1: TAX IMPOSED:**

Pursuant to section 8-11-2 of the Illinois municipal code, 65 Illinois Compiled Statutes 5/8-11-2, a tax is imposed on all persons engaged in the following occupations or privileges:

A. Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the village, and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.

B. A tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the village at the following rates, calculated on a monthly basis for each purchaser:

1. For the first 2,000 kilowatt hours used or consumed in a month: 0.61 cents per kilowatt hour;
2. For the next 48,000 kilowatt hours used or consumed in a month: 0.40 cents per kilowatt hour;
3. For the next 50,000 kilowatt hours used or consumed in a month: 0.36 cents per kilowatt hour;
4. For the next 400,000 kilowatt hours used or consumed in a month: 0.35 cents per kilowatt hour;
5. For the next 500,000 kilowatt hours used or consumed in a month: 0.34 cents per kilowatt hour;

6. For the next 2,000,000 kilowatt hours used or consumed in a month: 0.32 cents per kilowatt hour;
7. For the next 2,000,000 kilowatt hours used or consumed in a month: 0.315 cents per kilowatt hour;
8. For the next 5,000,000 kilowatt hours used or consumed in a month: 0.31 cents per kilowatt hour;
9. For the next 10,000,000 kilowatt hours used or consumed in a month: 0.305 cents per kilowatt hour;
10. For all electricity used or consumed in excess of 20,000,000 kilowatt hours in a month: 0.30 cents per kilowatt hour. (Ord. 2010-780, 3-8-2010)

**2-4-2: EXCEPTIONS:**

No tax is imposed by this chapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the Unites States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, selling or transmitting gas and electricity or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provision of this chapter for those transactions that are or may become subject to taxation under the provisions of the "municipal retailers' occupation tax act" authorized by section 8-11-1 of the Illinois municipal code; nor shall any tax authorized by this chapter be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the village, whether privately or municipally owned or operated, or exercising the same privilege within the village. (Ord. 2010-780, 3-8-2010)

**2-4-3: ADDITIONAL TAXATION:**

Any of the taxes enumerated in this chapter may be in addition to the payment of money, or value of products or services furnished to the village by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business. (Ord. 2010-780, 3-8-2010)

**2-4-4: DEFINITIONS:**

For the purpose of this chapter the definitions found in section 8-11-2 of the Illinois municipal code, as amended from time to time, shall apply. As of the effective date of this chapter they are:

GROSS RECEIPTS: The consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, service and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of this state, or a receiver, trustee, guardian or other representative appointed by order of any court.

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

PUBLIC UTILITY: Shall have the meaning ascribed to it in section 3-105 of the public utilities act and shall include alternative retail electric suppliers as defined in section 16-102 of that act.

PURCHASE AT RETAIL: Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

PURCHASER: Any person who uses or consumes, within the corporate limits of the village, electricity acquired in a purchase at retail. (Ord. 2010-780, 3-8-2010)

**2-4-5: COLLECTION:**

The tax authorized by subsection 2-4-1B of this chapter shall be collected from the purchaser by the person maintaining a place of business in this state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be

collected pursuant to this section and any such tax collected by a person delivering electricity shall constitute a debt owed to the village by such person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. For purposes of this section, any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the village upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the village in the manner prescribed by the village. Persons delivering electricity who file returns pursuant to this chapter shall, at the time of filing such return, pay the village the amount of the tax collected pursuant to this section.

(Ord. 2010-783, 4-26-2010, eff. 5-1-2010; amd. Ord. 2015-04A, 4-6-2015)

**2-4-6: EFFECTIVE DATE OF IMPOSITION OF TAX:**

The taxes imposed herein shall be effective as follows:

A. The tax provided for in subsection 2-4-1A of this chapter shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the first day of May, 2015, through and including the last day of April, 2015.

B. The tax provided for in subsection 2-4-1B of this chapter shall be imposed with respect to the use or consumption of electricity, beginning with the first bill issued to customers on or after the first day of June, 2015, through and including the last day of May, 2020.

(Ord. 2010-783, 4-26-2010, eff. 5-1-2010; amd. Ord. 2015-04A, 4-6-2015)

**2-4-7: REPORTS TO VILLAGE:**

On or before the last day of each month, each taxpayer or person maintaining a place of business in this state who delivers the electricity to the purchaser shall make a return to the village treasurer for the preceding month, stating:

A. His name;

B. His principal place of business;

C. 1. For gas, taxpayer's gross receipts for the month which form the basis of the tax imposed; or

2. For electricity usage, kilowatt hours for the month which form the basis of the tax imposed;

D. Amount of tax; and

E. Such other reasonable and related information as the corporate authorities may require.

With respect to the tax authorized by Section 2-4-1A of this chapter, the first return shall be made to the village treasurer by each taxpayer on or before the last day of June, 2015, for the month of May, 2016. The last such return shall be for the month of April, 2020, which shall be due on or before the last day of May, 2020.

With respect to the tax authorized by subsection 2-4-1B of this chapter, the first return shall be made to the village treasurer by each person maintaining a place of business in this state who delivers electricity to the purchaser on or before the last day of July, 2015, for the month of June, 2015. The last such return shall be for the month of May, 2020, which shall be due on or before the last day of June, 2020.

The taxpayer or the person maintaining a place of business in this state who delivers the electricity to the purchaser making the return as herein provided shall, at the time of making such return, pay to the village treasurer the amount of tax herein imposed; provided that in connection with any return the taxpayer or the person maintaining a place of business in this state who delivers the electricity to the purchaser may, if taxpayer or person maintaining a place of business in this state who delivers the electricity to the purchaser so elects, report and pay an amount based upon the total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

(Ord. 2010-783, 4-26-2010, eff. 5-1-2010; amd. Ord. 2015-04A, 4-6-2015)

**2-4-8: CREDIT FOR OVERPAYMENT:**

If it shall appear that an amount of tax has been paid which was not due under the provisions of this chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited

against any tax due, or to become due, under this chapter, from the taxpayer who made the erroneous payment, provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited. (Ord. 2010-780, 3-8-2010)

**2-4-9: LIMITATIONS:**

No action to recover any amount of tax due under the provisions of this chapter shall be commenced more than three (3) years after the due date of such amount. (Ord. 2010-780, 3-8-2010)

**2-4-10: PENALTIES:**

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of this chapter is guilty of a violation of this chapter and, upon conviction thereof, shall be fined no less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00) and in addition shall be liable in a civil action for the amount of tax due.
(Ord. 2010-783, 4-26-2010, eff. 5-1-2010; amd. Ord. 2015-04A, 4-6-2015)

**2-4-11: SEVERABILITY:**

If any provision of this chapter, or the application of any provision of this chapter, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this chapter, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this chapter. (Ord. 2010-780, 3-8-2010)

~~**2-4-12: SUNSET PROVISION:**~~

~~A. The tax provided for in subsection 2-4-1A of this chapter shall terminate automatically with respect to gross receipts actually paid to the taxpayer for services billed on or after the first day of May, 2020, without any further action by the president and board of trustees of the village; provided, however that any amounts due or payable for any tax periods ending prior to May 1, 2020, are nevertheless to remain payable as if this subsection 2-4-12A had not been adopted.~~

~~B. The tax provided for in subsection 2-4-1B of this chapter shall terminate automatically with respect to the use or consumption of electricity billed by a public utility on or after the first day of June, 2020, without any further action by the president and board of trustees of the village; provided, however that any amounts due or payable for any tax periods ending prior to June 1, 2020, are nevertheless to remain payable as if this subsection 2-4-12B had not been adopted.~~

(Ord. 2010-783, 4-26-2010, eff. 5-1-2010; amd. Ord. 2015-04A, 4-6-15)

**Comment [RS7]:** From a procedural standpoint, I would caution you against striking the Sunset in an overall re-write ordinance. I suppose you can do it if you want, but it is not the most open and transparent process. Just needed to mention that. It not illegal but you open yourself to major criticism.

## CHAPTER 5
## SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX


2-5-1: DEFINITIONS:
2-5-2: TAX IMPOSED:
2-5-3: COLLECTION OF TAX BY RETAILERS:
2-5-4: RETURNS TO DEPARTMENT:
2-5-5: RESELLERS:
2-5-6: REBATES AND EXEMPTIONS:


**2-5-1: DEFINITIONS:**

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

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

DEPARTMENT: The Illinois department of revenue.

GROSS CHARGE: The amount paid for the act or privilege of originating or receiving telecommunications in this municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within a municipality that has imposed a tax under this chapter and charges for the portion of the interoffice channels provided within that municipality. Charges for that portion of the interoffice channel connecting two (2) or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality,

shall be determined by the retailer by multiplying an amount equal to the total charge for the interoffice channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the interoffice channel. However, "gross charge" shall not include any of the following:

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

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

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

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

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

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

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

H. Charges paid by inserting coins in coin operated telecommunications devices.

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

J. Charges for nontaxable services or telecommunications if: 1) those charges are aggregated with other charges for telecommunications that are taxable, 2) those charges are not separately stated on the customer bill or invoice, and 3) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

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

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

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

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

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

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

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

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

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

TELECOMMUNICATIONS: In addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this chapter, "private line" means a dedicated nontraffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end to end communications. Carrier access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end to end telecommunications service shall be nontaxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this chapter. For purposes of this definition, "prepaid telephone calling arrangements" means that term as defined in section 2-27 of the retailer's occupation tax act. (Ord. 2010-779, 3-8-2010)

**2-5-2: TAX IMPOSED:**

Effective for all bills issued on or after July 1, 2010, a tax is hereby imposed upon any and all the following acts or privileges:

A. The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of six percent (6.0%) of the gross charge for such

telecommunications purchased at retail from a retailer. To prevent actual multimunicipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of the tax property due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

B. The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of six percent (6.0%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multistate or multimunicipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of such tax properly due and paid in such other state or such tax properly due and paid in a municipality in this state which was not previously allowed as a credit against any other state or local tax in this state.

C. The tax imposed by this chapter is not imposed on such act or privilege to the extent such act or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by the village. (Ord. 2010-779, 3-8-2010)

**2-5-3: COLLECTION OF TAX BY RETAILERS:**

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

B. Whenever possible, the tax authorized by this chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications. (Ord. 2010-779, 3-8-2010)

**2-5-4: RETURNS TO DEPARTMENT:**

On or before the last day of July, 2015, and on or before the last day of every month thereafter, the tax imposed under this chapter on telecommunication retailers shall be returned with appropriate forms and information as required by the department pursuant to the Illinois simplified municipal telecommunications tax act (public act 92-526, section 5-50) and any accompanying rules and regulations created by the department to implement the act. (Ord. 2010-779, 3-8-2010; amd. Ord. 2015-03, 3-9-2015)

**2-5-5: RESELLERS:**

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

B. Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to the applicant. The department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

C. Except as provided hereinabove in this section, the act or privilege of originating or receiving telecommunications in this state shall not be made tax free on the ground of being a sale for resale unless the person has an active resale number from the department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is nontaxable because of being a sale for resale. (Ord. 2010-779, 3-8-2010)

**2-5-6: REBATES AND EXEMPTIONS:**

A. To the extent that the village's territory includes part of another unit of local government or a school district, the village may, by separate ordinance, rebate some or all of the amount of the tax authorized by this

chapter paid by the other unit of local government or school district qualifying for the rebate as determined by the village's ordinance, which shall not be filed with the department.

B. The village may, by separate ordinance, rebate some or all of the amount of the tax authorized by this chapter paid by persons sixty five (65) years of age or older. Any tax related to such rebate shall be rebated from the village directly to persons qualified for the rebate as determined by the village's ordinance, which shall not be filed with the department. (Ord. 2010-779, 3-8-2010)

1. Rebate To Persons Sixty Five Years Or Older Authorized: The village shall rebate the entire amount of the tax paid by persons sixty five (65) years or older who have a total household income of fifty percent (50%) or less of median income as established by the department of housing and urban development (HUD) for the Rockford metropolitan statistical area (MSA) in the previous calendar year. Said rebate shall be made by the village upon application by the person sixty five (65) years or older, provided that the person qualifies under the terms set out in this subsection B1 and provided that the person making such application is the person who is named on the taxed account or is the spouse of the person named on the account and the taxed account is at the residence of the person requesting the rebate.

a. Time Frame: Any person or entity applying for a rebate under this subsection B1 must apply for the rebate annually and must do so during the months of January, February or March of the year following the calendar year when the village collected the tax. The rebates will be given for the tax collected and paid to the village by the department of revenue during the preceding calendar year. No rebate shall be given by the village for the tax collected during any given year if the application is not filed by the person seeking the rebate during the months of January, February or March of the year following the calendar year when the village collected the tax sought to be rebated.

b. Procedures: The village hereby adopts and incorporates, as if fully set forth herein, the village of Poplar Grove rebate procedures and application attached as exhibit A to the ordinance codified herein. (Ord. 2010-784, 5-10-2010)

## CHAPTER 6
## RAFFLES


2-6-1: DEFINITIONS:
2-6-2: LICENSE REQUIRED:
2-6-3: APPLICATION:
2-6-4: LICENSEE QUALIFICATIONS:
2-6-5: ISSUANCE:
2-6-6: FEES:
2-6-7: CONDUCT OF RAFFLES:
2-6-8: RAFFLES MANAGER:
2-6-9: RECORDS:
2-6-10: PENALTY:


### 2-6-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context ~~clearly~~expressly indicates a different meaning:

BUSINESS: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civic interests of a community.

CALENDAR RAFFLE: A raffle for which one set of tickets is sold and where drawings are held and prizes awarded on individual pre-determined dates specified in part a calendar and may include a consecutive portion of but shall not exceed 12 consecutive months.

CHARITABLE ORGANIZATION: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL ORGANIZATION: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

FRATERNAL ORGANIZATION: An organization of persons having a common interest, the primary

interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

LABOR ORGANIZATION: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

LICENSEE: An organization which has been issued a license to operate a raffle pursuant to this chapter.

NET PROCEEDS: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

NONPROFIT: An organization or institution organized and conducted on a not for profit basis with no personal profit inuring to anyone as a result of said operation.

PERSON: An individual, firm, organization, public or private corporation, government, limited liability company, partnership, or unincorporated association.

RAFFLE: A form of lottery, as defined in 720 Illinois Compiled Statutes 5/28-2(b), conducted by an organization licensed under this chapter in which:

A. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated as the winning chance; and

B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RAFFLE ADMINISTRATOR(S): The village clerk or any deputy clerk appointed; and in the event of a conflict of interest of either of the before mentioned, the village president. In the event of a conflict of interest with both of the aforementioned, any two member(s) of the administrative and legislative committee shall provide the required signatures.

RAFFLE EVENT: An event at which at least one raffle is conducted by an organization that holds a raffle license issued under this code.

RELIGIOUS ORGANIZATION: Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERANS' ORGANIZATION: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. (Ord. 2010-787, 5-10-2010)

**2-6-2: LICENSE REQUIRED:**

A. It shall be unlawful for any person, firm or corporation to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the village and in accordance with the provisions of this chapter.

B. Such license, when issued, is effective for all areas within the corporate limits of the village. (Ord. 2010-787, 5-10-2010)

**2-6-3: APPLICATION:**

Any person, firm or corporation seeking to conduct or operate a raffle shall file an application for any type of license delineated in Section 2-6-therefor with the village clerk on forms provided by the village clerk. No application shall be filed more than thirty (30) days nor less than seven (7) days prior to the Raffle Event. Any not-for-profit seeking a waiver of fees as set forth in Section 2-6-6 shall be a registered 501(c) organization with the Internal Revenue Service. Such application shall contain the following information:

A. The name, address, and type of organization;

B. The length of existence of the organization and, if incorporated, the date and state of incorporation;

C. The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;

D. The aggregate retail value of all prizes to be awarded in the raffle;

E. The maximum retail value of each prize to be awarded in the raffle;

F. The maximum price charged for each raffle chance issued or sold;

G. The maximum number of raffle chances to be issued;
H. The area in which raffle chances will be sold or issued;
I. The time period during which raffle chances will be issued or sold;
J. The date, time, and location at which winning chances will be determined;
K. A sworn statement attesting to the not for profit character of the applicant organization, signed by its presiding officer and secretary;
L. A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct; and
M. A fidelity bond in an amount equal to the aggregate retail value of all prizes to be awarded shall accompany such application. (Ord. 2010-787, 5-10-2010)

**2-6-4: LICENSEE QUALIFICATIONS:**

Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had, during that entire five (5) year period, a bona fide membership engaged in carrying out their objectives, or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster. The following are ineligible for any raffle license:

A. Any person who has been convicted of a felony;
B. Any person who is or has been a professional gambler or gambling promoter;
C. Any person who is not of good moral character;
D. Any firm or corporation in which a person defined in subsection A, B, or C of this section has a proprietary, equitable, or credit interest, or in which such person is active or employed;
E. Any organization in which a person defined in subsection A, B, or C of this section is an officer, director, or employee, whether compensated or not; and
F. Any organization in which a person defined in subsection A, B, or C of this section is to participate in the management or operation of a "raffle" as defined in this chapter. (Ord. 2010-787, 5-10-2010)

**2-6-5: ISSUANCE:**

A. The village clerk shall receive all license applications ~~and submit them to the Village Administrator within thirty (30) days from the date of application~~. Provided that an applicant has submitted any and all information required by the application, paid any and all necessary fees and otherwise meets with all the requirements and provisions of this chapter 6, the Village ~~Administrator~~Clerk shall ~~forthwith~~ issue a raffle license to the applicant within thirty (30) days from the date of application. A raffle license shall be valid for a period of thirty (30) days from and after its issuance unless the Village ~~Administrator~~Clerk specifically authorizes a license for a longer or shorter period of time. In no event shall a license be authorized for a period longer than one year. The Village Clerk has the authority to issue the following types of licenses for raffles:

Class A: General raffle license. A general raffle license shall permit an organization the ability to conduct a raffle that may include multiple drawings to award the prizes but all drawings must occur on the same day and at the same location and within the confines of the same Raffle Event.

Class B: Multiple raffles license. A Class B license allows multiple 50/50 raffles to be conducted within twelve (12) consecutive calendar months. Such license shall permit no more than 52 Raffle Events.

Class C: One time emergency raffle license. A Class C raffle license allows a not-for-profit fund raising organization or group, organized for the sole purpose of providing financial hardship assistance to an identified individual or group of individuals suffering severe financial hardship as a result of an injury, disability, accident or disaster, to conduct one Raffle Event for that purpose. All drawings must occur on the same day and at the same location and within the confines of the same Raffle Event

Class D: Calendar Raffle. A 12-month raffle license shall permit the conduct of a raffle or raffles as defined above. Class D raffles shall be licensed annually for a period not to exceed 12-month period commencing on

the day after the license is approved by the Village Clerk. Such license shall permit no more than 52 Raffle Events.

Class E: Limited annual raffle license. A limited annual raffle license permits an organization to regularly conduct raffles among its own membership at a regularly scheduled organizational meeting. Chances for these raffles may only be sold, and the drawings held, on the day of the meeting. Such licenses shall permit no more than 52 Raffle Events per year.

B. A raffle license shall contain the following:
1. The area in which raffle chances will be sold or issued;
2. The period of time during which raffle chances will be sold or issued;
3. The date, time, and location on or at which the winning chances will be determined.

C. Such license shall be prominently displayed at the time and location of the determination of the winning chances.

D. A license shall be valid for one raffle only, unless the Village ~~Administrator~~Clerk specifically authorizes a specified number of raffles to be conducted during a specified period not to exceed one year.

E. A license may be suspended or revoked for any violation of this chapter. (Ord. 2010-787, 5-10-2010; amd. Ord. 2013-027, 11-11-2013)

**2-6-6: FEES:**

~~A license fee of twenty five dollars ($205.00) should be paid to the village clerk.~~ The fee for a class A, B or E license is $25.00. A not-for-profit may apply for a waiver of class A license fees once in a Village fiscal year (May 1 through April 30). There is no fee for a class C license. The fee for a class D license is $100.00. When an application for a raffle license is filed, such application fee is nonrefundable even if the application is rejected by the Village ~~Administrator~~Clerk. (Ord. 2010-787, 5-10-2010; amd. Ord. 2013-027, 11-11-2013)

**2-6-7: CONDUCT OF RAFFLES:**

The conducting of raffles is subject to the following restrictions:

A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the licensee.

B. No person except a bona fide member of the licensee may participate in the management or operation of the raffle.

C. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter.

E. Raffle chances may be sold, offered for sale, conveyed, issued, or otherwise transferred for value only within the area specified on the license and winning chances may be determined only at those locations specified on the license.

F. A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by a parent or guardian.

G. Anyone seeking a raffle license with a prize amount above ten thousand dollars ($10,000.00), or if the aggregate of all prizes exceeds twenty five thousand dollars ($25,000.00), must appear before the administration committee and provide a surety bond to the village in the amount of the total aggregate retail value of all prizes awarded. For good cause shown, the village board may waive the surety bond requirement for any applicant. The aggregate retail value for all prizes awarded in a single raffle shall not exceed one hundred fifty thousand dollars ($150,000.00) and the retail value of any one prize awarded in a single raffle shall not exceed one hundred fifty thousand dollars ($150,000.00).

H. The price which may be charged for each raffle chance sold, offered for sale, conveyed, issued or otherwise transferred for value shall not exceed the following schedule:

| **Aggregate Retail Value Of Prize** | **Price Of Chance** |
|---|---|
| Less than $100.00 | $ 1.00 |
| $100.00 or more but less than $500.00 | 5.00 |

| | |
|---|---|
| $500.00 or more but less than $1,000.00 | 10.00 |
| $1,000.00 or more but less than $10,000.00 | 20.00 |
| $10,000.00 or more | 50.00 |

I. Each raffle chance shall have printed thereon the cost of such chance, the aggregate retail value of all prizes to be awarded in such raffle, and the maximum number of raffle chances to be issued. Each chance shall indicate whether the holder must be present to win. However, when raffle chances are sold, conveyed, issued, or otherwise transferred, only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain such information. (Ord. 2010-787, 5-10-2010)

**2-6-8: RAFFLES MANAGER:**

The operation and conduct of a raffle shall be under the supervision of a single raffles manager designated by the licensee. The manager shall give a fidelity bond equal in amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the village not less than thirty (30) days prior to its cancellation. The village board may waive this bond requirement by including a waiver provision in the license issued to the licensee, provided that the license containing such waiver provision shall be granted only by unanimous vote of the members of the licensee. (Ord. 2010-787, 5-10-2010)

**2-6-9: RECORDS:**

A. Each licensee shall keep records of its gross receipts, expenses, a list of names of prize winners, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

B. Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the department of revenue of the state of Illinois, and placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for the other revenues of the licensee.

C. Each licensee shall report promptly after the conclusion of each raffle to its membership and to the village its gross receipts, expenses, and net proceeds from the raffle and the distribution of net proceeds itemized as required herein. If a license is valid for more than thirty (30) days, the report shall be made monthly.

D. Raffle records required by this section shall be preserved for three (3) years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places. (Ord. 2010-787, 5-10-2010)

**2-6-10: PENALTY:**

Failure to comply with any of the requirements of this chapter shall constitute a violation, and any person shall, upon conviction thereof, be fined no less than ~~fifty~~one hundred dollars ($~~50~~100.00) nor more than five hundred dollars ($500.00) for each offense. Each day the violation continues shall be considered a separate offense. Each member of the sponsoring organization shall be jointly and severally liable with the organization and with each other for any violation. The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful raffles or to restrain, correct, or abate a violation of this chapter or of the conditions of a raffle license issued pursuant to such license. (Ord. 2010-787, 5-10-2010)

## CHAPTER 7
## LICENSE RESTRICTIONS

SECTION:

2-7-1: Debtors Of Village

**2-7-1: DEBTORS OF VILLAGE:**

No license authorized pursuant to this Chapter shall be issued to persons or entities who have been determined by a court of competent jurisdiction to owe a debt to the Village in the form of an adjudicated fine or judgment. Upon payment of the adjudicated fine or judgment in full, said person or entity shall be entitled to issuance of the requested license, provided that all other requirements for issuance of the license have been met. (Ord. 2011-014, 7-11-2011)

## CHAPTER 8
## BRANDING, BODY CARVING, BODY PIERCING AND TATTOOING

SECTION:


2-8-1: Definitions
2-8-2: License
2-8-3: Filing/Fee Provision
2-8-4: Application/Tattoo Establishment
2-8-5: Corporate Applicant/Exemption
2-8-6: Tattoo Artist License
2-8-7: Application Form Tattoo Artist
2-8-8: Zoning Required
2-8-9: Required Inspections
2-8-10: Health And Sanitary Requirements
2-8-11: Verification Of Application
2-8-12: Issuance Of Tattoo Establishments License
2-8-13: Issuance Of Tattoo Artist License
2-8-14: Operator To Maintain Register Of Employees
2-8-15: Revocation Or Suspension Of Tattoo Establishment License
2-8-16: Revocation Or Suspension Of Tattoo Artist License
2-8-17: Employment Under Eighteen (18) Prohibited
2-8-18: Sale Or Transfer
2-8-19: Name And Place Of Business/Change Of Location
2-8-20: Hours Of Operation
2-8-21: Display Of License
2-8-22: Inspection
2-8-23: Tattoo Establishment License Fees
2-8-24: Tattoo Artist License Fees
2-8-25: Employment Tattoo Artist
2-8-26: Exceptions
2-8-27: Violation/Penalty
2-8-28: Severability


### 2-8-1: DEFINITIONS:

For the purpose of this chapter the following work and phrases shall have the meanings respectively ascribed them by this section.

BRANDING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by aid of heating instruments comprised of metal or other material(s).

BODY CARVING: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with the use of, but not limited to, knives, wires, scalpels or any other material used in surgical and anatomical operations and dissections.

BODY PIERCING: Making a hole in a part of the human body, except for ears, for the purpose of inserting and affixing an artificial object but not for the purpose of providing health related care or treatment by a health provider duly licensed by the State of Illinois.

EMPLOYEE: Any and all persons, other than the tattoo artists, who render any service to the permittee, who receives compensation directly from the licensee, and who have no physical contact with the customers or clients.

LICENSEE: The operator of a tattoo establishment.

PERSON: Any individual, copartnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

TATTOO: Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or

under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

TATTOO ARTIST: An individual who performs branding, body carvings, body piercing or applies tattoos.

TATTOO ESTABLISHMENT: Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on branding, body carving, body piercing or tattooing. Tattoo Establishments are strictly prohibited in any residential property legally used or zoned for residential purposes. (Ord. 2012-001, 1-9-2012)

**2-8-2: LICENSE:**

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premise in the Village of Poplar Grove, the operation of a tattoo establishment as herein defined, without first having obtained a license from the Village. (Ord. 2012-001, 1-9-2012)

**2-8-3: FILING/FEE PROVISION:**

Every applicant for a license to maintain, operate or conduct a tattoo establishment shall file an application with the Village upon a form provided by the Village and pay a filing fee of fifty dollars ($50.00), which shall not be refundable. (Ord. 2012-001, 1-9-2012)

**2-8-4: APPLICATION/TATTOO ESTABLISHMENT:**

The application for a license to operate a tattoo establishment shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, any applicant for a license shall furnish the following information:

A. Written proof that the applicant is at least eighteen (18) years of age.

B. Applicant's height, weight, color of eyes and hair.

C. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its article of incorporation together with the names and residence addresses of each of the officers, directors and each stockholder holding stock of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one (1) or more of the partners is a corporation, the provision of this section pertaining to a corporate applicant apply. (Ord. 2012-001, 1-9-2012)

**2-8-5: CORPORATE APPLICANT/EXEMPTION:**

The provisions of subsection 2-8-4A., B., C., D., and G. entitled "Application for tattoo establishment" relating to requirements for corporate applicants shall not apply to any of the following:

A. A corporation, the stock of which is listed on a stock exchange in the State of Illinois or the City of New York, State of New York.

B. A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity.

C. A corporation which is required by law to file periodic reports with the Securities and Exchange Commission. (Ord. 2012-001, 1-9-2012)

**2-8-6: TATTOO ARTIST LICENSE:**

It shall be unlawful for any person to engage in the practice of branding, body carving, body piercing or tattooing as herein defined, in or upon any premise in the Village, without first having obtained a license from the Village of Poplar Grove. Any person who engages in the practice of branding, body carving, body piercing or tattooing as herein defined, shall file an application with the Village upon a form provided by the Village and shall pay a filing fee of twenty-five dollars ($25.00), which shall not be refundable. (Ord. 2012-001, 1-9-2012)

**2-8-7: APPLICATION FORM TATTOO ARTIST:**

The application for a tattoo artist license shall be completed by the applicant and shall contain the following:

A. Name and residence address.

B. Social Security number and driver's license number, if any.

C. Applicant's weight, height, color of eyes and hair.

D. Written evidence that the applicant is at least eighteen (18) years of age. (Ord. 2012-001, 1-9-2012)

**2-8-8: ZONING REQUIRED:**

No license to conduct a tattoo establishment shall be issued unless complying with the Village Zoning Code and the following restrictions:

A. A tattoo establishment may not be operated within five hundred feet (500') of the following previously established uses:

1. A church, synagogue or regular place of worship.
2. A public or private elementary or secondary school.
3. Any residential property legally used or zoned for residential purposes.
4. A public park.
5. A day care facility.
6. Another tattoo establishment.

B. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from nearest portion of the building or structure used as a part of the premises where a tattoo establishment is located, to the nearest property line of a church, school, park, residential use or other tattoo establishment, or the nearest boundary of a residential zoning district.

C. Nothing in this section shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state or federal law. (Ord. 2012-001, 1-9-2012)

**2-8-9: REQUIRED INSPECTIONS:**

No license to conduct a tattoo establishment shall be issued prior to the following inspections.

A. An inspection by the Village Building Inspector for the purpose of assuring that the establishment complies with the minimum requirements of the Building Codes for the Village.

B. An inspection by the Boone County Health Department for the purpose of assuring that the premises comply with all the sanitation requirements set forth in this chapter and with the regulations of public health, safety and welfare. (Ord. 2012-001, 1-9-2012)

**2-8-10: HEALTH AND SANITARY REQUIREMENTS:**

Any individual or establishment engaging in the practice of branding, body carving, body piercing or tattooing as herein defined shall comply with the following requirements.

A. The entire premises of the facility and all equipment shall be maintained in a good repair, clean, sanitary condition and shall be kept in full compliance with all applicable Village ordinances and state statutes including, but not limited to, the health codes, zoning codes and building codes.

B. Any individual or establishment desiring to engage in the practice of branding, body carving, body piercing or tattooing shall first inquire as to whether or not the potential recipient of the procedures is under the influence of intoxicating substances. Any individual who appears to be or admits to being under the influence of intoxicating substances shall not receive a branding, body carving, body piercing or tattoo.

C. Any individual or establishment desiring to engage in the practice of branding, body carving, body piercing or tattooing shall first inquire as to whether or not the potential recipient to the procedure has a history of any communicable disease. Any individual providing a history of a communicable disease shall not receive a branding, body carving, body piercing or tattoo.

D. Any individual or establishment desiring to engage in the practice of branding, body carving, body piercing or tattooing shall explain to each potential recipient before performing the branding, body carving, body piercing or tattooing procedure in written form or through a conspicuously posted sign the following:

1. The nature of the procedure to be conducted.
2. Possible tissue reactions following the procedures.
3. Importance of after procedure care.
4. The permanent nature of the application.

E. Used tattoo needles and other infectious waste shall be stored, treated and disposed of in accordance with the provisions of the state and federal regulations concerning the management and disposal of infectious waste. (Ord. 2012-001, 1-9-2012)

**2-8-11: VERIFICATION OF APPLICATION:**

Every application for a license under this chapter shall be verified as provided in the Illinois Civil Practice Act for the verification of pleadings. (Ord. 2012-001, 1-9-2012)

**2-8-12: ISSUANCE OF TATTOO ESTABLISHMENTS LICENSE:**

The Village shall issue a license within fourteen (14) days following the completed required inspections and completed application unless the Village finds:

A. That the operation as proposed by the applicant, if permitted, would not comply with the Zoning,

Building, Health and Fire Codes of the Village and/or county.

B. That the applicant and any other person who will be directly engaged in the management and operation of a tattoo establishment has been convicted of any of the following offenses or convicted of an offense outside of the state of Illinois that would have constituted any of the following offenses if committed within the state of Illinois.

1. An offense involving the use of force and violation upon the person of another that amounts to a felony.

The Village may issue a permit to any person convicted of any of the crimes described in subsection (B)(1) of this section if the Village finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section. (Ord. 2012-001, 1-9-2012)

**2-8-13: ISSUANCE OF TATTOO ARTIST LICENSE:**

The Village shall issue a license within fourteen (14) days following the completed application unless the Village finds:

A. That the applicant is not at least eighteen (18) years of age.

B. That the applicant has been convicted of any of the following offenses or convicted of an offense outside of the state of Illinois that would have constituted any of the following offenses if committed within the state of Illinois:

1. An offense involving the use of force and violence upon the person or another that amounts to a felony.

The Village may issue a permit to any person convicted of any of the crimes described in subsection (B)(1) of this section if the Village finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this section. (Ord. 2012-001, 1-9-2012)

**2-8-14: OPERATOR TO MAINTAIN REGISTER OF EMPLOYEES:**

The operator of a tattoo establishment must maintain a register of all persons employed as tattoo artists and their license numbers. Such register shall be available for inspection at all times during regular business hours. (Ord. 2012-001, 1-9-2012)

**2-8-15: REVOCATION OR SUSPENSION OF TATTOO ESTABLISH- MENT LICENSE:**

In any case where any of the provisions of this chapter are violated or where any employee of the licensee, including a tattoo artist, is engaged in any conduct which violates any state or local laws or ordinances at licensee's place of business and the licensee has actual or constructive knowledge of such violations or the licensee has actual or constructive knowledge by due diligence, or in any case, where the licensee, tattoo artist, or any other employee refuses to permit any duly authorized personnel of the Village to inspect the premises or the operations therein, the tattoo establishment license shall be suspended automatically by the Village.

The Village shall notify the licensee within seven (7) days in writing of said causes for automatic suspension. The Administration Committee shall hold a public hearing within forty-five (45) days and, if not satisfied that the provisions of this chapter are being compiled with, may revoke, suspend or take such action as may be necessary to ensure compliance with this chapter. The Village shall send notice to the licensee in writing of the time, date and place of said hearing at least seven (7) days prior to the date of said hearing.

Within five (5) days following the date of a decision of the Administration Committee, the Committee shall transmit to the Village Board written notice of the decision. The decision shall become final ten (10) days following the date on which the tattoo establishment license was revoked or on the day following the next meeting of the Village Board, whichever is later, unless an appeal has been taken to the Village Board or unless the Village Board shall elect to review the decision of the Administration Committee. (Ord. 2012-001, 1-9-2012)

**2-8-16: REVOCATION OR SUSPENSION OF TATTOO ARTIST LICENSE:**

A tattoo artist license issued by the Village of Poplar Grove may be automatically suspended by the Village for violation of any of the provisions of the chapter including any of the following:

A. Unfitness or incompetence by reason of negligence, habits or other causes regardless of whether actual damage to the public is established.

B. Habitual intemperance, addiction or dependency on alcohol or other habit forming substances.

C. Mental incompetence resulting in an inability to practice as a tattoo artist.

D. Submitting to or filing with the Village any application, notice, statement or other document containing false information when procuring or attempting to procure a tattoo artist license.

E. Using the title "licensed tattoo artist" or any designation tending to imply that the person is a licensed tattoo artist when the person is not licensed or the person's license has been suspended or revoked.

F. Violation of the conditions or limitations of a tattoo artist license.

G. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm any individual of the public in the course of providing professional services or activities.

H. Having disciplinary action concerning the practice of a tattoo artist as defined in this chapter taken against the tattoo artist in another state.

I. Knowingly aiding or abetting an unlicensed person, conspiring with an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as the agent or associate of an unlicensed person in order to enable the unlicensed person to evade the requirements of this chapter.

J. Engaging in false or misleading advertising.

K. Engaging in sexual conduct in connection with professional services or activities.

The Village shall notify the tattoo artist within seven (7) days in writing of said causes for automatic suspension. The Administration Committee shall hold a public hearing within forty-five (45) days and if not satisfied that the provisions of this chapter is being complied with, may revoke, suspend or take such action as may be necessary to ensure compliance with this chapter. The Village shall send notice to the tattoo artist in writing of the time, date and place of said hearing at least seven (7) days prior to the date of said hearing.

Within five (5) days following the date of a decision of the Administration Committee, the Committee shall transmit to the Village Board written notice of the decision. The decision shall become final ten (10) days following the date on which the tattoo artist's license was revoked or on the next day following the next meeting of the Village Board unless the Village Board shall elect to review the decision of the Administration Committee. (Ord. 2012-001, 1-9-2012)

**2-8-17: EMPLOYMENT UNDER EIGHTEEN (18) PROHIBITED:**

It shall be unlawful for any owner, proprietor, manager or other person in charge of any tattoo establishment to employ any person who is not at least eighteen (18) years of age. (Ord. 2012-001, 1-9-2012)

**2-8-18: SALE OR TRANSFER:**

Upon sale, transfer or relocation of a tattoo establishment the license therefor shall be null and void; provided, however, that upon the death or incapacity of the licensee the tattoo establishment may continue in business for a reasonable period of time to allow for ~~an orderly transfer of the license~~a new license to issue. (Ord. 2012-001, 1-9-2012)

**2-8-19: NAME AND PLACE OF BUSINESS/CHANGE OF LOCATION:**

No person granted a license pursuant to this chapter shall operate under any name or conduct his business under any designation for any location not specified in his license. (Ord. 2012-001, 1-9-2012)

**2-8-20: HOURS OF OPERATION:**

No tattoo establishment licensed under the provisions of this chapter shall be open to the public for business between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m. (Ord. 2012-001, 1-9-2012)

**2-8-21: DISPLAY OF LICENSE:**

Every person to whom or for whom a license shall have been granted pursuant to the provisions of this chapter shall display said license in a conspicuous place within the tattoo establishment so that the same may be readily seen by persons entering the premises. (Ord. 2012-001, 1-9-2012)

**2-8-22: INSPECTION:**

The Sheriff's Department of the county and/or any duly authorized personnel of the Village and/or any elected Village official shall be permitted to make an inspection of each establishment granted a license under the provisions of this chapter for the purpose of determining compliance with this chapter. (Ord. 2012-001, 1-9-2012)

**2-8-23: TATTOO ESTABLISHMENT LICENSE FEES:**

Every licensee who conducts or assists in conducting or permitting any tattoo establishment as defined herein shall pay to the Village a license fee of one hundred dollars ($100.00) annually, payable in advance. (Ord. 2012-001, 1-9-2012)

**2-8-24: TATTOO ARTIST LICENSE FEES:**

Every tattoo artist as defined herein shall pay to the Village a license fee of fifty dollars ($50.00) annually, payable in advance.

The license fee prescribed in this section is due and payable upon receipt of the license and on the anniversary date each year thereafter. (Ord. 2012-001, 1-9-2012)

**2-8-25: EMPLOYMENT TATTOO ARTIST:**

It shall be the responsibility of the licensee for the tattoo establishment or the employer of any persons purporting to act as a tattoo artist to obtain a valid license pursuant to this chapter. (Ord. 2012-001, 1-9-2012)

**2-8-26: EXCEPTIONS:**

This chapter shall not include hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts and under the laws of the state of Illinois, or persons working under the direction of any such persons or in any such establishment. This chapter shall not apply to health care providers duly licensed by the state of Illinois providing health related care or treatment. (Ord. 2012-001, 1-9-2012)

**2-8-27: VIOLATION/PENALTY:**

A. Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, or acting as a tattoo artist, who engages in the practice of branding, body carving, body piercing or tattooing or conducts a tattoo establishment or who in conjunction with the tattoo establishment engages in the practice of branding, body carving, body piercing or tattooing without first obtaining a license and paying a license fee to do so from the Village of Poplar Grove, or who violates any provisions of this chapter, shall be subject to a fine of not less than five hundred dollars ($500.00). Each day the violation continues shall be considered a separate offense.

B. Any owner, operator, manager or permittee in charge or in control of a tattoo establishment who knowingly employs a person as a tattoo artist, as defined in the chapter, who is not in possession of a valid, unrevoked permit or who allows such tattoo artist to practice within such a place of business shall be subject to a fine of not less than two hundred and fifty dollars ($250.00) nor more than five hundred dollars ($500.00). Each day the violation continues shall be considered a separate offense. (Ord. 2012-001, 1-9-2012)

**2-8-28: SEVERABILITY:**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. (Ord. 2012-001, 1-9-2012)

## CHAPTER 9
## VIDEO GAMING TERMINALS

SECTION:


2-9-1: Definitions
2-9-2: License Required
2-9-3: Issuance
2-9-4: License Fee
2-9-5: Display
2-9-6: Replacement Stamps
2-9-7: Placement of Video Gaming Terminals
2-9-8: Violations, Penalties and Suspension/Revocation


**2-9-1: DEFINITIONS:**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISTRIBUTOR: Shall have the same definition as set forth in the Illinois Video Gaming Act and shall mean an individual, partnership, corporation, or limited liability company licensed under this Act to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

LICENSED ESTABLISHMENT: Shall have the same definition as set forth in the Illinois Video Gaming Act and shall mean any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises and includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (I) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. "Licensed establishment" does not include a facility operated by an organization licensee, an inter-track intertrack wagering licensee, or an inter-track intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act, except as provided in this paragraph.

LICENSED FRATERNAL ESTABLISHMENT: Shall have the same definition as set forth in the Illinois Video Gaming Act and shall mean the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

LICENSED TECHNICIAN: Shall have the same definition as set forth in the Illinois Video Gaming Act and shall mean an individual who is licensed under this Act to repair, service, and maintain video gaming terminals.

LICENSED TRUCK STOP ESTABLISHMENT: Shall have the same definition as set forth in the Illinois Gaming Act and shall mean a facility (I) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 1 Sb-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

LICENSED VETERANS ESTABLISHMENT: Shall have the same definition as set forth in the Illinois Gaming Act and shall mean the location where a qualified veterans' organization that derives its charter from a national veterans' organization regularly meets.

MANUFACTURER: Shall have the same definition as set forth in the Illinois Video Gaming Act and shall mean an individual, partnership, corporation, or limited liability company that is licensed under this Act and that manufactures or assembles video gaming terminals.

TERMINAL Shall have the same definition as set forth in the Illinois

OPERATOR: Video Gaming Act and shall mean an individual, partnership, corporation, or limited liability company that is licensed under this Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments;, licensed fraternal establishments, or licensed veterans establishments.

VIDEO GAMING Shall have the same definition as set forth in the Illinois

TERMINAL: Video Gaming Act and shall mean any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only. (Ord. 2013-018, 8-12-2013)

**2-9-2: LICENSE REQUIRED:**

No person, partnership, company, corporation, limited liability company or business shall distribute, serve as a terminal operator, keep, hold, display, operate or cause to be operated in any place of public resort within the Village a Video Gaming Terminal without first having obtained a license from the Village. It shall be a prerequisite to any license being issued by the Village that the person, partnership, company, corporation, limited liability company or business applying for such Village license, meet all the following conditions and standards:

A. Comply with all applicable provisions of the Illinois Video Gaming Act and the rules and regulations implemented thereto; and

B. Hold the necessary and valid license(s) from the State of Illinois. The revocation, loss or suspension of any such license by the State of Illinois shall automatically result in the revocation, loss or suspension of any Village license issued hereunder, without refund of any license fee paid to the Village; and

C. Each licensed distributor, terminal operator and person with a substantial interest in a licensed distributor or terminal operator shall be an Illinois resident or duly authorized to conduct business within the State of Illinois. However, if an out-of-state distributor or terminal operator has performed its respective business within Illinois for at least 48 months prior to the effective date of the Illinois Video Gaming Act, the out-of-state person may be eligible for licensing from the Village; and

D. In all cases of application for a licensed location to operate a video taming terminal, each licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall possess a valid liquor license issued by the Illinois Liquor Control Commission and a valid liquor licensed issued by the Village of Poplar Grove, in effect at the time of application and at all times thereafter during which a video gaming terminal is made available to the public for play at that location. Video gaming terminals in a licensed location shall be operated only during the same hours of operation generally permitted to holders of a license under the Liquor Control Act of 1934 within the Village. A licensed truck stop establishment that does not hold a liquor license may operate video gaming terminals on a continuous basis. A licensed fraternal establishment or licensed veterans establishment that does not hold a liquor license may operate video gaming terminals if (I) the establishment is located in a county with a population between 6,500 and 7,000, based on the 2000 U.S. Census, (ii) the county prohibits by ordinance the sale of alcohol, and (iii) the establishment is in a portion of the county where the sale of alcohol is prohibited. A licensed fraternal establishment or licensed veterans establishment that does not hold a liquor license may operate video gaming terminals if (I) the establishment is located in a municipality within a county with a population between 8,500 and 9,000 based on the 2000 U.S. Census and (ii) the municipality or county prohibits or limits the sale of alcohol by ordinance in a way that prohibits the establishment from selling alcohol; and

E. Every video gaming terminal offered for play shall first be tested and approved pursuant to the rules of the Illinois Gaming Board ("Board"), and each video gaming terminal offered in this State and Village for play shall conform to an approved model. The Board may utilize the services of an independent outside testing laboratory for the examination of video gaming machines and associated equipment as required by this Section. Every video gaming terminal offered in this State and Village for play must meet minimum standards set by an independent outside testing laboratory approved by the Board. Each approved model shall, at a minimum, meet the following criteria:

1. It must conform to all requirements of federal law and regulations, including FCC Class A Emissions Standards.

2. It must theoretically pay out a mathematically demonstrable percentage during the expected lifetime of the machine of all amounts played, which must not be less than 80%. The Board shall establish a maximum payout percentage for approved models by rule. Video gaming terminals that may be affected by skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

3. It must use a random selection process to determine the outcome of each play of a game. The random selection process must meet 99% confidence limits using a standard chi-squared test for (randomness) goodness of fit.

4. It must display an accurate representation of the game outcome.

5. It must not automatically alter pay tables or any function of the video gaming terminal based on internal computation of hold percentage or have any means of manipulation that affects the random selection process or probabilities of winning a game.

6. It must not be adversely affected by static discharge or other electromagnetic interference.

7. It must be capable of detecting and displaying the following conditions during idle states or on demand: power reset; door open; and door just closed.

8. It must have the capacity to display complete play history (outcome, intermediate play steps, credits available, bets placed, credits paid, and credits cashed out) for the most recent game played and 10 games prior thereto.

9. The theoretical payback percentage of a video gaming terminal must not be capable of being changed without making a hardware or software change in the video gaming terminal, either on site or via the central communications system.

10. Video gaming terminals must be designed so that replacement of parts or modules required for normal maintenance does not necessitate replacement of the electromechanical meters.

11. It must have nonresettable meters housed in a locked area of the terminal that keep a permanent record of all cash inserted into the machine, all winnings made by the terminal printer, credits played in for video gaming terminals, and credits won by video gaming players. The video gaming terminal must provide the means for on-demand display of stored information as determined by the Board.

12. Electronically stored meter information required by this section must be preserved for a minimum of 180 days after a power loss to the service.

13. It must have one or more mechanisms that accept cash in the form of bills. The mechanisms shall be designed to prevent obtaining credits without paying by stringing, slamming, drilling, or other means. If such attempts at physical tampering are made, the video gaming terminal shall suspend itself from operating until reset.

14. It shall have accounting software that keeps an electronic record which includes, but is not limited to, the following: total cash inserted into the video gaming terminal; the value of winning tickets claimed by players; the total credits played; the total credits awarded by a video gaming terminal; and pay back percentage credited to players of each video game.

15. It shall be linked by a central communications system to provide auditing program information as approved by the Board. The central communications system shall use a standard industry protocol, as defined by the Gaming Standards Association, and shall have the functionality to enable the Board or its designee to activate or deactivate individual gaming devices from the central communications system. In no event may the communications system approved by the Board limit participation to only one manufacturer of video gaming terminals by either the cost in implementing the necessary program modifications to communicate or the inability to communicate with the central communications system.

16. The Board, in its discretion, may require video gaming terminals to display Amber Alert messages if the Board makes a finding that it would be economically and technically feasible and pose no risk to the integrity and security of the central communications system and video gaming terminals. (Ord. 2013-018, 8-12-2013)

**2-9-3 ISSUANCE:**

An application for a video gaming terminal license may be obtained from the Village Clerk. Upon submittal of a fully completed application and payment of the annual license fee (as set forth below), the Village Clerk shall forward such application to the Village Board for consideration. No license shall be issued except upon approval by the Village Board. To the extent a license application is not approved, any license fee paid by the applicant shall be refunded to the applicant within 30 days of the denial of the license. (Ord. 2013-018, 8-12-2013)

**2-9-4: LICENSE FEE:**

There shall be an annual license fee of twenty-five dollars ($25.00) per terminal payable to the village. Licenses shall expire on June 30 of each year. License holders must renew their licenses prior to the June 30 expiration date or they shall not be permitted to operate or cause to be operated any video gaming terminal until such time as their license is renewed. (Ord. 2013-018, 8-12-2013)

**2-9-5: DISPLAY:**

Upon approval of an application/renewal, the village shall issue a stamp bearing the notation, "Village of Poplar Grove VGT License No._____ for year _____". One stamp shall be issued for each video gaming terminal and it shall be place in a conspicuous place on the terminal and affixed in such a manner that it cannot be transferred from one terminal to another. (Ord. 2013-018, 8-12-2013)

**2-9-6: REPLACEMENT STAMPS:**

Whenever a licensed video game terminal is replaced during the license year, a replacement stamp must be purchased from the village. The replacement stamp shall cost two dollars ($2.00). (Ord. 2013-018, 8-12-2013)

**2-9-7: PLACEMENT OF VIDEO GAMING TERMINALS:**

Video gaming terminals must be located in an area restricted to persons over 21 years of age the entrance to which is within the view of at least one employee, who is over 21 years of age, of the establishment in which they are located. The placement of video gaming terminals in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, and licensed veterans establishments shall be subject to the rules promulgated by the Illinois Gaming Board pursuant to the Illinois Administrative Procedure Act. (Ord.

2013-018, 8-12-2013)

### 2-9-8: VIOLATIONS, PENALTIES AND SUSPENSION/REVOCATION:

The Village Board may suspend or revoke any license issued hereunder for any violation by the license holder of any provision of this chapter any provision of the Illinois Video Gaming Act and the rules and regulations implemented thereto, or any other violation of federal, state, or local laws applicable to the business where the video gaming terminals are located. The village shall be entitled to impose fines pursuant to section 1-4-1 of the Village Code of Ordinances for any violation of this chapter. (Ord. 2013-018, 8-12-2013)

## CHAPTER 10
## COMPREHENSIVE REGULATION OF TOBACCO PRODUCTS

SECTION:


2-10-1: Legislative Findings, Declaration, And Purpose
2-10-2: Definitions
2-10-3: License Required
2-10-4: Retail Registration Fee
2-10-5: Non-Transferability Of License
2-10-6: Prohibited Sales
2-10-7: Posting Of Warning Signs As Prescribed By State Law
2-10-8: Identification Required
2-10-9: Minimum Age To Purchase Tobacco Products
2-10-10: Minimum Age To Sell Tobacco Products
2-10-11: Vending Machines Prohibited
2-10-12: Tobacco Samples And Certain Free Distributions Prohibited
2-10-13: Out-Of-Package Sales Prohibited
2-10-14: Vendor-Assisted Sales
2-10-15: Responsibility For Agents And Employees
2-10-16: Possession By Minors Prohibited
2-10-17: Inspection
2-10-18: Sales/Distribution Violation
2-10-19: Suspension And Revocation Of License
2-10-20: Purchase/Possession Violation
2-10-21: Non-Retaliation
2-10-22: Severability


### 2-10-1: LEGISLATIVE FINDINGS, DECLARATION, AND PURPOSE:

The Surgeon General finds cigarette smoking and other tobacco use by minors a grave public health problem. Therefore, the purpose of this chapter is to implement a strict and enforceable system to prevent the illegal sale of cigarettes and other tobacco products to minors.

The enactment of this chapter intends to further the health, welfare and safety of the residents of the Village of Poplar Grove, Boone County, Illinois, particularly those residents under eighteen (18) years of age.
(Ord. 2016-02, 1-11-2016)

### 2-10-2: DEFINITIONS:

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

| | |
|---|---|
| COMPLIANCE CHECK | An inspection conducted with the intention of assessing retail sales of tobacco products to minors and enforcing age-of-sales laws. Compliance checks are conducted by having designated persons under the age of eighteen (18) years of age attempt to purchase tobacco products from vendors. |
| LICENSE | A license issued by the Village of Poplar Grove for the retail sale of tobacco products. |
| LICENSES | The holder of a valid license for the retail sale of tobacco products. |
| MINOR | Any person under the age of eighteen (18) years of age. |
| PUBLIC PLACE | An area to which the public is invited or in which the public is permitted, including but not limited to any right-of-way, mall or shopping center, park, playground, and any other property owned by the city, any school district, or any park district. |

| | |
|---|---|
| SELF-SERVICE DISPLAYS | Open displays of tobacco products and point-of-sale tobacco promotional products that the public has access to without intervention of a store employee. |
| TOBACCO PRODUCTS | Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco. |
| VENDING MACHINE | Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any form of payment, dispenses tobacco products. |

(Ord. 2016-02, 1-11-2016)

**2-10-3: LICENSE REQUIRED:**

It shall be unlawful to sell or offer for sale at retail, give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the village without having first obtained a valid tobacco retailer's license from the village for each location in which tobacco products are sold. All such licenses must be renewed annually. Such license shall be in addition to any other license required by this code.

(Ord. 2016- 02, 1-11-2016)

**2-10-4: RETAIL REGISTRATION FEE:**

The fee for a one-year (1-year) tobacco retailer's registration fee is twenty dollars ($20.00) for each tobacco retail location.

(Ord. 2016-02, 1-11-2016)

**2-10-5: NON-TRANSFERABILITY OF LICENSE:**

A tobacco retail registration fee is non-transferable, except a new license will be issued to a tobacco retailer who changes location.

(Ord. 2016-02, 1-11-2016)

**2-10-6: PROHIBITED SALES:**

It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.

(Ord. 2016-02, 1-11-2016)

**2-10-7: POSTING OF WARNING SIGNS AS PRESCRIBED BY STATE LAW:**

Signs informing the public of the age-of-sale restrictions shall be posted by every licensee at or near every display of tobacco products which offers tobacco products for sale. Each sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BYLAW"

The text of such signs must be in red letters on a white background, and said letters must be at least one inch (1") high.

(Ord. 2016-02, 1-11-2016)

**2-10-8: IDENTIFICATION REQUIRED:**

No licensee shall sell or permit to be sold cigarettes or other tobacco products to an individual appearing younger than the age of twenty-seven (27) without requesting and examining photographic identification establishing the purchaser's age as eighteen (18) years of age or greater.

(Ord. 2016-02, 1-11-2016)

**2-10-9: MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS:**

It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products or to misrepresent their age or use any false or altered identification with the intention of purchasing tobacco products.

(Ord. 2016-02, 1-11-2016)

**2-10-10: MINIMUM AGE TO SELL TOBACCO PRODUCTS:**

It shall be unlawful for any licensee, officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products on any vendor's premises. There is a statutory exemption for a family owned and operated business.

(Ord. 2016-02, 1-11-2016)

**2-10-11: VENDING MACHINES PROHIBITED:**

Tobacco vending machines or any other devices for the sale or distribution of tobacco products are prohibited.

(Ord. 2016-02, 1-11-2016)

**2-10-12: TOBACCO SAMPLES AND CERTAIN FREE DISTRIBUTIONS PROHIBITED:**

It shall be unlawful for any licensee or any person, business, or tobacco retailer to distribute, give away, or deliver tobacco products free of charge, or deliver any coupon or rebate for tobacco products to any person on any right-of-way, park, playground or other property owned by the village, any school district; any park district or any public library.

(Ord. 2016-02, 1-11-2016)

**2-10-13: OUT-OF-PACKAGE SALES PROHIBITED:**

It is unlawful to sell cigarettes out of the manufacturer's package with required health warnings. It is unlawful to sell cigarettes individually or in packages of fewer than twenty (20) cigarettes per package.

(Ord. 2016-02, 1-11-2016)

**2-10-14: VENDOR-ASSISTED SALES:**

It shall be unlawful for any licensee, person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any other means other than vendor-assisted sales.

(Ord. 2016-02, 1-11-2016)

**2-10-15: RESPONSIBILITY FOR AGENTS AND EMPLOYEES:**

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

(Ord. 2016-02, 1-11-2016)

**2-10-16: POSSESSION BY MINORS PROHIBITED:**

A. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products.

B. It shall not be a violation of this section for a minor to possess any tobacco product where:

1. Such use takes place under the direct supervision and approval of the parent, parents, or legal guardian of the minor; and

2. Such use takes place in the privacy of a home or established place of worship or tribal meeting place; provided, however, where such use takes place in an established place of worship or tribal meeting place, such use shall not be a violation only where use is in the performance of a religious service or tribal ceremony and the religious group or tribe is legally established and recognized by the State of Illinois.

(Ord. 2016-02, 1-11-2016)

**2-10-17: INSPECTION:**

It shall be the duty of the liquor commissioner or code enforcement officer which are hereby authorized and empowered to conduct annual, random, unannounced inspections of all places wherein such tobacco products are licensed to be sold, for the purpose of ascertaining whether the laws of the state and of the village in relation to the same, are being complied with at such place.

(Ord. 2016-02, 1-11-2016)

**2-10-18: SALES/DISTRIBUTION VIOLATION:**

The ~~city~~village attorney, liquor commissioner, or code enforcement officer shall initiate enforcement against any person who violates any provision of this chapter, and shall conduct hearings upon the license-holder's request. The law enforcement agency shall have the authority to enforce this chapter.

Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this chapter other than the purchasing and possession sections (Sec. 2-10-6 and Sec. 2-10-16, respectively), is guilty of a petty offense for which the offender may be fined an amount as follows:

A. In the case of a first violation, any person shall be fined not less than one hundred dollars ($100.00) and not more than ~~five~~two hundred fifty dollars ($~~500~~250.00) and shall be notified in writing of penalties levied for further violations.

B. In the case of a second violation within a two-year (2-year) period, any person shall be fined not less than two hundred fifty dollars ($250.00) and not more than five hundred dollars ($500.00).

C. In the case of a third violation or subsequent offense within a two-year (2-year) period, any person shall be fined not less than five hundred dollars ($500.00) and not more than one thousand dollars ($1,000.00).
(Ord. 2016-02, 1- 11-2016)

**2-10-19: SUSPENSION AND REVOCATION OF LICENSE:**

A license shall be suspended or revoked for any violation of this chapter after notice and opportunity to be heard as follows:

A. In the case of a first violation, the licensee ~~shall be fined two hundred dollars ($200.00) and~~ shall be notified in writing of penalties levied for further violations.

B. In the case of a second violation, the licensee's ~~shall be fined five hundred dollars ($500.00) and the~~ tobacco license shall be suspended for not less than thirty (30) consecutive business days nor more than three (3) months. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended.

C. In the case of a third violation, the licensee's ~~shall be fined one thousand dollars ($1,000.00) and the~~ tobacco license shall be suspended for not less than six (6) months nor more than eighteen (18) months from the date of suspension. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended.

D. In the case of a fourth violation, the licensee's ~~shall be fined one thousand dollars ($1,000.00) and the~~ tobacco license shall be revoked. All tobacco merchandise must be removed from all areas accessible to the public.

Any licensee found to have violated any of the provisions of this chapter shall pay to the village costs of the hearing on such violation. Costs may include, but not be limited to: court reporter's fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the ~~city~~village attorney may allow.

The licensee shall pay said costs to the village within thirty (30) days of notification of the costs. Failure to pay said costs within thirty (30) days of notification is a violation of this chapter and may cause the levy of an additional fine.
(Ord. 2016-02, 1-11-2016)

**2-10-20: PURCHASE/POSSESSION VIOLATIONS:**

Any person under the age of eighteen (18) years that violates the purchasing and possession sections (Sec. 2-10-6 and Sec. 2-10-16, respectively) of this chapter will be subject to the following penalties:

A. For the first violation, a fine of twenty-five dollars ($25.00) or the completion of an approved smoking cessation program;

B. For the second violation, a fine of not less than fifty dollars ($50.00) and not more than one hundred dollars ($100.00) and the completion of an approved smoking cessation program.

C. For the third and subsequent violations, a fine of not less than one hundred dollars ($100.00) and not more than three hundred dollars ($300.00), and the completion of an approved smoking cessation program, and not less than twenty (20) hours of community service.
(Ord. 2016-02, 1-11-2016)

**2-10-21: NON-RETALIATION:**

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant or customer reported violations of any provisions of this chapter.
(Ord. 2016-02, 1-11-2016)

**2-10-22: SEVERABILITY:**

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.
(Ord. 2016- 02, 1-11-2016)

## CHAPTER 11
## ITINERANT MERCHANTS AND MOBILE COMMERCE VENDORS

## § 2-11-1: DEFINITIONS.

The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

BUSINESS: The business carried on by any person who is an itinerant merchant or mobile commerce vendor as defined in this section.

FOODSTUFFS: Any meat, poultry, fish, seafood, vegetables, milk, dairy products (including ice cream, popsicles, gelato, etc.) and other food items and non-alcoholic beverages that are pre-packaged for sale, whether fresh, frozen or sold in cans, bottles, boxes, cartons or other containers, but excluding prepared food as defined herein.

GOODS: Merchandise of any description whatsoever, and includes but is not restricted to tangible personal property, wares and prepared food, but excluding foodstuffs as defined herein.

ITINERANT MERCHANT: Any person, whether as owner, agent or consignee, who engages in the business of selling goods or foodstuffs as defined herein within the Village and who, in the furtherance of that business, uses any immobilized building, structure or other fixed location within the Village for a temporary period of time of less than six (6) months in any calendar year. Any person who is unable to produce written documentation of the right to occupy the fixed location for thirty (30) days or longer to the Village Clerk within five (5) days of a request by the Village Clerk shall be presumed to be an itinerant merchant. This definition shall not include a mobile commerce vendor, peddler or solicitor as defined in this Title 2.

PREPARED FOOD: Any food or non-alcoholic beverage sold or offered for sale that is cooked or otherwise prepared for immediate consumption, but excluding foodstuffs as defined herein.

## § 2-11-2: LICENSE REQUIREMENTS.

(A) No person shall engage in or attempt to engage in the business of an itinerant merchant or mobile commerce vendor within the Village without first obtaining a license therefore.

(B) The following conditions shall apply to each license issued under this chapter:

1. An itinerant merchant shall only sell goods and foodstuffs consistent with the regulations contained in this chapter, and no license shall be issued to an itinerant merchant where the location or premises indicated on the application for the activity is not zoned to permit selling activity. The location of the sale shall be on private property, and shall, in all respects, comply with all zoning regulations for the district and all building safety regulations applicable to the property, including but not limited to a seasonal commercial occupancy permit.

2. A mobile commerce vendor shall only sell goods consistent with the regulations contained in this chapter and from a location within the Village upon private property, which complies with all zoning and building safety requirements of this Code, subject to the following restrictions:

a. mobile commerce vendors may only operate daily between 6:00am and 1:00am;
b. noise from mobile commerce vendors, including but not limited to generators and music, shall not exceed 75 decibels as measured from 10 feet away;
c. mobile commerce vendors shall not utilize water, electric or other

Village utilities;

d. mobile commerce vendors shall collect all trash and debris resulting from their operations within 100 feet of the vending area; and

e. mobile commerce vendors selling prepared food shall dispose properly of any fat, oil or grease generated during its operation in accordance with applicable law.

Notwithstanding the foregoing, mobile commerce vendors may operate on public property within the Village only as part of a Village-approved event.

3. An itinerant merchant or mobile commerce vendor licensed under this chapter shall possess a certificate of registration when required by the State of Illinois Retailers Occupation Tax Act and shall pay timely all required sales tax.

4. No person licensed as an itinerant merchant or mobile commerce vendor shall violate the conditions, terms or limitations of such license.

(C) No license issued under this chapter shall be transferrable.

(D) The fee for the license issued under this chapter shall be $50 per month for itinerant merchants and $50 per vehicle for mobile commerce vendors.

(E) All licenses issued under this chapter shall expire each year on April 30 after the date of issuance thereof.

**§ 2-11-3: APPLICATION.**

(A) Before a license may be issued under this chapter, a written, sworn application signed by the applicant shall be submitted to the Village Clerk. The application shall contain at a minimum the following information:

1. The name of the applicant. If the applicant is a business entity, the following information must be provided: if a corporation, name(s) of the shareholder(s); if a limited liability company, name(s) of the member(s) and/or manager(s); if a limited partnership or limited liability partnership, name(s) of the general partner(s); if a partnership, name(s) of the partner(s);

2. The name, title, address (including the street address), telephone number, FAX number and email address, if any, of the person have immediate supervisory or management responsibility over the applicant's business that is proposed to by carried on in the Village;

3. The names, ages, permanent address, telephone number, FAX number, email address, social security number and criminal history for the past four (4) years of each person selling goods or foodstuffs under the license. The applicant shall submit a criminal history check for each person paid for at the applicant's expense or shall pay a fee of $25 per person for the Village to obtain said criminal history check;

4. The permanent address, telephone number, FAX number and email address of the applicant;

5. The local street address and telephone number of the applicant while the applicant is conducting business within the Village;

6. The name and address of the person(s) having custody of the applicant's financial records;

7. The names of municipalities or governmental units to which the applicants has applied for a license of similar character with the twenty-four (24) months prior to the date of application;

8. A copy of the applicant's certificate of registration under the State of Illinois Retailer's Occupation Tax Act, or such information as the State of Illinois requires to sell goods in the State of Illinois;

9. The applicant's federal employer identification number, if any, for reporting to the Internal Revenue Service;

10. If a motor vehicle is utilitzed for the sale of prepared food or foodstuffs, a copy of the permit issued by the Boone County Health Department;

11. A valid drivers license of all person(s) who will be operating a motor vehicle;

12. Valid vehicle registration for the motor vehicle to be used for mobile commerce vending or sale of prepared food or foodstuffs;

13. A photograph of the mobile commerce vehicle selling goods, prepared food or foodstuffs;

14. In the case of an itinerant merchant, written evidence of the right to occupy a specific location at which the sales activity is proposed;

15. The dates upon which the business is proposed to be conducted in the Village;

16. A listing of all other state or local permits already applied for or issued; and

17. Appropriate surety, other bond or insurance certificate.

**§ 2-11-4: STANDARDS FOR ISSUANCE.**

(A) In the case of itinerant merchants, the application shall be referred to the zoning official and building official for review.

(B) The Village Clerk shall issue a license for an itinerant merchant upon compliance with the provisions of this chapter unless the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare, and upon compliance with all ordinances applicable to the premises, including but not limited to all zoning and building safety requirements.

(C) The Village Clerk shall issue a license for mobile commerce vendor upon compliance with provisions of this chapter unless the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare, and upon compliance with all ordinances applicable to the premises, including but not limited to all zoning and building safety requirements.

(D) Permits authorized to be issued pursuant to this chapter may be suspended, revoked or refused to be issued by the Village Clerk upon a determination that an applicant or licensee does not comply with the requirements of this chapter.

**§ 2-11-5: REVOCATION PROCEDURE.**

Any license or permit granted under this chapter may be revoked by the Village Clerk after notice and

hearing, pursuant to the standards in § 2-11-6. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. This notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

**§ 2-11-6: STANDARDS FOR REVOCATION.**

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.

**§ 115.07 APPEAL PROCEDURE.**

(A) Any person aggrieved by a decision under §§ 2-11-4 or 2-11-6 shall have the right to appeal to the Village Board of Trustee. The appeal shall be taken by filing with the Village Board of Trustees, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The Village Board of Trustees shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 2-11-5.

(B) The order of the Village Board of Trustees after the hearing shall be final. Any further appeal of the final decision of the Village Board of Trustees shall be conducted pursuant to the Illinois Administrative Review Law (735 ILCS 5/3-101 *et seq*.).

**§ 2-11-8: EXHIBITION OF IDENTIFICATION.**

(A) Each itinerant merchant and mobile commerce vendor shall prominently display the registration certificate identification/license required by this chapter so that it is plainly visible at a distance of five feet.

**§ 2-11-9: RECORD OF SALES.**

Each itinerant merchant and mobile commerce vendor shall, if requested by the Village Clerk, certify under oath to the Village Clerk the total amount of sales in the city and send a copy of the merchant's report of sales to the state under the Retailers Occupation Tax Act. Such information shall be delivered to the Village Clerk within 28 days after any request. The Village Clerk shall be entitled to examine the records of such merchant in order to verify the proper collection of such taxes.

**§ 2-11-10 FAILURE TO OBTAIN LICENSE; HOLDING OF GOODS.**

(A) Any person who makes sales as an itinerant merchant or mobile commerce vendor without having first obtained a license therefor under this chapter or sells in violation of the terms of the license shall apply or reapply for a license under this chapter and in addition to penalties provided in § 115.99 for violation of this chapter, pay an additional fee in an amount of twice the fee listed in Section 2-11-2.

(B) Any code enforcement officer or law enforcement officer who finds any person selling goods as an itinerant merchant or mobile commerce vendor without possessing a license therefor or in violation of the terms of such a license may take into possession the goods being sold and the inventory of such person. Such goods shall be held in the custody of the city until such person selling without a license or in violation of the terms of such license obtains a license or a license, as the case may be.

(C) If the goods being held pursuant to division (B) above are not claimed within 60 days after they are taken into possession by the city, the Village Attorney may proceed to seek an order for the sale of property pursuant to the Transient Merchant Act of 1987 of the State of Illinois (225 ILCS 465/1 et seq.).

(D) The provisions of this section are in addition to, and not in lieu of, the penalties set forth in § 2-11-11.

**§ 2-11-11: PENALTY.**

Whoever violates any provision of this chapter shall be fined not a minimum of $100.00 and not more than

$250.00 for a first offense. Whoever violates any provision of this chapter for a second offense shall be fined a minimum of $250.00 and not more than $500.00. Whoever violates any provision of this chapter as a third offense shall be fined a minimum of $500.00 and not more than $750.00. Whoever violates any provision of this chapter for a fourth offense shall be fined $750.00. Each day's violation shall constitute a separate offense.

**SECTION 2**: **No Other Amendment.** Except as expressly modified or amended in this Ordinance, all other terms, conditions, and provisions of the Village Code of Ordinances not so modified or amended, shall remain in full force and effect; provided, however, that any provision of the Village Code of Ordinances shall be deemed modified as necessary to give practical effect to the provisions of this Ordinance. To the extent that the terms and provisions of this Ordinance conflict the Village Code of Ordinances, the terms and provisions of this Ordinance shall control.

**SECTION 3. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSES UPON MOTION BY: _____

SECONDED BY: _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2018

AS FOLLOWS:

VOTING "AYE:" _____

_____

VOTING "NAY:" _____

_____

ABSENT, ABSTAIN OR OTHER: _____

APPROVED THIS _____ DAY OF _____, 2018

_____

PRESIDENT

ATTEST:

_____

CLERK

# CONTRIBUTION SUMMARY

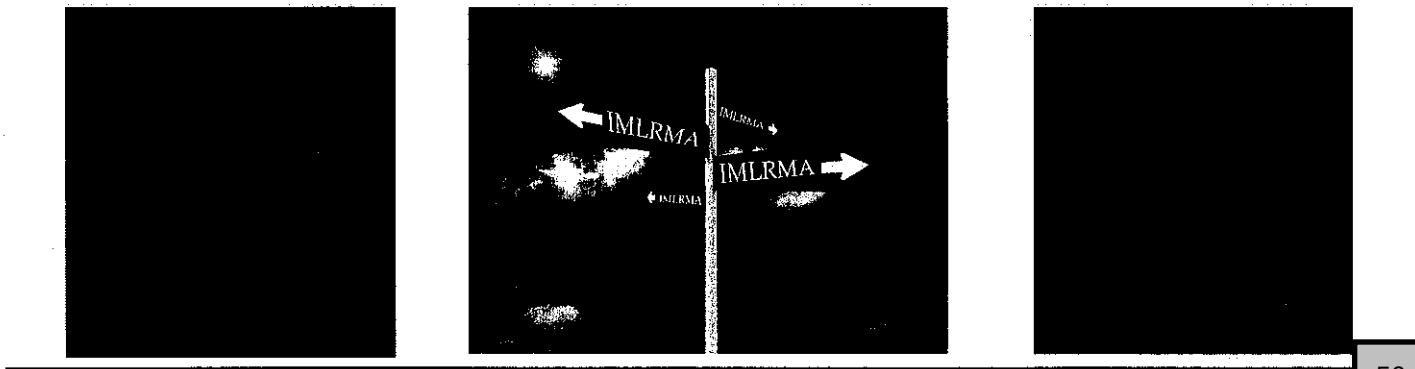
**MUNICIPALITY:** Village of Poplar Grove

**PRESENTED BY:** Aaron Golden, Membership Specialist

**EFFECTIVE:** 01/01/2019—01/01/2020

**DATE:** November 12, 2018

| COVERAGE | CURRENT VALUES | RMA CONTRIBUTION |
|---|---|---|
| Property | $19,848,269 | $30,313 |
| Portable Equipment | $402,601 | $1,160 |
| Crime | | $375 |
| General Liability (Including Law Enforcement & Public Officials Liability) | | $7,903 |
| Automobile Liability | | $2,360 |
| Automobile Physical Damage | $327,939 | $2,331 |
| Workers' Compensation | $401,671 | $8,441 |
| Public Official Bonds | | $100 |
| **PROPERTY/CASUALTY TOTAL:** | | **$52,983** |



# ICRMT INVOICE

| | |
|---|---|
| **Named Insured:** | Poplar Grove, Village of |
| **Quote Number:** | Q1-1001282-1819-01 |
| **Policy Year:** | DEC 01, 2018 - DEC 01, 2019 |
| **Requested Effective Date:** | 01/01/2019 |

| | |
|---|---|
| **Total Annual Premium** | **$53,846** |
| **Total Pro-Rated Premium** | **$53,846** |

**Premium Due by Effective Date of Coverage.**

Based upon the payment plan you select, the following down payment is due:

| | |
|---|---|
| Annual | $53,846 |
| 50/50 | $26,923 |
| 25/6 | $13,461 |

**Payment Coupon** Please Make Checks Payable to:

| | |
|---|---|
| Named Insured: | Poplar Grove, Village of |
| Quote Number: | Q1-1001282-1819-01 |
| Package Premium Remitted: | |

Illinois Counties Risk Management Trust
6580 Solution Center
Chicago, IL 60677-6005

| VEH # | YEAR | MAKE | MODEL | VIN | COMP. DED. | COLL. DED. | AGREED VALUE | ORIGINAL COST NEW |
|---|---|---|---|---|---|---|---|---|
| 1 | 2012 | Ford | F250 | A33351 | $1,000 | $1,000 | | $20,884 |
| 2 | 2011 | Ford | Ranger | B06138 | $1,000 | $1,000 | | $15,085 |
| 3 | 2013 | GMC | Sierra 2500 | 308779 | $1,000 | $1,000 | | $29,682 |
| 4 | 2016 | GMC | Sierra 3500 | 110362 | $1,000 | $1,000 | | $48,262 |
| 5 | 2017 | Big Tex | Trailer - Utility 355A-12X | 071336 | $1,000 | $1,000 | | $2,148 |
| 6 | 2011 | Chevrolet | Silverado | 415924 | $1,000 | $1,000 | | $16,350 |
| 7 | 2018 | PJ Trailer | Trailer Tri-Axle | 284445 | $1,000 | $1,000 | | $8,000 |
| 8 | 2006 | International | Truck | 240749 | $1,000 | $1,000 | | $92,859 |
| 9 | 2007 | International | Truck | 527684 | $1,000 | $1,000 | | $94,669 |
| | | | | **TOTAL AGREED VALUE** | | | **$0** | |
| | | | | **TOTAL ORIGINAL COST NEW** | | | **$327,939** | |
| | | | | **TOTAL INSURED VALUE** | | | **$327,939** | |

| LOC # | DESCRIPTION | ADDRESS | OCCU-PANCY | VALUATION | BUILDING VALUE | BPP VALUE | PIO VALUE |
|---|---|---|---|---|---|---|---|
| 01-01 | Barber Shop | , IL | Other Public Building | Replacement Cost / Margin Clause | $81,282 | $0 | |
| 01-02 | Garage/Pump House | , IL | Garage | Replacement Cost / Margin Clause | $125,000 | $4,060 | |
| 01-03 | New Village Hall | , IL | Office | Replacement Cost / Margin Clause | $1,129,248 | $41,412 | |
| 02-01 | Lions Park Pavilion | , IL | Parks Buildings | Replacement Cost / Margin Clause | $131,184 | $0 | |
| 02-02 | Lions Park Restrooms | , IL | Parks Buildings | Replacement Cost / Margin Clause | $39,981 | $0 | |
| 02-03 | Memorial Park Gazebo | , IL | Parks Buildings | Replacement Cost / Margin Clause | $5,146 | $0 | |
| 02-04 | Memorial Park Pavilion #2 | , IL | Parks Buildings | Replacement Cost / Margin Clause | $24,000 | $0 | |
| 03-01 | Generator V-12 | , IL | Property in the Open | Replacement Cost / Margin Clause | $348,000 | $0 | |
| 03-02 | Generator - 30KW | , IL | Property in the Open | Replacement Cost / Margin Clause | $21,000 | $0 | |
| 03-03 | Generator - 30KW | , IL | Property in the Open | Replacement Cost / Margin Clause | $21,000 | $0 | |
| 03-04 | Generator - 50KW | , IL | Property in the Open | Replacement Cost / Margin Clause | $28,000 | $0 | |
| 03-05 | Generator N-14 | , IL | Property in the Open | Replacement Cost / Margin Clause | $146,000 | $0 | |

## PROPERTY SCHEDULE

Poplar Grove, Village of

| LOC # | DESCRIPTION | ADDRESS | OCCU-PANCY | VALUATION | BUILDING VALUE | BPP VALUE | PIO VALUE |
|---|---|---|---|---|---|---|---|
| 03-06 | Lift Station Countryside Mall | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $125,000 | $0 | |
| 03-07 | Lift Station Oak Lawn | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $420,000 | $0 | |
| 03-08 | Lift Station Ray St. | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $75,000 | $0 | |
| 03-09 | Lift Station Waco Dr. #1 | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $225,000 | $0 | |
| 03-10 | Lift Station Waco Dr. #2 | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $75,000 | $0 | |
| 03-11 | Lift Station Whiting Rd. | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $250,000 | $0 | |
| 03-12 | Lift Station Woodstock Rd. | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $152,250 | $0 | |
| 03-13 | North Plant | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $4,259,000 | $0 | |
| 03-14 | South Plant | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $6,959,000 | $0 | |
| 03-15 | Lift Station - Bullard Street | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $45,000 | $0 | |
| 03-16 | Lift Station - Prairie Green | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $225,000 | $0 | |
| 04-01 | Salt Storage Shed | , IL | Storage | Replacement Cost / Margin Clause | $20,706 | $0 | |

| LOC # | DESCRIPTION | ADDRESS | OCCU-PANCY | VALUATION | BUILDING VALUE | BPP VALUE | PIO VALUE |
|---|---|---|---|---|---|---|---|
| 04-02 | Truck Storage Shed | , IL | Storage | Replacement Cost / Margin Clause | $20,706 | $0 | |
| 04-03 | Warning Lights for Stop Signs (10) | , IL | Property in the Open | Replacement Cost / Margin Clause | $25,883 | $0 | |
| 05-01 | Fire Hydrants (325) | , IL | Property in the Open | Replacement Cost / Margin Clause | $835,487 | $0 | |
| 05-02 | Garage/Storage | , IL | Garage | Replacement Cost / Margin Clause | $43,212 | $4,060 | |
| 05-03 | Generator - Natural Gas | , IL | Property in the Open | Replacement Cost / Margin Clause | $25,000 | $0 | |
| 05-04 | Generator - Natural Gas | , IL | Property in the Open | Replacement Cost / Margin Clause | $33,000 | $0 | |
| 05-05 | Pump House Countryside Mall | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $144,000 | $96,283 | |
| 05-06 | Pump House Woodstock Rd. | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $144,000 | $104,703 | |
| 05-07 | Tower #2 - 150K Gal | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $1,102,500 | $0 | |
| 05-08 | Tower #3 - 150K Gal | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $1,025,000 | $0 | |
| 05-09 | Water Tower #7 - 300K Gal | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $1,425,000 | $0 | |
| 05-10 | Water Tower - 150K Gal | , IL | Water & Sewer Treatment | Replacement Cost / Margin Clause | $1,025,000 | $0 | |

**Mobile Equipment greater than or equal to $10,000 per item**

| IM # | YEAR | DESCRIPTION | MAKE/MODEL | SERIAL NUMBER | DEDUCTIBLE | VALUE |
|---|---|---|---|---|---|---|
| 3 | 2017 | Mower - MX5200F | Kubota | 10655 | $1,000 | $18,200 |
| 4 | 2017 | Tractor - Cab/Endloader - Front M5 111 | Kubota | 54079/A3068 | $1,000 | $61,745 |
| 6 | 2017 | Excavator - KX033-4 | Kubota | 10535 | $1,000 | $44,000 |
| 15 | | Generator - Portable | KatoLite | | $1,000 | $20,000 |
| 16 | | Mower - Batwing | John Deere | | $1,000 | $20,000 |
| 17 | | Mower - Finish 3Pt | Woods | | $1,000 | $10,000 |
| 18 | 1995 | Rover - RD11 | Wacker | | $1,000 | $20,000 |
| 20 | 2005 | Spreader - Sludge | Kuhn Knight | | $1,000 | $20,000 |
| 22 | | Mower - MX2500F | Kubota | | $1,000 | $15,200 |
| 23 | | Tractor | Kubota | 1HC0C12 | $1,000 | $37,745 |

**Mobile Equipment less than $10,000 per item**

| IM # | YEAR | DESCRIPTION | MAKE/MODEL | SERIAL NUMBER | DEDUCTIBLE | VALUE |
|---|---|---|---|---|---|---|
| 1 | | Plow - 8'6" For Dump Truck #110362 | Boss | | $1,000 | $4,822 |
| 2 | | Spreader | | | $1,000 | $5,946 |
| 5 | 2017 | Mower - Brush Hog | Woods | 069034 | $1,000 | $2,150 |
| 9 | 1997 | Salt Spreader | | | $1,000 | $5,398 |
| 10 | | Snow Blade | Flink | 1739 | $1,000 | $1,200 |
| 13 | 2006 | Tractor/Mower | Lesco | Z80014 | $1,000 | $6,252 |
| 19 | | Saw - Walk Behind | | | $1,000 | $2,000 |

**Other**

| IM # | YEAR | DESCRIPTION | MAKE/MODEL | SERIAL NUMBER | DEDUCTIBLE | VALUE |
|---|---|---|---|---|---|---|
| 7 | 2000 | Portable Sampler Testing Kit | Isco-Gls | L00115 | $1,000 | $1,890 |
| 8 | 2000 | Storm Box | Precision System | 351 | $1,000 | $1,557 |
| 14 | | Generator - Portable | Caterpillar | | $1,000 | $50,000 |

**Tools**

| IM # | YEAR | DESCRIPTION | MAKE/MODEL | SERIAL NUMBER | DEDUCTIBLE | VALUE |
|---|---|---|---|---|---|---|
| 11 | 1998 | Power Washer | | 32041157 | $1,000 | $1,000 |
| 12 | | Snow Plow Blades (6) | | | $1,000 | $46,300 |
| 21 | | Miscellaneous Tools & Equipment <$1,000 | | | $1,000 | $3,596 |
| 24 | | Welder | | | $1,000 | $3,600 |
| 25 | | + 10% Unscheduled Items | | | $1,000 | $40,260 |
| | | | **TOTAL INSURED VALUE** | | **$442,861** | |

**ORDINANCE NO.**

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS ESTABLISHING MEETING DATES AND TIMES OF THE BOARD OF TRUSTEES OF THE VILLAGE OF POPLAR GROVE AND ITS COMMITTEES AND COMMISSIONS FOR CALENDAR YEAR 2019**

**WHEREAS**, the Village of Poplar Grove, Illinois ("Village") is a municipal corporation organized under the laws of the State of Illinois; and,

**WHEREAS**, the Village is subject to the provisions of the Illinois Open Meetings Act (the "Act"); and

**WHEREAS,** pursuant to the Act, the Village is to give notice of an annual schedule of regular meetings of its Village Board, Village committees, and Village commissions.

**NOW, BE IT ORDAINED, BY THE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AS FOLLOWS:**

1. The foregoing recitals are incorporated herein and made a part hereof.

2. That the dates and times of the regularly scheduled meetings of the Village Board of Trustees, Village committees and Village commissions for calendar year 2019 is as set forth in Exhibit A, attached hereto and incorporated herein.

3. All meetings of the Village Board of Trustees, Village committees and Village commissions shall be held at Village Hall, 200 N. Hill Street, Poplar Grove, IL 61065.

4. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

5. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

Passed and adopted by the Village Board of Trustees of the Village of Poplar Grove this _____ day of _____, 2018.

AYES:

NAYS:

ABSTENTIONS:

APPROVED:

PUBLISHED:

_____
Owen Costanza, Village President

ATTEST:

_____
Karri Anderberg, Village Clerk

## EXHIBIT A-

## 2019 MEETING SCHEDULE

Monday January 14, 2019 Administration and Zoning Committee 6:30pm

Monday January 14, 2019 Finance and Public Works Committee 6:30pm

Wednesday January 16, 2019 Village Board of Trustees 7:00pm

Thursday January 17, 2019 Ordinance Sub Committee 7:00pm

Thursday January 17, 2019 Code Enforcement Hearing 2:00pm

Wednesday January 23, 2019 Planning and Zoning Commission 7:00pm

Monday February 11, 2019 Administration and Zoning Committee 6:30pm

Monday February 11, 2019 Finance and Public Works Committee 6:30pm

Wednesday February 20, 2019 Village Board of Trustees 7:00pm

Thursday February21, 2019 Ordinance Sub Committee 7:00pm

Thursday February 21, 2019 Code Enforcement Hearing 2:00pm

Wednesday February 27, 2019 Planning and Zoning Commission 7:00pm

Monday March 11, 2019 Administration and Zoning Committee 6:30pm

Monday March 11, 2019 Finance and Public Works Committee 6:30pm

Wednesday March 20, 2019 Village Board of Trustees 7:00pm

Thursday March 21, 2019 Code Enforcement Hearing 2:00pm

Thursday March 21, 2019 Ordinance Sub Committee 7:00pm

Wednesday March 27, 2019 Planning and Zoning Commission 7:00pm

Monday April 8, 2019 Administration and Zoning Committee 6:30pm

Monday April 8, 2019 Finance and Public Works Committee 6:30pm

Wednesday April 17, 2019 Village Board of Trustees 7:00pm

Thursday April 18, 2019 Code Enforcement Hearing 2:00pm

Thursday April 18, 2019 Ordinance Sub Committee 7:00pm

Wednesday April 24, 2019 Planning and Zoning Commission 7:00pm

Monday May 13, 2019 Administration and Zoning Committee 6:30pm

Monday May 13, 2019 Finance and Public Works Committee 6:30pm

Wednesday May 15, 2019 Village Board of Trustees 7:00pm

Thursday May 16, 2019 Code Enforcement Hearing 2:00pm

Thursday May 16, 2019 Ordinance Sub Committee 7:00pm

Wednesday May 22, 2019 Planning and Zoning Commission 7:00pm

Monday June 10, 2019 Administration and Zoning Committee 6:30pm

Monday June 10, 2019 Finance and Public Works Committee 6:30pm

Wednesday June 19, 2019 Village Board of Trustees 7:00pm

Thursday June 20, 2019 Ordinance Sub Committee 7:00pm

Thursday June 20, 2019 Code Enforcement Hearing 2:00pm

Wednesday June 26, 2019 Planning and Zoning Commission 7:00pm

Monday July 8, 2019 Administration and Zoning Committee 6:30pm

Monday July 8, 2019 Finance and Public Works Committee 6:30pm

Wednesday July 17, 2018 Village Board of Trustees 7:00pm

Thursday July 18, 2019 Ordinance Sub Committee 7:00pm

Thursday July 18, 2018 Code Enforcement Hearing 2:00pm

Wednesday July 24, 2019 Planning and Zoning Commission 7:00pm

Monday August 12, 2019 Administration and Zoning Committee 6:30pm

Monday August 12, 2019 Finance and Public Works Committee 6:30pm

Thursday August 15, 2019 Code Enforcement Hearing 2:00pm

Thursday August 15, 2019 Ordinance Sub Committee 7:00pm

Wednesday August 21, 2019 Village Board of Trustees 7:00pm

Wednesday August 28, 2019 Planning and Zoning Commission 7:00pm

Monday September 9, 2019 Administration and Zoning Committee 6:30pm

Monday September 9, 2019 Finance and Public Works Committee 6:30pm

Wednesday September 18, 2019 Village Board of Trustees 7:00pm

Thursday September 19, 2019 Ordinance Sub Committee 7:00pm

Thursday September 19, 2019 Code Enforcement Hearing 2:00pm

Wednesday September 25, 2019 Planning and Zoning Commission 7:00pm

Monday October 14, 2019 Administration and Zoning Committee 6:30pm

Monday October 14, 2019 Finance and Public Works Committee 6:30pm

Wednesday October 16, 2019 Village Board of Trustees 7:00pm

Thursday October 17, 2019 Ordinance Sub Committee 7:00pm

Thursday October 17, 2019 Code Enforcement Hearing 2:00pm

Wednesday October 23, 2019 Planning and Zoning Commission 7:00pm

Monday November 11, 2019 Administration and Zoning Committee 6:30pm

Monday November 11, 2019 Finance and Public Works Committee 6:30pm

Thursday November 14, 2019 Code Enforcement Hearing 2:00pm

Thursday November 14, 2019 Ordinance Sub Committee 7:00pm

Wednesday November 20, 2019 Village Board of Trustees 7:00pm

Wednesday November 27, 2019 Planning and Zoning Commission 7:00pm

Monday December 9, 2019 Administration and Zoning Committee 6:30pm

Monday December 9, 2019 Finance and Public Works Committee 6:30pm

Wednesday December 18, 2019 Village Board of Trustees 7:00pm

Thursday December 19, 2019 Code Enforcement Hearing 2:00pm

Thursday December 19, 2019 Ordinance Sub Committee 6:30pm

Wednesday December 25, 2019 Planning and Zoning Commission 7:00pm

- Water and Sewer Sub Committee and Communications Committee meet on as needed basis

**RESOLUTION NUMBER:_____**

**A RESOLUTION OF THE VILLAGE OF POPLAR GROVE, ILLINOIS APPROVING A RECORDING EXTENSION FOR POPLAR WOODS THIRD ADDITION FINAL PLAT OF SUBDIVISION**

WHEREAS, Kennedy Real Estate Investment, LLC ("The applicant") has requested that the Village of Poplar Grove, Illinois ("Village") approve Poplar Woods third Addition Final Plat of Subdivision; and

WHEREAS, the Village Board approved the Poplar Woods Third Addition Final Plat of Subdivision subject to certain conditions on November 15, 2017; and

WHEREAS, the plat is recorded with the County Recorder of Deeds within 90 days of Village Board approval, unless a plat recording extension is granted by the Poplar Grove Village Board; and

WHEREAS, in December 2017, by resolution number R17-18, the Village Board granted Kennedy Real Estate Investment, LLC a twelve (12) month extension to record the Final Plat; and

WHEREAS, Kennedy Real Estate Investment, LLC has officially requested another twelve (12) month extension to record the final plat while negotiating potential development; and

NOW THEREFORE, BE IT RESOLVED by the President and Village Board of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made part hereof.

2. The Village hereby approves an extension of twelve (12) months to record the Poplar Woods Third Addition Final Plat of Subdivision.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2018

AS FOLLOWS:

VOTING "AYE": _____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER: _____

_____

APPROVED: _____, 2018

ATTEST:

| | |
|---|---|
| _____ | _____ |
| Karri Anderberg | Owen Costanza |
| VILLAGE CLERK | VILLAGE PRESIDENT |