VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

ADMINISTRATION & ZONING COMMITTEE

Monday, February 11, 2019 - 6:30 PM

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

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF PHONE PARTICIPATION (Roll Call)

APPROVAL OF AGENDA (Voice Vote)

APPROVAL OF MINUTES (Voice Vote)

1. Motion to approve minutes from January 14, 2019 meeting

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

OLD BUSINESS

3. Discussion and Possible Recommendation to the Village Board to Approve **Ordinance 2019-05** An Ordinance Amending Chapter 3, General Business Licensing and Regulations, of Title 2 of the Poplar Grove, Illinois Code of Ordinances.
4. Discussion and Possible recommendation to the Village Board to Approve **Ordinance 2019-06** An Ordinance Amending Chapter 6, Raffles, of Title 2 of the Poplar Grove, Illinois Code of Ordinances

NEW BUSINESS

5. Discussion on fence Encroachment area in Village Easement - Red Oak Street

ADJOURNMENT (Voice Vote)

KJA 02/08/2019

VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

ADMINISTRATION & ZONING COMMITTEE

Monday, January 14, 2019 - 7:00 PM

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

MINUTES

ROLL CALL
Chairman Quimby called the meeting to order at 7:11 pm
PRESENT

Chairman Ron Quimby
Trustee Jeff Goings
Trustee Erin Walsh
Trustee Sophia Ramdass
Trustee Eric Miller
Clerk Karri Anderberg
Attorney Roxanne Sosnowski
Deputy Clerk Katie Jaster
Treasurer Carina Boyd
Public Works Mitch Hilden
Engineer Chris Dopkins

ABSENT
President Owen Costanza
Trustee Neeley Erickson

PLEDGE OF ALLEGIANCE

APPROVAL OF PHONE PARTICIPATION (Roll Call)
Motion made by Trustee Miller, Seconded by Trustee Goings. Motion was passed by voice vote. Erin Walsh participated by phone.

APPROVAL OF AGENDA (Voice Vote)
Motion made by Trustee Goings, Seconded by Trustee Ramdass. Motion carried by voice vote.

APPROVAL OF MINUTES (Voice Vote)
Motion made by Trustee Miller, Seconded by Trustee Goings. Motion carried by voice vote.

1. Motion to approve the December 10, 2018 meeting.

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.*
No public comment.

DEPARTMENT REPORTS

2. Code Enforcement and Building Permits, B&F Construction
   No questions were asked.

ORDINANCE COMMITTEE, ERIC MILLER

3. Discussion and Possible Recommendation to the Village Board to Approve **Ordinance 2019-02** An Ordinance Amending Chapter 2, Liquor Control, of Title 2 of the Poplar Grove, Illinois Code of Ordinances
   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote. Discussion amongst trustees and attorney.

4. Discussion and Possible Recommendation to the Village Board to Approve **Ordinance 2019-03** An Ordinance Amending Chapter 8, Branding, Body Carving, Body Piercing and Tattooing, and Chapter 10, Comprehensive Regulation of Tobacco Productions of Title 2 of the Poplar Grove, Illinois Code of Ordinances
   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote. Discussion amongst trustees and attorney.

5. Discussion and Possible Recommendation to the Village Board to Approve **Ordinance 2019-04** An Ordinance Amending Title 2 of the Poplar Grove, Illinois Code of Ordinances
   Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote. Discussion amongst trustees and attorney.

NEW BUSINESS

6. Discussion on Advance Disposal contract

Motion made by Chairman Quimby, Seconded by Trustee Miller. Motion carried by voice vote. Discussion amongst trustees about recurring recycling issues.

ADJOURNMENT (Voice Vote)

Motion made by Trustee Goings, Seconded by Trustee Miller. Adjournment at 7:49 pm.

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: February 5, 2019

Re: Monthly Report – January

Summary

David Modrzejewski has been assigned to handle the code enforcement inspections for the village. Feel free to contact David for any concerns. Petry Homes has a contract in place for their first sale. Closing is scheduled for some time in March. Final inspections have been completed at the airport for the new hangars. Meeting took place regarding the purchase of the old ice cream shop on Julie and operating a restaurant. Conducted an administrative search warrant inspection on 14042 Tall Grass. 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 66. This number increased from 50 last month to 66 this month.

Below are the statistics for the month of January.

Category

Complaints	6
Verbal/Written Warnings	18
Permits Issued	1
Court Tickets Issued	6
Meetings	6
Phone Calls/Admin. (Thursdays only)	6
B&F Inspections	22
Stop Work Orders	1
Total	***66***

ORDINANCE NO. 2019-05~~2~~

AN ORDINANCE AMENDING CHAPTER 3, GENERAL BUSINESS LICENSING AND REGULATIONS, OF TITLE 2 OF THE POPLAR GROVE, ILLINOIS CODE OF ORDINANCES

WHEREAS, the Village of Poplar Grove, Illinois Village Code has not 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, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES FOR THE VILLAGE OF POPLAR GROVE, ILLINOIS AS FOLLOWS:

SECTION 1: Chapter 3 of Title 2 shall be amended as follows (NOTE: strike-through language shall be deleted; bolded and underlined language to be added):

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 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)

2-3-1~~8~~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)

2-3-232: ENFORCEMENT:

The Village Clerk~~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)

2-3-243: 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)

SECTION 2: This Ordinance shall become in full force and effect from and after its approval, passage and publication as required by law.

PASSES UPON MOTION BY: _____

SECONDED BY: _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2019

AS FOLLOWS:

VOTING "AYE:" _____
_____

VOTING "NAY:" _____
_____

ABSENT, ABSTAIN OR OTHER: _____

APPROVED THIS _____ DAY OF _____, 2019

_____

PRESIDENT

ATTEST:

_____

CLERK

ORDINANCE NO. 2019-06

AN ORDINANCE AMENDING CHAPTER 6, RAFFLES, OF TITLE 2 OF THE POPLAR GROVE, ILLINOIS CODE OF ORDINANCES

WHEREAS, the Village of Poplar Grove, Illinois Village Code has not 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, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES FOR THE VILLAGE OF POPLAR GROVE, ILLINOIS AS FOLLOWS:

SECTION 1: Chapter 6 of Title 2 shall be amended as follows (NOTE: strike-through language shall be deleted; bolded and underlined language to be added):

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)

SECTION 2: This Ordinance shall become in full force and effect from and after its approval, passage and publication as required by law.

PASSES UPON MOTION BY: _____

SECONDED BY: _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2019

AS FOLLOWS:

VOTING "AYE:" _____
_____

VOTING "NAY:" _____
_____

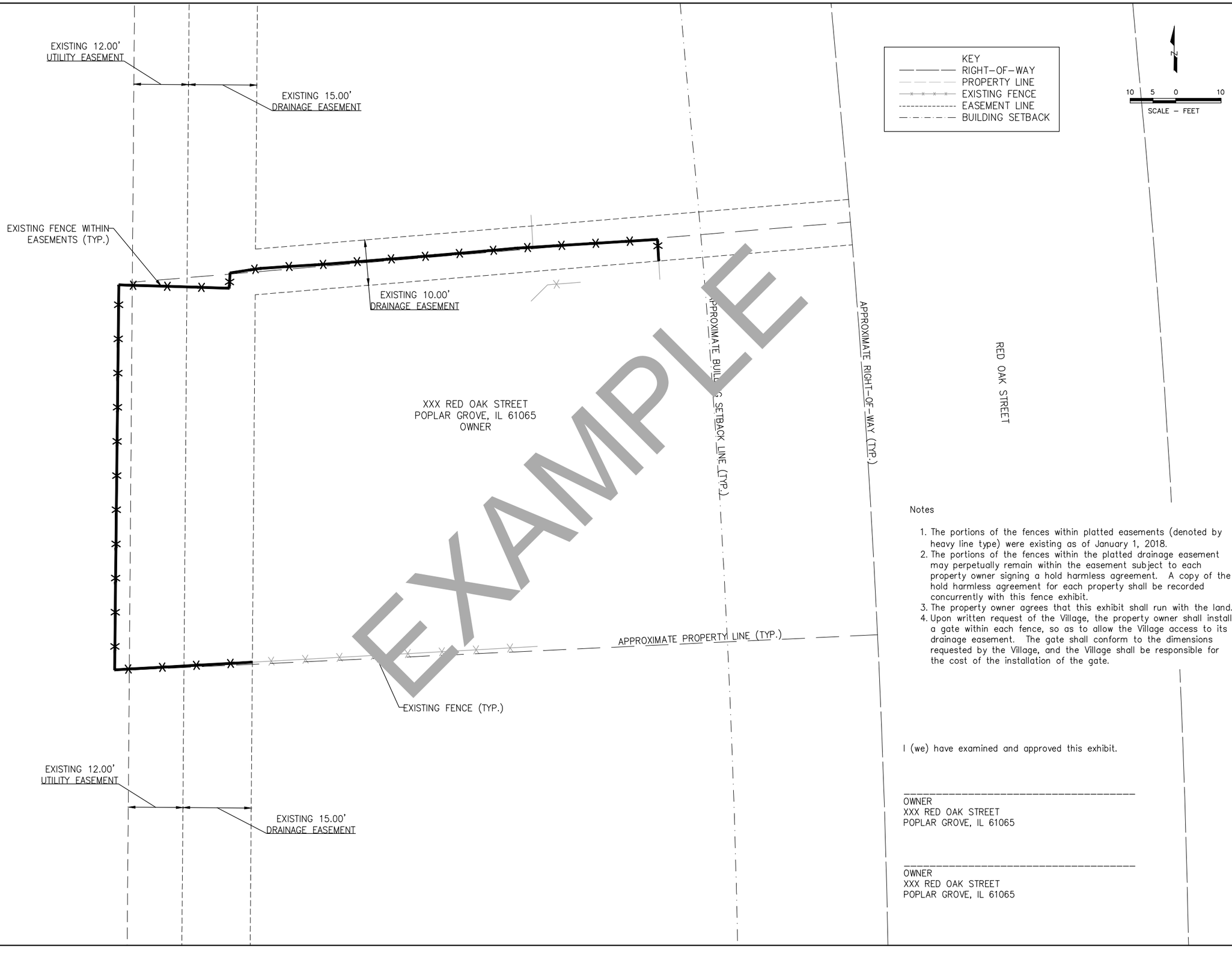
ABSENT, ABSTAIN OR OTHER: _____

APPROVED THIS _____ DAY OF _____, 2019

_____
PRESIDENT

ATTEST:

_____
CLERK



EXAMPLE

Notes

1. The portions of the fences within platted easements (denoted by heavy line type) were existing as of January 1, 2018.
2. The portions of the fences within the platted drainage easement may perpetually remain within the easement subject to each property owner signing a hold harmless agreement. A copy of the hold harmless agreement for each property shall be recorded concurrently with this fence exhibit.
3. The property owner agrees that this exhibit shall run with the land.
4. Upon written request of the Village, the property owner shall install a gate within each fence, so as to allow the Village access to its drainage easement. The gate shall conform to the dimensions requested by the Village, and the Village shall be responsible for the cost of the installation of the gate.

I (we) have examined and approved this exhibit.

_____
OWNER
XXX RED OAK STREET
POPLAR GROVE, IL 61065

_____
OWNER
XXX RED OAK STREET
POPLAR GROVE, IL 61065

McMAHON
ENGINEERS LAND SURVEYORS
McMAHON ASSOCIATES, INC.
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NO.	DATE	REVISION
1	1/31/19	GENERAL NOTE UPDATE

VILLAGE OF POPLAR GROVE
RED OAK – FENCE EXHIBIT
XXX RED OAK STREET

DESIGNED	DRAWN
C.D.	J.DE.

PROJECT NO.
P0013-7-17-00113

DATE
JAN. 26, 2018

jeremy.daehne, X:\Poplar Grove\Subdivisions\Sherman Oaks\C3D\Existing\ExTopo.dwg, xxx red oak street, Plot Date: 1/31/2019 2:18 PM, xrefs:none

INDEMNIFICATION AND HOLD HARMLESS

IN CONSIDERATION of the Village of Poplar Grove, Illinois, and its officers, officials, employees, consultants, agents, successors and assigns (collectively referred to herein as the "Indemnified Party") allowing the Undersigned to continue to locate, keep and/or maintain the Undersigned's fence within the Indemnified Party's platted drainage easement (subject to the terms and conditions of the fence exhibit attached hereto and incorporated herein), located on the Undersigned's property commonly known as _____ and with PIN _____ ("Property"), and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Undersigned agrees as follows:

1. The Undersigned fully accepts and assumes any and all risks and all responsibility for losses, costs and damages of any kind and nature which the Undersigned may incur as a result of locating, keeping and/or maintaining its fence with the Indemnified Party's drainage easement area and the utility easement depicted on the fence exhibit.

2. To the fullest extent permitted by law, the Undersigned shall pay, indemnify, defend and hold harmless the Indemnified Party from and against any and all claims, loss, expense, liability, damage or cost (including, without limitation, judgments, attorneys' fees and costs, court costs and the cost of appellate proceedings) which the Indemnified Party incurs or may incur because of injury to or death of any person or on account of damage to property arising out of or associated with the Undersigned locating, keeping and/or maintaining its fence within the Indemnified Party's platted drainage easement or the utility easement, or any other claim arising out of, in connection with or as a consequence of the Undersigned's locating, keeping and/or maintaining its fence within the Indemnified Party's platted drainage easement or the utility easement.

3. The provisions of this Indemnification and Hold Harmless shall be covenants running with the land and shall be binding on the Undersigned owner(s) of the Property, their heirs, successors or assigns.

UNDERSIGNED:

_____ _____

(Signature) (Date) (Signature) (Date)

_____ _____

(Print Name) (Print Name)

STATE OF ILLINOIS)
) SS
BOONE COUNTY)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT: _____, personally known to me to be the same person(s) whose name is/are subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledge that he/she/they signed, sealed and delivered the said instrument as his/her/their free and voluntary act for the purposes therein set forth.

Given under my hand and Notarial Seal this ___ day of _____, 2019

_____

NOTARY PUBLIC

FENCE EXHIBIT