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

AGENDA

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 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.*

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 2019-02** An Ordinance Amending Chapter 2, Liquor Control, of Title 2 of the Poplar Grove, Illinois Code of Ordinances
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
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

NEW BUSINESS

6. Discussion on Advance Disposal contract

ADJOURNMENT (Voice Vote)

KJA 01/10/2019

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

MINUTES

CALL TO ORDER
Meeting called to order by President Costanza at 7:08pm

ROLL CALL
PRESENT
President Owen Costanza
Chairman Ron Quimby
Trustee Jeff Goings
Trustee Neeley Erickson
Trustee Erin Walsh (left at 8:57pm)
Trustee Sophia Ramdass (left at 8:57pm)
Trustee Eric Miller
Clerk Karri Anderberg
Deputy Clerk Katie Jaster
Attorney Aaron Szeto
Engineer Chris Dopkins
Public Works Director Mitch Hildon
Treasurer Carina Boyd
Waste Water Operator Ian Steer

PLEDGE OF ALLEGIANCE

APPROVAL OF PHONE PARTICIPATION (Roll Call)
No Phone Participation

APPROVAL OF AGENDA (Voice Vote)
Motion made by Trustee Erickson, Seconded by Trustee Miller. Motion passed by voice vote

APPROVAL OF MINUTES (Voice Vote)
1. Motion to approve minutes from the November 12, 2018
   Motion made by Trustee Erickson, Seconded by Trustee Goings. Motion 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.*
No Public Comment

DEPARTMENT REPORTS
2. Code Enforcement and Building Permits, B&F Construction
   No questions for Ken or John.

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
   Motion made by Trustee Miller, Seconded by Trustee Walsh. Motion passed by voice vote
   some of the board feels the new fees for the liquor renewals are too high and do not wish to raise fees at this time. Some Trustees do not want to do Business Licenses or have a fee associated with them. Board would like the Ordinance committee to re look at title two.

   Motion made by Trustee Miller, Seconded by Trustee Erickson to send title two back to the ordinance committee and bring back up dated ordinance in January. Motion passed by voice vote.

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.
   Motion made by Trustee Erickson, Seconded by Trustee Miller. Motion was passed by voice vote.
   Motion made by Trustee Miller, Seconded by Trustee Erickson to recommend to the Village Board to go with Broadmor Insurance Company for general Liability insurance. Motion was passed by voice vote.

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.
   Motion made by Chairman Quimby, Seconded by Trustee Erickson. Motion was passed by voice vote.

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.
   Motion made by Chairman Quimby, Seconded by Trustee Erickson. Motion was passed by voice vote.

ADJOURNMENT (Voice Vote)

Motion made by Trustee Goings, Seconded by Trustee Erickson. Meeting adjourned at 9:05pm. Motion carried by voice vote.

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: January 7, 2019

Re: Monthly Report – December

Summary

Continuing conducting inspections for Petry Homes. Final inspections will be scheduled towards the end of January. The airport is finishing up there hangar project and will calling for final inspections in January. 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 50. This number dropped from 98 last month to 50 this month.

Below are the statistics for the month of November.

Category

Complaints	4
Verbal/Written Warnings	7
Permits Issued	1
Court Tickets Issued	1
Meetings	3
Phone Calls/Admin. (Thursdays only)	6
B&F Inspections	22
Stop Work Orders	0
Total	***44***

B&F CONSTRUCTION CODE SERVICES, INC
BUILDING & FIRE PROTECTION PLAN REVIEW
TRAINING • INSPECTIONS • CODE EVALUATION
2420 Vantage Drive
Elgin, IL 60124
847-428-7010 Main
847-428-3151 FAX

Inspection Report By Developer
(12/01/2018 Thru 12/31/2018)
Village of Gilberts, IL

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**480 Burled Wood**										
Permit Number:	**2018-43**										
12/18/2018	3121361				Residential		Plumbing Final	Approved	247196	☐	
Summary for 'PermitNumber' = 2018-43 (1 detail record)											
Developer:											
Address:	**238 Cedar Bend Court**										
Permit Number:	**2018-148**										
12/6/2018	3121361				Residential		Insulation	Approved	245937	☐	
Summary for 'PermitNumber' = 2018-148 (1 detail record)											
Developer:											
Address:	**218 Cress Creek Trail**										
Permit Number:	**2018-122**										
12/10/2018	3121361				Single Family		Mechanical Rough	Approved as Noted	245940	☐	
12/10/2018	3121361				Single Family		Building Rough	Approved as Noted	245940	☐	
12/10/2018	3121361				Single Family		Electrical Rough	Approved as Noted	245940	☐	

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
12/11/2018	3121361				Single Family		Plumbing Rough	Approved	247181	☐	
12/13/2018	3121361				Single Family		Insulation	Approved	245941	☐	

Summary for 'PermitNumber' = 2018-122 (5 detail records)

Developer:

Address: 107 East Street
Permit Number: 2018-116

12/4/2018	3121361				Residential		Window Replacement	Approved	245936	☐	
12/4/2018	3121361				Residential		Siding	Approved	245936	☐	

Summary for 'PermitNumber' = 2018-116 (2 detail records)

Developer:

Address: 4528 Harris Drive
Permit Number: 2018-131

12/4/2018	3121361				Residential		Window Replacement	Approved	245934	☐	

Summary for 'PermitNumber' = 2018-131 (1 detail record)

Developer:

Address: 401 jayde Place
Permit Number: 2018-139

12/4/2018	3121361				Residential		Window Replacement	Approved	245935	☐	

Summary for 'PermitNumber' = 2018-139 (1 detail record)

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount
Developer:											
Address:	**5151 Orth Road**										
Permit Number:	**2018-24***										
12/18/2018	3121361				Commercial Level 1		Electrical Rough	Approved	245942	☐	
12/18/2018	3121361				Commercial Level 1		Electric Service	Approved	245944	☐	
12/18/2018	3121361				Commercial Level 1		Electric Service	Approved	245943	☐	
12/19/2018	3121361				Commercial Level 1		Electric Final	Approved	245945	☐	
12/19/2018	3121361				Commercial Level 1		Insulation	Approved	245945	☐	
12/19/2018	3121361				Commercial Level 1		Building Final	Approved	245945	☐	
Summary for 'PermitNumber' = 2018-24* (6 detail records)											
Developer:											
Address:	**396 W. Park**										
Permit Number:	**-**										
12/7/2018	3121361				Residential		Shed Final	Failed	245938	☐	
Summary for 'PermitNumber' = - (1 detail record)											
Developer:											
Address:	**237 Ridgestone Trail**										
Permit Number:	**2017-200**										
12/3/2018	3121361				Residential		Insulation	Approved	245930	☐	
Summary for 'PermitNumber' = 2017-200 (1 detail record)											

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

Developer:

Address: 124 Sherman Lane
Permit Number: 2018-130

12/4/2018	3121361				Residential		Window Replacement	Approved	245933	☐	

Summary for 'PermitNumber' = 2018-130 (1 detail record)

Developer:

Address: 215 N. State
Permit Number: 2018-129

12/4/2018	3121361				Residential		Window Replacement	Approved	245932	☐	

Summary for 'PermitNumber' = 2018-129 (1 detail record)

Developer:

Address: 385 Westergren
Permit Number: 2018-104

12/4/2018	3121361				Residential		Insulation	Approved	245931	☐	

Summary for 'PermitNumber' = 2018-104 (1 detail record)

Summary for 'Developer' =

Total Inspections	**22**
Total Reinspections	**0**
Total Amount	**$525.00**

Inspection Date	Project No.	Unit	Lot	Pod	Structure Type	Subdivision	Inspection Type	Inspection Result	Form No.	Reinspection	Amount

GRAND TOTALS

Total Inspections	**22**
Total Reinspections	**0**
Total Amount	

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: January 7, 2019

Re: Monthly Report – December

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Office & Shipping:
2420 Vantage Drive
Correspondence:
P.O. Box 5178

CONSTRUCTION CODE SERVICES,
Building & Fire Protection Plan Review
Training • Inspections • Code Consulting

Phone (847) 428-7010
Fax (847) 428-3151
Toll Free 1-800-232-5523
E-mail bfccs@bfccs.org

MISCELLANEOUS PLAN REVIEWS
December 2018

VILLAGE OF
Poplar Grove
10-Jan-19

Permit #	Address	Type of Project		Fee	Date
-	101 Bree Dr.	Rooftop PV Installation	$	50.00	12/19/2018

TOTAL: **$ 50.00**

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TRAINING • INSPECTIONS • CODE CONSULTING

2420 Vantage Drive
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INSPECTION REPORT

Date Range: 12/01/2018 - 12/31/2018

Poplar Grove - Code Enforcement

Thursday, December 6, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241508	0.00
Summary for 'Inspection Date' = 12/6/2018 (1 detail record)					0				**0.00**

Thursday, December 13, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Approved	241509	0.00
Summary for 'Inspection Date' = 12/13/2018 (1 detail record)					0				**0.00**

Thursday, December 20, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
200 Hill Street	-	Commercial Level 1	Code Compliance		☐	McKenney	Status Meeting	237777	0.00
Summary for 'Inspection Date' = 12/20/2018 (1 detail record)					0				**0.00**

Total Inspections	**3**
Total Reinspections	**0**
Total Amount Due	**0.00**

Poplar Grove - Code Enforcement - Travel - 1 x 3 = 3.00
+ 19.50
22.50

B & F Construction Code Services, Inc.

Project Report

Project Number: 3121469

Report Date Range: 12/01/2018 - 12/31/2018

Inspection Report By Project Code

Employee 1414 **John McKenney**

Date	Inspection Description	Address	Start Time	End Time	Total Time
12/6/2018					
12/06/2018	Code Compliance	200 Hill Street	8:30	15:00	6.50
			Total Time For Date 12/6/2018:		**6.50**
12/13/2018					
12/13/2018	Code Compliance	200 Hill Street	8:30	15:00	6.50
			Total Time For Date 12/13/2018:		**6.50**
12/20/2018					
12/20/2018	Code Compliance	200 Hill Street	8:30	15:00	6.50
			Total Time For Date 12/20/2018:		**6.50**
		Total Hours for Project 3121469:			**19.50**

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INSPECTION REPORT

Date Range: 12/01/2018 - 12/31/2018

Village of Poplar Grove

Monday, December 3, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
237 Ridgestone Trail	2017-200	Residential	Insulation		☐	Panzloff	Approved	245930	35.00
Summary for 'Inspection Date' = 12/3/2018 (1 detail record)					0				**35.00**

Tuesday, December 4, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
385 Westergren	2018-104	Residential	Insulation		☐	Panzloff	Approved	245931	35.00
215 N. State	2018-129	Residential	Window Replacement		☐	Panzloff	Approved	245932	35.00
124 Sherman Lane	2018-130	Residential	Window Replacement		☐	Panzloff	Approved	245933	35.00
4528 Harris Drive	2018-131	Residential	Window Replacement		☐	Panzloff	Approved	245934	35.00
401 jayde Place	2018-139	Residential	Window Replacement		☐	Panzloff	Approved	245935	35.00
107 East Street	2018-116	Residential	Window Replacement		☐	Panzloff	Approved	245936	35.00
107 East Street	2018-116	Residential	Siding		☐	Panzloff	Approved	245936	35.00
Summary for 'Inspection Date' = 12/4/2018 (7 detail records)					0				**245.00**

Thursday, December 6, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
238 Cedar Bend Court	2018-148	Residential	Insulation	Basement	☐	Panzloff	Approved	245937	35.00
Summary for 'Inspection Date' = 12/6/2018 (1 detail record)					0				**35.00**

Friday, December 7, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
396 W. Park	-	Residential	Shed Final	courtesy	☐	Panzloff	Failed	245938	0.00
Summary for 'Inspection Date' = 12/7/2018 (1 detail record)					0				**0.00**

Monday, December 10, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
218 Cress Creek Trail	2018-122	Single Family	Mechanical Rough		☐	Panzloff	Approved as Noted	245940	35.00
218 Cress Creek Trail	2018-122	Single Family	Electrical Rough		☐	Panzloff	Approved as Noted	245940	35.00
218 Cress Creek Trail	2018-122	Single Family	Building Rough		☐	Panzloff	Approved as Noted	245940	35.00
Summary for 'Inspection Date' = 12/10/2018 (3 detail records)					0				**105.00**

Tuesday, December 11, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
218 Cress Creek Trail	2018-122	Single Family	Plumbing Rough		☐	Del Principe	Approved	247181	35.00
Summary for 'Inspection Date' = 12/11/2018 (1 detail record)					0				**35.00**

Village of Poplar Grove

Thursday, December 13, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
218 Cress Creek Trail	2018-122	Single Family	Insulation		☐	Panzloff	Approved	245941	35.00
Summary for 'Inspection Date' = 12/13/2018 (1 detail record)					0				35.00

Tuesday, December 18, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
5151 Orth Road	2018-24*	Commercial Level 1	Electrical Rough		☐	Panzloff	Approved	245942	0.00
5151 Orth Road	2018-24*	Commercial Level 1	Electric Service	8 meters	☐	Panzloff	Approved	245943	0.00
5151 Orth Road	2018-24*	Commercial Level 1	Electric Service	2 meters	☐	Panzloff	Approved	245944	0.00
480 Burled Wood	2018-43	Residential	Plumbing Final		☐	Del Principe	Approved	247196	35.00
Summary for 'Inspection Date' = 12/18/2018 (4 detail records)					0				35.00

Wednesday, December 19, 2018

Address	Permit Number	Structure Type	Inspection Type	Location	Reinspection	Inspector	Inspection Results	Form Number	Amount
5151 Orth Road	2018-24*	Commercial Level 1	Insulation		☐	Panzloff	Approved	245945	0.00
5151 Orth Road	2018-24*	Commercial Level 1	Building Final		☐	Panzloff	Approved	245945	0.00
5151 Orth Road	2018-24*	Commercial Level 1	Electric Final		☐	Panzloff	Approved	245945	0.00
Summary for 'Inspection Date' = 12/19/2018 (3 detail records)					0				0.00

Total Inspections	**22**
Total Reinspections	**0**
Total Amount Due	**525.00**
	-175.00
	350.00

Minus $175 - Manley Hangars - 5151 Orth Rd. charged $35 for 5 inspections in Oct. 2018

ORDINANCE NO. 2019-02~~1~~

AN ORDINANCE AMENDING CHAPTER 2, LIQUOR CONTROL, 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 2 of Title 2 shall be amended as follows (NOTE: strike-through language shall be deleted; bolded and underlined language to be added):

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 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. The Village Clerk shall mail all renewal applications to licensees no later than April 15 each year. 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%). All initial applications and any renewal application seeking to add additional license classifications shall be approved by the village board of trustees. All renewal applications can be approved administratively by the village clerk unless the current license holder is seeking to add additional license classifications not already approved by the village board of trustees. (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 $~~1,29~~00.00 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.

~~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, F and G license with an additional fee of $~~300~~150.00. ~~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

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

Comment [EM2]: Generally speaking, yes, but it would allow them to sell items like Mike's Hard Lemonade

Comment [RS3]: A Class B license is a liquor store (off premise sales only, but on Sundays we are going to allow on premise consumption?

Comment [EM4]: The A,B,C and G licenses are intended to only be 6 day licenses. This is not intended to give class B holders the right to on premise consumption. Also, class F in the second to last line should be class D – typo.

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 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.

Comment [RS5]: Who is going to police the open and close dates?

Comment [EM6]: That is the age old problem with all of our ordinances. The committee wanted to distinguish a class G from a class A in terms of fees.

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~~100.00.

~~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.~~

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~~7
Class B – ~~1 Downtown and 1 Countryside~~2
Class C – ~~1 Downtown and 1 Countryside~~2
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~~

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~~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.~~

~~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, except for sale of packaged goods or ~~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~~ attending 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 or upon the close of food sales, whichever is later.

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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)

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. 2019-034

AN ORDINANCE AMENDING CHAPTER 8, BRANDING, BODY CARVING, BODY PIERCING AND TATTOOING, AND CHAPTER 10, COMPREHENSIVE REGULATION OF TOBACCO PRODUCTIONSOF 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 8 of Title 2 shall be amended as follows (NOTE: strike-through language shall be deleted; bolded and underlined language to be added):

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)

SECTION 2: Chapter 10 of Title 2 shall be amended as follows (NOTE: strike-through language shall be deleted; bolded and underlined language to be added):

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 clerk 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 seven hundred fifty~~one thousand~~ dollars ($750~~1,000~~.00).

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(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)

SECTION 3: 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. 2019-045

AN ORDINANCE AMENDING 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: Title 2 shall be amended to insert the following as Chapter 11, Intinerant Merchants and Mobile Commerce Vendors (NOTE: strike-through language shall be deleted; bolded and underlined language to be added):

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~~ year 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: 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