

## **CHAPTER 10.**

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### **Article I. In General.**

#### **Sec. 10-1. Applications Generally.**

Applications for all licenses and permits required by this Chapter or other ordinance of the Village shall be made in writing to the Village Clerk in the absence of any provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit or license applied for.

Any application for a business conducted from vehicle shall contain the identification number and State license number of said vehicle.

No permit or license for any use required by this Chapter shall be issued for a period of twelve (12) months if:

- (1) There have been three (3) or more applications submitted for such use within the preceding twelve (12) month period;
- (2) Such applications are submitted by the same person, by himself or through an agent, employee, partner, family member or business associate; and
- (3) Such applications have been previously denied and rejected by the Village. Ord. No. 71-66; 83-37; 22-32)

#### **Sec. 10-2. Persons Subject to Required Licenses.**

All businesses located in the Village, except as otherwise required by law, are required to first obtain a business license. Such business license is required if any person, by himself or through an agent, employee or partner, engages in a commercial activity, business or occupation, solicits patronage therefor, actively or passively, or operates or performs or attempts to perform any part of such business or occupation in the Village, including but not limited to the storage of goods and supplies. Such business license shall limit the holder to the use indicated on the license. (Ord. 71-66; 21-02; 21-14; 25-26)

#### **Sec. 10-3. Village Clerk to Prepare and File Forms.**

Forms for all licenses, permits and applications therefor shall be prepared and kept on file by the Village Clerk. (Ord. 71-66)

**Sec. 10-4. Licenses to Bear Signatures of Mayor and Clerk.**

Each license or permit issued shall bear the signatures of the Mayor and the Clerk, in the absence of any provision to the contrary. (Ord. 71-66)

**Sec. 10-5. Premises Inspections and Investigations Generally.**

- (A) Approval of a new business license shall require a premises inspection, as well as zoning review for approval of the business as a permitted use, and a favorable report. Upon the receipt of any application for a permit where the provisions of this Code or other ordinances of the Village necessitate an inspection of the premises before the issuance of such permit or license, the Village Treasurer or designee shall refer such application to the proper office for making such inspection. The building inspector charged with the duty of making such premises inspection shall make a report thereon, favorable or otherwise, before the business is ready to be opened to the public. The building inspector shall make or cause to be made any such premises inspection, relative to the construction of buildings or other structures. All premises inspections shall be made by a building inspector designated by the Village Manager. The Addison Fire Department requires that a final inspection be conducted by them after occupancy but prior to opening for business.
- (B) Approval of a new business license shall require a background investigation. The applicant shall provide such information as may be required to conduct the background investigation, including citizenship status and social security number(s). A background investigation of new business owners and co-owners shall be conducted by the Police Department and forwarded to the Village Manager no later than thirty (30) days after receiving the application or a copy thereof. All investigations shall be made by the Chief of Police or his designee.
- (C) Issuance of the license may be denied by the Village Manager for cause, including but not limited to: (1) the applicant's prior conviction of any felony or misdemeanor charge which indicates an inability to operate a safe, honest and/or legitimate business within the Village; and (2) the causes for license revocation set forth in Section 10-13. In the event that issuance of the license is denied, the applicant may file a petition for leave to appeal with the Village Manager not less than ten (10) days after the date of the decision. The Village Manager shall, upon receipt of such petition, prepare a notice of hearing and shall schedule a hearing before the Mayor and Village Board of Trustees with respect to the appeal. Said notice shall contain the time, date and place of the hearing before the Mayor and Board of Trustees of the Village. Said hearing shall be no sooner than five (5) days from the date of mailing. The notice shall also specify that the person or organization may be represented by counsel with the right to confront and cross-examine adverse witnesses. Testimony shall be taken upon oath or affirmation. The findings and order of the Mayor and Board of Trustees shall, within ten (10) days of the conclusion of the hearing, be forthwith sent to the applicant by certified mail, return receipt requested, at the address listed on the application. (Ord. 71-66; 09-69; 11-16; 25-20)

**Sec. 10-6. Admittance of Village Officers or Employees to Licensed Premises for Inspection Purposes.**

Whenever inspections of the premises used for or in connection with the operation of a

licensed business or operation are provided for or required by provisions of this Code or other ordinances of the Village or are reasonably necessary to secure compliance with this Chapter or to detect any violation whereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit; thereto for the purpose of making the inspection any officer or employee of the Village who is authorized or directed to make such inspection, at any reasonable time that admission is requested. If refusal is made, the officer or employee shall immediately report such refusal to the Village Manager. The Village Manager shall direct the Village Attorney to secure a search warrant from any associate judge or judge of the Circuit Court of the Eighteenth Judicial Circuit. (Ord. 71-66)

**Sec. 10-7. Fees-Schedules.**

Except as otherwise provided herein, all business licenses shall have a term not exceeding one (1) year and shall expire on December 31 of each calendar year. The fees for business licenses required by this Chapter shall be in accordance with the schedule of fees contained herein. All fees shall be due and payable January first of each year. All fees shall be non-refundable.

- (A) If a renewal license for an existing business is purchased after March 1, a late fee of fifty percent (50%) of the license fee shall be assessed. There shall be no refund of any unused portion of a license fee.
- (B) If a new license is purchased after January 1 of each year, all fees will be prorated accordingly for the new business.
- (C) The term for a new or renewed medical cannabis distributing organization business license shall be six (6) months.
- (D) The following square footage area table shall apply to all business license fees, unless specifically identified in the schedule of fees.

**Square Footage Area** is the sum total of the gross horizontal areas of all of the several floors of a building and its accessory buildings measured in square feet from the exterior faces of the exterior walls or from the centerline of party walls separating two (2) buildings or establishments on each of the respective floors and shall include the basement floor, cellar floor, motor vehicle parking space when such space is used in conjunction with a drive-in facility (food establishment, bank, etc.) or where such space is devoted to sales or service, floor space used for mechanical equipment, whether open or enclosed, including such equipment as may be located on the roof, penthouse, attic, space, balconies, mezzanines, porches and verandas and floor area devoted to and occupied by accessory uses. (Ord. 80-23; 11-34)

**SCHEDULE OF FEES**

Background Investigation (non-refundable).....	\$150.00
Each Additional Background Investigation (non-refundable).....	\$50.00
Fingerprinting fee .....	Fee assessed by the State of Illinois
Square Footage Area:	

\$106.00 for 5,000 sq. ft. or less plus:	.0125 per sq. ft. increment over 5,000 sq. ft. to 15,000 sq. ft.	
	.0094 per sq. ft. increment over 15,000 sq. ft. to 25,000 sq. ft.	
	.0063 per sq. ft. increment over 25,000 sq. ft. to 35,000 sq. ft.	
	.0025 per sq. ft. increment over 35,000 sq. ft. to 50,000 sq. ft.	
	.0013 per sq. ft. increment over 50,000 sq. ft. to 100,000 sq. ft.	
	.0006 per sq. ft. increment over 100,000 sq. ft.	
Advertising matter.....		\$ 206.00 (residential distributor)
Ambulance .....		106.00 first vehicle
		50.00 each additional vehicle
Auctioneer.....		106.00 annually
		19.00 per day
Used car lots.....		413.00
(not in conjunction with sale of new cars)		
Banquet facilities .....		106.00 per room
Billiard/other pool-type establishment.....		75.00 first table
		40.00 second table
		25.00 additional tables
Bowling lanes.....		31.00 per lane
Brokers.....		106.00
(except those exempt by State)		
Bulk materials .....		413.00
(sand-gravel-cement, asphalt, etc.)		
Carnivals (not-for-profit) .....		31.00 per day, plus
		375.00 cleanup bond
Car wash (see "service station")		
Catering, mobile.....		106.00 per vehicle (in conjunction
		with retail sales)
Christmas tree sales.....		31.00 plus
		50.00 clean-up bond
Circus, per engagement.....		469.00 plus
		500.00 clean-up bond
Cigarette or tobacco sales .....		44.00 (when sales are part of
		another business)
Coin-operated amusement devices .....		50.00 per single player machine
(excluding such charitable not-for-profit and		100.00 per multiple player machine
religious organizations as the Village may exempt)		
Dance hall .....		438.00 (where admission is
		charged)
Dry cleaning, coin-operated.....		sq. ft., plus \$31.00 per machine,
		403.00 maximum.
Food or grocery items .....		44.00 (when sales are part of
		another business)
Food vending, coin-operated .....		20.00 per machine (food,
		beverages, candy, pop,

Jukebox (music) coin-operated .....	gumballs) 50.00 per box
Health club .....	313.00
Hotel or motel .....	10.00 per room
Ice cream vendor with motorized vehicle ...	106.00
Game room.....	250.00
Laundromats .....	sq. ft. plus \$10.00 per machine over 30 machines. In addition, there shall be a surcharge of 10.00 per machine for laundromats open between the hours of 11:00 PM to 6:00 AM.
Medical Cannabis Distributing Organization .....	sq. ft. plus an additional Village services fee, certified by the Village Manager as attributable to the organization's operations
Micro/mini cellular telecommunications Facilities .....	63.00 per unit
Milk delivery, residential.....	106.00
Peddlers or itinerant merchants.....	31.00 per day or 125.00 annually (includes door- to-door sales)
Coin console machines .....	4.00 per unit (coin slot)
Service station.....	sq. footage of building plus 19.00 per pump (hose)
Secondhand store .....	500.00
Theaters, indoor .....	625.00 up to 500 seats 1,250.00 over 500 seats
Theaters, outdoor .....	1,063.00 per screen
Vending machine, coin-operated .....	25.00 per machine not otherwise listed
All businesses not specifically named.....	square footage formula

(E) In cases where two (2) or more separate and distinct businesses are operated from the same address, two (2) or more licenses will be charged. Business licenses must be visibly displayed on front door of business establishment.

(F) The fee for issuance of a replacement license in the event the original license becomes lost, mutilated or destroyed shall be one dollar (\$1.00). (Ord. 79-34; 80-23, 80-24; 84-60; 94-35; 96-8, 96-11; 00-26; 09-69; 13-24; 15-34; 20-42; 24-28)

**Sec. 10-8. Same--Exemption of Not-for-Profit Corporations.**

The schedule of fees as stated in Section 10-7 shall not apply to any corporation existing

under State law as a not-for-profit corporation. In order to claim such an exemption, the not-for-profit corporation shall submit to the Village Manager a photostatic copy of its charter, showing its State registration number. (Ord. 71-66; 77-9, 56)

**Sec. 10-9. Same--Payment; Proration; Disposition.**

In the absence of any provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time of application therefor to the Village Treasurer or designee. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter thereof during which the business has been or will be pursued. Except as otherwise provided, all license fees shall become a part of the corporate fund. (Ord. 71-66; 09-69)

**Sec. 10-10. Expiration; Expiration Notice.**

The Village Clerk shall cause to be mailed to all licensees of the Village a statement of the time of the expiration of the license held by the licensee. If an annual license, such notice shall be mailed at least three weeks prior to the date of such expiration; provided, that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to secure a new license or a renewal thereof, nor shall it be a defense in action for operation without a license. (Ord. 71-66; 08-19)

**Sec. 10-11. Businesses or Acts Not Complying with Certain Regulations.**

- (A) No license shall be issued for the conduct of any business and no permit shall be issued if the premises and building to be used for such purpose cannot fully comply with the requirements of this Code or other ordinances of the Village. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning ordinance of the Village.
- (B) No license shall be issued for the conduct of any business, and any such previously issued license shall be subject to revocation if the business has failed to pay all, or any part of, any tax or penalty determined to be due and owing to the Village.
- (C) No license shall be issued for the conduct of any business, and any such previously issued license shall be subject to revocation, if the business fails to make available to the Village, for its review and audit, within fifteen (15) days after the written request of the Director of Finance therefor, the business's books, accounts and records with respect to the most recent five (5) years' gross revenues, sales and taxes remitted for its sales and gross revenues. For the purpose of this Subsection (C), the term "tax remitted" shall mean the taxes remitted by the business or licensee to the Illinois Department of Revenue for the Village's account, including the Village Leasing Occupation Tax (Chapter 8, Article II), the Village Retailer Occupation Tax (Chapter 8, Article III), the Village Service Occupation Tax (Chapter 8, Article IV), the Village Municipal Use Tax (Chapter 8, Article VI), and the Village Automobile Renting Occupation Tax (Chapter 8, Article VIII).
- (D) No license shall be issued for the conduct of the business of medical cannabis distributing organization, and any such previously issued license shall be subject to revocation, if the business fails to comply with any of the conditions or requirements of its State-issued

license, including, without limitation, its community benefits plan commitment per 68 Ill. Adm. Code 1290.70, as now existing or hereafter amended.

- (E) Every business licensed under this Chapter shall be conducted by the licensee in compliance with applicable federal, state, county or local laws, rules and regulations and ordinances as now or hereafter enacted by any governmental authority or administrative agency having jurisdiction over the licensee's business operations. (Ord.15-34; 18-03)

**Sec. 10-12. Change of Location of Licensed Business or Occupation.**

The location of any licensed business or occupation, or any permitted act, may be changed, provided ten (10) days; notice thereof is given to the Village Treasurer or designee, in the absence of any provision to the contrary; provided, that the building, zoning and frontage consent requirements of this Code and other Village ordinances are met. (Ord. 71-66; 09-69)

**Sec. 10-13. Revocation of Licenses.**

- (A) Permits and licenses issued under the provisions of this Chapter may be revoked by the Mayor and Board of Trustees of the Village after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation, or false statement contained in the application for license.
  - (2) Fraud, misrepresentation, or false statement made in the course of carrying on the business.
  - (3) Any violation of this Chapter.
  - (4) Conviction of the licensee, operator or manager of any crime, felony or misdemeanor committed on the business premises, including, but not limited to, pornography, prostitution, gambling, illegal possession or distribution of drugs or cannabis, bribery of a governmental official, etc.
  - (5) Conviction of any customer of any crime, felony or misdemeanor committed on the business premises with the sufferance of permission of the licensee, operator or manager, including, but not limited to, pornography, prostitution, gambling, illegal possession or distribution of drugs or cannabis, bribery of a governmental official, etc.
  - (6) Conducting the business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (B) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for the hearing. (Ord. 79-69; 92-92)

**Sec. 10-14. Display--License.**

It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in the right-hand corner of the window of the front door of such establishment or, if no door window, in the lower right-hand corner of a front window. If there are no windows at the front of the establishment, the license must be posted on the cash register, or in a prominent place in the view of the public. (Ord. 71-66; 75-66)

**Sec. 10-14.1. Same--Cash Register.**

It shall be the duty of any person conducting a licensed business in the Village to have any cash register so situated in said business so as to enable customers to view prices as rung upon said cash register. The purpose of this Section is to permit customers of said business to view the cash register while their purchases are being registered. (Ord. 78-05)

**Sec. 10-15. Tags, etc. for Vehicles where Number of Vehicles Used Is Basis for Fee.**

Whenever the number of vehicles to be used in connection with a business for which a license is required is a basis of a license fee, the Village Treasurer or designee shall furnish each licensee with a tag or license sticker for each vehicle covered by the license, and such tag or sticker shall be permanently affixed in the right-hand lower corner of the front window of the vehicle. (Ord. 71-66; 83-37; 09-69)

**Sec. 10-16. Penalties.**

Any person not in compliance with the provisions of this Chapter by failure to obtain and display such license shall be considered in violation of such Chapter.

The Police Department is authorized to serve non-traffic (“hang-on”) complaints upon any person not in compliance with this Chapter. The complaint shall inform the person of the amount of the penalty, which amount can be paid directly to the Village in an envelope provided by the Police Department. The penalty shall be one-hundred fifty dollars (\$150.00).

If such penalty is paid within ten (10) days from the date of issuance, however, the penalty shall be one-hundred dollars (\$100.00). If the penalty has not been paid within ten (10) days, the Police Department shall send a summons to appear at an administrative adjudication hearing. If the defendant fails to pay such penalty, is found to have violated this Chapter or fails to appear at the scheduled Administrative Adjudication Hearing, the hearing officer will impose the final penalty in an amount not less than one-hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00), for each offense, and each day on which a violation continues shall constitute a distinct and separate offense. (Ord. 75-66, §3; 87-24, §1, 11-34; 24-76)

**Article II. Coin-Operated Amusement or Vending Devices.**

**Sec. 10-17. Definitions.**

**Coin-operated amusement device**, as used herein, means any amusement machine or device operated by means of the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines which are not incorporated gaming or amusement feature, nor does the term include any coin-operated mechanical musical devices.

**Operator** as used herein is hereby defined to be any person who sets up for operation by another or leases or distributes for the purpose of operation by another any device as herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income derived from such device, or otherwise.

**Proprietor** is hereby defined to be any person who, as the owner, lessee, or proprietor, has under his or its control any establishment, place or premises in or at which such device is placed or kept for use or play, or on exhibition for the purpose of use or play.

After an application for such license has been applied for in accordance with Section 10-1, the Village Clerk shall refer such application to the Mayor and Board of Trustees who shall make or cause to be made an investigation as they deem necessary.

In case a proprietor licensed under the provisions of this Section desires, after the expiration of any portion of any license year, to increase the number of devices to be used or played, or exhibited for use or play in his establishment, he shall surrender his license to the Village Clerk who shall issue a new license showing the number of devices licensed thereunder, upon payment of the proper license fee therefor.

All coin-operated amusement devices shall be kept in plain view of any person who may frequent or be in the place of business where such devices are kept or used. Nothing contained in this Section shall be construed to authorize, permit or license any gambling device of any nature whatsoever, which gambling devices are prohibited.

Non-coin-operated amusement devices. As contained and used in this Section coin-operated amusement devices shall also be defined as including any non coin-operated amusement device, where the operators or users of such non coin-operated amusement devices pay or give the operator or proprietor any consideration for the privilege of using such non coin-operated amusement devices; provided, that such non-coin-operated amusement devices otherwise meet the definition of coin-operated amusement devices save for the insertion of a coin, token or similar object. (Ord. 75-2)

#### **Sec. 10-18. License Required.**

It shall be unlawful for any person to be engaged in the business of operator or proprietor of coin-operated amusement or vending devices as the terms are herein defined without first having obtained the proper license therefor.

Coin-operated amusement device licenses shall be issued for use only where the owner of the premises, or business has obtained a valid business license from the Village of Addison. The fee for this license shall be fifty dollars (\$50.00) for each device permitted.

Where the operation of coin-operated amusement devices is a principal use or integral to the operation of the business on the premises, a game room license shall also be required as provided in Section 10-18.1.

The following information must be submitted on any application for a coin-operated amusement device license:

- (A) Evidence of ownership or a lease of the premises where the business is to be located. These property rights must be for a minimum of the one (1) year period of the license. The premises must be found in compliance with all of the requirements of the Village Code.
- (B) Any experience in operating amusement devices, including address and community and state of all past and present operations.
- (C) Any record of arrest and conviction of a crime other than a misdemeanor.

The following method of computing square footage area shall apply solely for the determination of the maximum number of coin operated amusement devices allowed in a business location, other than one in which the primary use is as a game room.

For the purposes of this Section, square footage is the sum total of floor space of a building devoted to sales or service and which is open to the general public. Square footage does not include basement floors, storage areas, closets, attics, offices, restrooms, or like areas. For those licenses issued where such devices are not the principal business activity, the following formula shall be used to determine the number of coin-operated amusement devices that will be permitted on the premises:

- (1) For businesses with 0-6,000 sq. ft. of sales/service area, one device for each seven hundred (700) sq. ft., up to a maximum of five (5) devices in total.
- (2) For businesses 6,000-12,000 sq. ft. of sales/service area, one device for each one thousand (1,000) sq. ft., up to a maximum of fifteen (15) devices in total.
- (3) For businesses with 25,000-50,000 sq. ft. of sales/service area, one device for each one thousand five hundred (1,500) sq. ft., up to a maximum of twenty-three (23) devices in total.
- (4) For businesses with 50,000 sq. ft. or more of sales/service area, one device for each two thousand (2,000) sq. ft., up to a maximum of thirty-five (35) devices in total.

For those licenses issued where such devices are the principal business activity on such premises, there shall be a maximum of one (1) device for each forty (40) sq. ft., exclusive of aisles and exit areas.

Licenses shall be issued only to proprietors of establishments after the payment of all applicable license fees, including the license fees for coin-operated amusement devices. (Ord. 82-20; 84-60; 94-34)

**Sec. 10-18.1. Game Room License Required.**

- (A) No person shall engage in the operation of coin-operated amusement devices where such use is the principal use of the premises or where the operation of coin-operated amusement devices is integral to the business conducted on the premises without having obtained a game room license therefor. This license shall be in addition to any license fees otherwise payable to the Village for the operation of coin-operated amusement devices.
- (B) The following information must be submitted on any application for a game room license or

renewal thereof:

- (1) Evidence of ownership or a lease of the premises where the business is to be located. These property rights must be for a minimum of the one(1) year period of the license. The premises must be found in compliance with all of the requirements of the Village Code.
  - (2) Any experience in operating game rooms, including address and community and state of all past and present operations.
  - (3) Any record of arrest and conviction of a crime other than a misdemeanor.
- (C) The Village Board shall determine the number of game room licenses to be available for issuance and any appropriate conditions to which a game room license shall be subject.
- (D) The term of the license shall be one (1) year. The licensee shall annually file a renewal application. The Director of the Department of Community Development shall conduct an inspection of the premises to determine whether the renewal application is in compliance with this Section. Should the Director determine that the renewal application is deficient in any respect, he shall notify the applicant of the deficiencies in writing.
- (E) The game room license may be suspended, revoked or denied renewal at any time for violation of this Section or of any of the conditions imposed upon the license, but only after the licensee has been given notice and an opportunity to be heard. The hearing shall be conducted by the Village Manager, who shall then recommend to the Village Board the action which he deems appropriate. The Village Board shall review the recommendation and shall make a final decision thereon. (Ord. 94-1)

#### **Sec. 10-19. Permit for Vending Devices Required.**

It shall be unlawful to offer or maintain for business use any coin-operated device, machine or mechanism for vending purposes without first obtaining a permit therefor. (Ord. 75-2)

#### **Sec. 10-19.1 Video Gaming Terminals.**

Notwithstanding anything to the contrary set forth in this Article, Video Gaming Terminals, as defined in Chapter 3 of the Village Code, shall not be subject to licensing under this Article. (Ord. 12-52)

### **Article III. Carnivals.**

#### **Sec. 10-20. Definitions.**

**Carnival** means and includes an aggregation of attractions, whether shows, acts, games, vending devices or amusement devices, whether conducted under one (1) or more managements or independently, which are temporarily set up or conducted in a public place or upon any private

premises accessible to the public, with or without admission fee, and which, from the nature of the aggregation attracts attendance and causes promiscuous intermingling of persons in the spirit of merrymaking and revelry. (Ord. 77-56)

**Sec. 10-21. Permit Regulations.**

- (A) Permit to operate required. No carnival shall be set up, run, operated or conducted within the limits of the Village of Addison unless a written permit from the Mayor and Board of Trustees has been issued, setting forth the conditions under which said carnival shall be operated. No permit will be issued for a period in excess of ten (10) days nor will a permit be issued with a closing date less than thirty (30) days prior to the starting date of a scheduled carnival.
- (B) Eligibility for permit. No carnival permit shall be issued to any person except a not-for-profit corporation (as defined in the Illinois Revised Statutes) or a religious corporation.
- (C) Acceptance date for application. The month of October is hereby set aside to accept requests for calendar dates for carnivals by non-profit organizations and no applicants shall be accepted prior to October 1 for the following year for any carnival dates.
- (D) Permit conditions. No such permit shall be granted by the Mayor and Board of Trustees until they have investigated the carnival and are satisfied that, if permitted, it will be operated in accordance with the permit and the provisions of the Illinois Municipal Code therein pertaining and each permit shall contain the provision that police officers shall have free access to the grounds and all booths, shows and concessions on such grounds at all times.
- (E) Permit fee. A fee of twenty-five dollars (\$25.00) a day shall be charged for each permit to cover the cost of the Village of Addison in paying the necessary expenses of investigation and to aid in policing the grounds and otherwise to compensate the Village for its expense related to said carnival. (Ord. 71-66; 76-60; 77-09, 56; 09-50)

**Sec. 10-22. Insurance Required.**

No permit shall be issued until the applicant therefor files with the Village Clerk a memorandum of insurance in such form and amount as is normally and customarily required by the Village's insurance carrier, but not less than general liability coverage in the amount of one million dollars (\$1,000,000.00) combined single limit and two million dollars (\$2,000,000.00) aggregate. (Ord. 77-56; 09-50)

**Sec. 10-23. Gambling or Lewd Conduct Forbidden.**

The permit shall be granted upon the condition that there shall not be set up or operated any gambling device, lottery, number or paddlewheel, number board, punch board or other game of chance, or any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality. (Ord. 77-56)

**Article III.A. Laundromats.**

**Sec. 10-23.1. Requirements.**

Automatic self-service laundromats shall be subject to the following requirements:

- (A) There must be an attendant in the establishment from 7:00 p.m. until closing.
- (B) A separate water meter must be provided for this use, and no combination with other uses shall be permitted. (Ord. 86-11)

#### **Article IV. House and Garage Sales.**

##### **Sec. 10-24. Special Permit--Required; Exception.**

It shall be unlawful for any person to engage in or conduct a garage, attic, basement or house sale from residence, store, structure or lot, in the Village of Addison without first having obtained a special permit for said sale from the Village Manager of the Village of Addison. However, certified not-for-profit organizations conducting such sales are exempt from compliance with any or all of the terms and conditions listed below at the discretion of the Village Manager at the time of application for the special permit. (Ord. 77-60, §1)

##### **Sec. 10-25. Same--Terms and Conditions.**

A special permit shall be subject to full compliance with the following terms and conditions:

- (A) The applicant-permittee must be an owner of the premises where such sale is to be held.
- (B) The sale will involve only personal property items.
- (C) No more than two (2) such sales, plus one (1) additional sale upon moving shall be allowed within any one (1) calendar year.
- (D) No sale items shall be located and no sales activities shall be conducted on public sidewalk, parkway area or other public property.
- (E) All signs advertising such sale shall be located on private property only.
- (F) The sale shall be limited to a consecutive period of not more than three (3) days and shall be conducted only during the hours of 8:00 a.m. and dusk.
- (G) The sale will be conducted without the use of outdoor speakers or other amplification equipment.
- (H) There shall be no sale or service of food or beverages during the sale by the applicant/permittee.
- (I) The sale shall be conducted in accordance with all other laws or ordinances in effect in the Village of Addison.
- (J) Such permit shall be valid only for the particular sale and premises designated thereon and shall be posted in the front yard area so as to be easily seen by the public and by police

officers driving past and shall be nontransferable.

- (K) There shall be no fee charge for this special permit.
- (L) These regulations shall be printed on the back of each special permit issued, as a reminder of the terms and conditions contained herein.
- (M) All signs should have house numbers and dates on them.
- (N) All signs authorized under this Article shall be removed no later than three (3) hours after the conclusion of the sale. (Ord. 77-60; 85-15; 02-81)

**Sec. 10-26. Citations for Violations; Penalties and Procedures.**

The Police Department is authorized to serve non-traffic complaints upon any person violating Sections 10-24 or 10-25 of this Chapter. If penalties are paid directly to the Village of Addison within ten (10) days of the date of issuance, such penalty shall be in the amount of ten dollars (\$10.00).

If such penalty is not paid within ten (10) days of the date of issuance, the Police Department shall enter a final notice date which shall be at least fifteen (15) days from the date of issuance of the final notice, and the total penalty on the citation shall be in the amount of twenty dollars (\$20.00).

If such citation is not paid by the final notice date, the Police Department shall cause the matter to be placed on the court call of the officer issuing the citation. Such court date shall be at least thirty (30) days and not more than sixty (60) days from the date of the issuance of the notice to appear form. The court date shall then be entered on the notice along with the location of the court and with the fine of thirty dollars (\$30.00).

When a notice to appear has been issued and the proper court date has been entered, together with the proper penalty including costs, the Police Department shall cause the notice to appear to be served upon the defendant. If such defendant does not live within the corporate limits of the Village, the Police Department shall cause the notice to appear to be mailed to the defendant at his last known address by certified mail.

If such violator fails to appear in response to the notice to appear which has been served upon him either by personal service or by certified mail, the police officer shall swear to the complaint before a judge of the circuit court of the county. (Ord. 80-83)

**Article V. Massage Establishments.**  
(Amended in its Entirety by Ord. 15-13)

**Sec. 10-27. Definitions.**

**Licensed Premises.** The place or location described in a Massage Establishment License where a Massage Establishment is authorized to operate.

**Massage.** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or

with aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such persons behalf, will pay money or give other consideration or any gratuity therefor.

**Massage Business Commissioner.** The Addison Village Manager, or such person's designee.

**Massage Establishment.** Any business entity, in any form, including but not limited to any person, corporation, sole proprietorship, joint venture, association, firm, partnership, limited liability corporation or any other form, having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, corporation, sole proprietorship, joint venture, association, firm, partnership, limited liability corporation or any other entity engages in or carries on any of such activities.

**Massage Establishment Employee.** Any person who works in or at, or render any services directly related to the operation of, a Massage Establishment; provided, however, that this definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the Licensed Premises.

**Massage Establishment License.** A Massage Establishment License as provided in this Article.

**Massage Patron.** Any individual, other than a Massage Establishment Employee, present in or at any Massage Establishment at any time when such Massage Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the Licensed Premises.

**Massage Therapist.** Any person who, for any consideration whatsoever, engages in the practice of massage.

**Nude or State of Nudity.** A state of dress or undress that exposes to view (i) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areolae is not exposed; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Criminal Act.** Any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes, or such amended or successor statutes as may from time to time be adopted:

1. Article II of the Illinois Criminal Code (sex offenses).
2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping).
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing

- to the criminal delinquency of a juvenile).
4. The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.
  5. The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.
  6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.
  7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.
  8. The Cannabis Control Act, 720 ILCS 550/1 et seq.
  9. The Illinois Controlled Substance Act, 720 ILCS 5701100 et seq.

**Specified Sexual Activities.** Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in Subsections 1, 2, 3, or 4 of this definition.

**Transfer of ownership or control of a Massage Establishment.** Any of the following:

1. The sale, lease, or sublease of the business.
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.
4. Any person not previously listed as an applicant who acquires an ownership interest in the business of twenty percent (20%) or more.

**Sec. 10-28. Massage Business Commissioner.**

The Massage Business Commissioner shall have the following powers and duties:

1. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of, Massage Establishment Licenses as set forth in this Article.
2. To conduct or provide for such inspections of Massage Establishments as shall be necessary to determine and ensure compliance with the provisions of this Article and other applicable provisions of law.
3. To periodically review the provisions of this Article and the conduct and operation of Massage Establishments, and to make such related reports and recommendations to the Village Board of Trustees as the Massage Business Commissioner shall deem necessary.
4. To conduct such hearings, studies, and reports on Massage Establishments, and the regulations relating thereto, as the Massage Business Commissioner shall deem

necessary.

5. To establish written rules and regulations implementing the provisions of this Article, including but not limited to, rules related to the content and processing of any petition, and the conduct of any hearing.
6. To take such further actions as the Massage Business Commissioner shall deem necessary to carry out the purposes and intent of this Article and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Article.

**Sec. 10-29. Massage Establishment License Required.**

- (a) **Massage Establishment License Required.** A Massage Establishment License shall be required to establish, operate, or maintain a Massage Establishment within the Village. No person shall engage in the business of operating a Massage Establishment in the Village without a valid and current Massage Establishment License therefor issued by the Village pursuant to the terms of this Article. A separate Massage Establishment License shall be required for each Massage Establishment location regardless of whether such multiple establishments are operated by the same person. A separate business license per Article I of this Chapter shall not be required.
- (b) **Operation in Violation of Massage Article Prohibited.** It shall be unlawful for any person to establish, operate, or maintain a Massage Establishment within the Village except in the manner authorized by, and in compliance with, the provisions of this Article. The term of the license shall be one (1) year and the annual fee for a Massage Establishment License shall be according to the Business License Schedule. A non-refundable application fee of five hundred dollars (\$500.00) shall be submitted with each new or renewal application.

**Sec. 10-30. Exemptions.**

- (a) No Massage Establishment License shall be required for any hospitals, nursing homes and persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or to those working under the direction of any such persons in any such establishments.
- (b) No Massage Establishment License shall be required for any barber, cosmetologist, nail technician or related occupation and lawfully carrying on their respective businesses. Provided, this exemption is only intended to permit normal and customary barber, cosmetologist, nail technician or related services which involve incidental physical contact, such as manicures, scalp rubs and facials, which would otherwise qualify as massage activities. This exemption is not intended, and does not permit, general massage activities as part of any barber, cosmetologist or related business beyond that authorized by their state license or certification.
- (c) Where massage services are actually performed at the patron's premises, including the patron's place of business or residence, a Massage Establishment License shall

not be required for such patron's premises.

- (d) No Massage Establishment License shall be required for fitness clubs where massage is only an incidental or accessory business use.

**Sec. 10-31. Application for Massage Establishment License.**

- (a) **Required Form.** An application for a Massage Establishment License, or the renewal thereof, shall be made in writing to the Massage Business Commissioner on a form prescribed by the Massage Business Commissioner and shall be signed (i) by the applicant, if the applicant is an individual; (ii) by at least one (1) of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization; (iii) by a duly authorized agent, if the applicant is a corporation; or (iv) by the trustee, if the applicant is a land trust. The application shall also be signed by the fee simple owner of the licensed premises. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant, the Licensed Premises and the owner of the Licensed Premises for which a Massage Establishment License is sought.
- (b) **Required Information and Documents.** Each application shall include the following information and documents:
  - 1. (i) **Individuals:** The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.
  - (ii) **Corporations:** The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and every person owning or controlling more than twenty percent (20%) of the voting shares of the corporation; the corporation's date and place of incorporation and the object for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.
  - (iii) **Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization:** The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each

partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

- (iv) Land trusts: The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, businesses addresses, and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the Licensed Premises.
2. If a corporation or partnership is an interest holder that must be disclosed, then such interest holders shall disclose the information required in this Section with respect to their interest holders.
  3. A description of the manner in which the proposed Massage Establishment will be conducted.
  4. The length of time that the applicant has been in the massage business.
  5. The location, including street address and legal description, and telephone number, of the premises for which the Massage Establishment License is sought.
  6. The specific name of the business that is to be operated under the Massage Establishment License.
  7. The name, address and telephone number of each fee simple owner of the Licensed Premises. If the applicant is not the fee simple owner of the Licensed Premises, a copy of the applicant's lease shall be provided.
  8. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architects blueprint shall not be required; provided, however that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches (6") and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance with the provisions of this Article. The requirements of this paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certifies that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall

not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

9. The names of each governmental body which, within five (5) years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application has applied for, received or been denied a license or other authorization to conduct or operate a business (i) substantially the same as a Massage Establishment, and the names and addresses of each such business; (ii) requiring a federal, state, or local liquor license; or (iii) requiring a federal, state, or local gaming license.
10. The specific type or types of Massage Establishment(s) that the applicant proposes to operate in the Licensed Premises.
11. A copy of each Massage Establishment License, liquor license, and gaming license from any governmental entity and currently held by the applicant, or any of the individuals identified in the application.
12. Whether the applicant, or any of the individuals identified in the application has been, within five (5) years immediately preceding the date of the application, convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.
13. Whether the applicant, or any of the individuals identified in the application has had a license or other authorization to conduct or operate a business substantially the same as a Massage Establishment or any business requiring either a liquor or gaming license, revoked or suspended by any governmental entity, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.
14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Massage Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to Section 10-31(b)(1), (2), (9), (11), (12), and (13).
15. For the individual or individuals executing the application pursuant to Section 10-31(a), and the individual or individuals identified pursuant to Section 10-31(c)(14) of this Article, a fully executed waiver on a form prescribed by the Village to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.
16. The applicants shall submit their fingerprints to be used in completing the investigation. Applicants are required to present themselves for fingerprints

to be taken by the Addison Police Department as provided by the Massage Business Commissioner. If the applicant is a corporation, fingerprints shall be required of each of the applicant's officers, directors, and any stockholder or stockholders owning in the aggregate more than twenty percent (20%) of the stock of such corporation. If the applicant is a partnership, fingerprints shall be required of all general partners, and any limited partner owning more than twenty percent of the aggregate limited partner interest in such partnership. Fingerprints shall be required for each manager and each employee. Applicant shall pay the applicable fees for fingerprints and investigation. Provided, in the case of a renewal application, fingerprints and the fingerprint fee shall not be required from a renewal applicant whose fingerprints are on file unless the Massage Business Commissioner determines that there may be reason to believe that the renewal applicant may have unreported convictions.

17. A copy of the State license for any massage therapists engaged in massage therapy at the Massage Establishment.

(c) Incomplete Applications. Any application for a Massage Establishment License that does not include all of the information and documents required pursuant to this Section, as well as any fee required by this Article, shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Massage Business Commissioner shall, within ten (10) days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

**Sec. 10-32. Processing of Application.**

(a) Massage Business Commissioner Review. The Massage Business Commissioner shall cause such inspections and investigations to be conducted as the Massage Business Commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Massage Establishment and Licensed Premises comply with the requirements of this Article and other applicable laws, code, ordinances, rules, and regulations.

(b) Reliance on Diagram. In the event that the Licensed Premises has not yet been constructed or reconstructed to accommodate the proposed Massage Establishment, the Massage Business Commissioner shall base his written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to this Article. Any Massage Establishment License issued prior to the construction or reconstruction necessary to accommodate the proposed Massage Establishment shall be subject to the condition that the Massage Establishment shall not open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.

(c) Applicant Cooperation Required. An applicant for Massage Establishment License shall cooperate fully in the inspections and investigations conducted by the Massage Business Commissioner. The applicant's failure or refusal (i) to give any information reasonably relevant to the investigation of the application; (ii) to allow the Licensed

Premises to be inspected; (iii) to appear at any reasonable time and place for examination under oath regarding the application; or (iv) to otherwise cooperate with the investigation and inspection required by this Article, shall constitute an admission by the applicant that the applicant is ineligible for a Massage Establishment License and shall be grounds for denial of the License by the Massage Business Commissioner.

- (d) Issuance or Denial - Massage Establishment License. The Massage Business Commissioner shall, within sixty (60) days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny issuance of a Massage Establishment License pursuant to this Article. Provided, if after forty-five (45) days a criminal history background investigation has not been completed, the Massage Business Commissioner may issue a temporary Massage Establishment License during the investigation period. The temporary Massage Establishment License shall only be valid for ninety (90) days from the date of issuance and shall automatically terminate at the end of the ninety (90) day term. The Massage Business Commissioner has the right to revoke the temporary Massage Establishment License immediately upon an unsatisfactory completion of a criminal history background investigation.
- (e) Decision Final. The action taken by the Massage Business Commissioner to issue or deny a Massage Establishment License shall be final and shall be subject to judicial review.

**Sec. 10-33. Standards for Issuance or Denial of Massage Establishment License.**

- (a) Issuance. The Massage Business Commissioner shall issue a Massage Establishment License to an applicant if, but only if, the Massage Business Commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted (or caused to be conducted) by the Massage Business Commissioner and on any other credible information on which it is reasonable for the Massage Business Commissioner to rely:
  - 1. All information and documents required by this Article for issuance of a Massage Establishment License have been properly provided and the material statements made in the application are true and correct.
  - 2. All persons identified in the application pursuant to this Article are at least eighteen (18) years of age.
  - 3. No person identified in the application pursuant to this Article has been convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act within five (5) years immediately preceding the date of the application.
  - 4. No person identified in the application pursuant to this Article has been convicted of, or pleaded *nolo contendere* to, any violation of a provision of this Article within five (5) years immediately preceding the date of the application.

5. No person identified in the application pursuant to this Article is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Massage Establishment.
  6. No person identified in the application pursuant to this Article is residing with, or married to, a person (i) who has been denied a Massage Establishment License within twelve (12) months immediately preceding the date of the application, (ii) whose Massage Establishment License has been revoked within twelve (12) months immediately preceding the date of the application, or (iii) whose Massage Establishment License is under suspension at the time of application.
  7. The Massage Establishment and the Licensed Premises, and the proposed operation of the Massage Establishment, comply with all then-applicable building, health, and life safety codes and regulations, have clean toilet and sink facilities, and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Village Zoning Ordinance.
  8. No Massage Establishment License shall be issued to any person for premises for which a liquor license or Adult Establishment License has been issued as provided in the Addison Village Code.
  9. When a Massage Establishment License shall have been revoked or surrendered following notice of hearing as provided in this Article, no license shall be granted to any person for the period of one year thereafter for the conduct of a Massage Establishment in the premises described in the revoked license.
  10. The applicant has confirmed in writing and under oath as part of the application that the applicant had read this Article and all provisions of the Village Zoning Ordinance applicable to Massage Establishments, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Massage Establishment and its proposed operation are and shall be in compliance therewith.
- (b) Denial. If the Massage Business Commissioner determines that the applicant has not met any one or more of the conditions set forth in Subsection (a) of this Section, then the Massage Business Commissioner shall deny issuance of the Massage Establishment License and shall give the applicant a written notification and explanation of such denial. The Massage Business Commissioner's notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. The Massage Establishment License shall be deemed denied on the day that the notice of denial is delivered in person or three (3) days after it is placed in the U.S. mail as provided in this Subsection.

- (c) License Deemed to Be Allowed. If the Massage Business Commissioner does not issue or deny the Massage Establishment License within forty-five (45) days after the properly completed application is submitted, then the Massage Establishment License applied for shall be deemed to have been allowed.

**Sec. 10-34. Inspections by the Village.**

- (a) Authority. The Massage Business Commissioner and other Village representatives and departments shall periodically inspect all Licensed Massage Establishments as shall be necessary to determine compliance with the provisions of this Article and all other applicable law.
- (b) Licensee Cooperation. A Licensee shall permit representatives of the Village to inspect the Licensed Premises and the Licensed Massage Establishment for the purpose of determining compliance with the provisions of this Article and all other applicable law at any time during which the Licensed Premises is occupied or the Massage Establishment is open for business.
- (c) Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Massage Establishment Employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the Village pursuant to this Article or any other authority.
- (d) Suspension or Revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Massage Establishment License pursuant to this Article.

**Sec. 10-35. Change in Information.**

During the pendency of any application for, or during the term of, any Massage Establishment License, the applicant or Licensee shall promptly notify the Massage Business Commissioner in writing of any change in any material information given by the applicant, Licensee or Permittee in the application for such License.

**Sec. 10-36. General Regulations.**

- (a) General Compliance. All Massage Establishments shall comply with the provisions of this Article; all other applicable Village ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.
- (b) Massage Establishment Employees must wear clean, non-transparent outer garments covering the sexual and genital areas which shall include the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or breasts of a female.
- (c) The sexual or genital areas of Massage Establishment Patrons must be covered by towels, cloths or undergarments when in the presence of a Massage Establishment Employee.

- (d) No Massage Establishment Employee or any other person at any Massage Establishment, shall knowingly place his or her hand upon, or touch with any part of his or her body, with intent to fondle in any manner, a sexual or genital area of any other person.
- (e) No Massage Establishment Employee or any other person at any Massage Establishment, shall perform, offer or agree to perform any act which would require the touching of the patron's genital or sexual area.
- (f) No Massage Establishment Employee or any other person at any Massage Establishment, shall administer a massage to any part of a patron's body which exhibits any skin fungus, skin infection, skin inflammation or skin eruption, unless a physician duly licensed by the state determines that such persons may be safely massaged, prescribing the conditions thereof.
- (g) No Massage Establishment Employee or any other person at any Massage Establishment shall perform or conduct any Specified Sexual Activity with or for any Massage Establishment Patron or any other Massage Establishment Employee or any other person. No Massage Establishment Patron or any other person at any Massage Establishment shall perform or conduct any Specified Sexual Activity with or for any Massage Establishment Employee or any other Massage Establishment Patron or any other person.
- (h) Gambling and Related Devices Prohibited. No Massage Establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.
- (i) Alcohol Prohibition. No alcoholic liquor shall be delivered, received, sold, purchased provided or consumed by any Massage Establishment Employee at any Massage Establishment.

**Sec. 10-37. Additional Regulations Applicable to Licensed Massage Establishments.**

- (a) Animals. No animals, except only for seeing-eye dogs to assist the blind, shall be permitted at any time at or in any Licensed Massage Establishment.
- (b) Restrooms. All restrooms in a Licensed Massage Establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities.
- (c) Restricted Areas. No Massage Patron shall be permitted at any time to enter into any of the non-public portions of any Licensed Massage Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Massage Establishment Employees. This Subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

- (d) Every Massage Establishment Licensee shall cause the Massage Establishment License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Massage Establishment Licensed Premises so that it can be easily seen and read at any time by any person entering the Massage Establishment Licensed Premises.
- (e) At all times during the hours of operation of a Licensed Massage Establishment there shall be present a manager of the Licensed Massage Establishment Licensee who shall be not less than eighteen (18) years of age.
- (f) No Massage Establishment Licensee shall permit any person to remain in or upon Massage Establishment Licensed Premises who commits any Specified Criminal Act therein.
- (g) Except for Approved Massage Schools, no Massage Establishment Licensee shall employ as a Massage Therapist any person unless said person has obtained and has in effect a Massage Therapist Permit issued pursuant to State law.
- (h) No portion of a Licensed Massage Establishment shall be designed, modified, equipped or used as a residence or for residential purposes. No person shall reside, board or otherwise use a Licensed Massage Establishment as a residence.

**Sec. 10-38. Licensee's Responsibility.**

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Article, by any officer, director, manager, Massage Therapist or other agent or Massage Establishment Employee of any Massage Establishment Licensee, shall be deemed and held to be the act of such Licensee, and said Licensee shall be punishable in the same manner as if said act or omission had been committed or omitted by the Licensee personally. Accordingly, any such act or omission of any such persons constituting a violation of the provisions of this Article shall be deemed, for purposes of determining whether the Licensee's Massage Establishment License shall be issued, revoked, suspended, or renewed, to be the act or omission of the Licensee.

**Sec. 10-39. Revocation or Suspension.**

- (a) Grounds. Pursuant to the procedures set forth herein, the Massage Business Commissioner may suspend for not more than thirty (30) days, or revoke, any Massage Establishment License if the Massage Business Commissioner, based upon credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:
  1. The Licensee has violated any of the provisions or requirements of this Article, the Massage Establishment License issued pursuant hereto, or the provisions of the Village Zoning Ordinance applicable to the Licensed Premises.
  2. The Licensee (i) knowingly or negligently furnished false or misleading information or withheld information on any application or other document

submitted to the Village for issuance or renewal of any Massage Establishment License or (ii) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf.

3. The Licensee or any massage therapist practicing at the licensed premises has committed a felony, Specified Criminal Act, or Specified Sexual Activities on the Licensed Premises.
  4. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Massage Establishment, allows, a Massage Establishment Employee, a Massage Establishment Patron, or any other person to (i) violate any of the provisions or requirements of this Article or the provisions or requirements of the Massage Establishment License issued pursuant hereto, (ii) commit any felony or Specified Criminal Act on the Licensed Premises, or (iii) commit any Specified Sexual Activity as defined in this Article.
  5. The Licensee, or any person identified pursuant to Sections 10-31(c) of this Article becomes disqualified for the issuance of a License or Permit.
  6. The Licensee is delinquent in payment to the Village for taxes or water/sewer charges related to the massage business.
  7. Any massage therapist practicing at the licensed establishment commits any act in violation of State or local laws on the premises.
- (b) Procedure. A Massage Establishment License may be suspended for not more than thirty (30) days, or revoked, pursuant to the terms and conditions set forth in this Section.
1. Notice. Upon determining that one or more of the grounds for suspension or revocation under this Section may exist, the Massage Business Commissioner shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in their application. A copy of this notice shall also be sent to the fee simple owner of the Licensed Premises as shown on Licensee's application. The written notice shall, at a minimum, (i) state that Massage Business Commissioner has determined that the Massage Establishment License may be subject to suspension or revocation pursuant to this Article; (ii) identify the specific grounds for the Massage Business Commissioner's determination; and (iii) set a date for a hearing regarding the Massage Business Commissioner's determination as to the possibility of suspension or revocation of the Massage Establishment License. The date of the hearing shall be no less than five (5) days after service of the Massage Business Commissioner's notice, unless an earlier or later date is agreed to by the Licensee and the Massage Business Commissioner.
  2. Suspension of Massage Business Pending Hearing. The Massage Business

Commissioner may order the immediate suspension of all massage activities at any Massage Establishment or by any Massage Therapist pending the hearing set forth herein where the Massage Business Commissioner determines that there is an immediate danger to the public health, safety or welfare; or where the License had been suspended within the previous forty-eight (48) months. In addition, the Massage Business Commissioner may condition any continuance of the hearing upon suspension of massage business at any Massage Establishment or by any Massage Therapist.

3. Hearing. The hearing shall be conducted by the Massage Business Commissioner. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Massage Business Commissioner for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Massage Establishment License pursuant to Section 10-40 of this Article shall be made part of the hearing record. Provided, the Massage Business Commissioner may designate a hearing officer to schedule, convene and conduct the public hearing. In such case, the hearing officer shall have the same powers as the Massage Business Commissioner to conduct the hearing. Where such designation has been made, the hearing officer shall submit proposed findings and recommendations to the Massage Business Commissioner within seven (7) days of the close of the hearing. Within fourteen (14) days after the close of the hearing, the Massage Business Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Massage Business Commissioner shall be final and shall be subject to judicial review.
4. Notice and Effective Date of Suspension or Revocation. The Massage Business Commissioner's written decision shall be posted at the office of the Massage Business Commissioner and shall be served on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in their application. In addition, a copy of such order shall be mailed to the fee simple owner of the Licensed Premises. Any suspension or revocation, as the case may be, shall take effect on the day that the Massage Business Commissioner's written decision is delivered in person or three (3) days after it is placed in the U.S. mail as provided in this Section.
5. Surrender of License. Upon the suspension or revocation of a Massage Establishment License pursuant to this Article, the Massage Business Commissioner shall take custody of the suspended or revoked License.

**Sec. 10-40. Administrative Record.**

The Massage Business Commissioner shall cause to be kept in the Massage Business Commissioner's office an accurate record of every Massage Establishment License application received and acted on, together with all relevant information and material pertaining to such

application.

**Sec. 10-41. Recordkeeping by Licensee.**

The Licensee of every Massage Establishment shall maintain a register of all of its Massage Establishment Employees. For each such Employee, the register shall include the following information:

1. Legal name.
2. Any and all aliases.
3. Date of birth.
4. Gender.
5. Social security number.
6. Certificates from accredited schools.
7. Date of commencement of employment.
8. Date of employment termination, if applicable.
9. Specific job or employment duties.
10. A copy of any Massage Therapist License issued to such employee pursuant to State law.

The register shall be maintained for all current Employees and all Employees employed at any time during the preceding thirty-six (36) months. The Licensee shall make the register of its Massage Establishment Employees available for inspection by the Village immediately upon demand at all reasonable times.

**Sect. 10-42. Transfer--Changes in Ownership or Management.**

- (a) Any Massage Establishment License issued pursuant to this Article shall be applicable only to the specific Massage Establishment Licensee and location designated, and may not be sold, transferred, or otherwise assigned.
- (b) A transfer in the ownership or control of a Massage Establishment shall constitute a change in the Massage Establishment Licensee and the existing Massage Establishment License shall be deemed surrendered and extinguished. A new application and Massage Establishment License shall be filed and processed as provided in this Article prior to such transfer taking effect. Any transfer in the ownership or control of a Massage Establishment in violation of this Section shall constitute operation of such business without a Massage Establishment License.
- (c) Notice shall be provided prior to any change of the designated manager conducting business for the Massage Establishment Licensee. The new manager must be qualified to operate the Massage Establishment as provided herein. The Massage Establishment Licensee shall, not less than ten (10) business days before such change is to take effect, give the Massage Business Commissioner written notice of such change. The notice shall include any information concerning the new manager which is required in Section 10-31 of this Article.

**Sec. 10-43. Nuisance Declared.**

- (a) Any Massage Establishment established, operated, or maintained in violation of any of the provisions or requirements of this Article or of any Massage Establishment License shall be, and the same is, declared to be unlawful and a public nuisance. The Village may, in addition to or in lieu of any other remedies set forth herein, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an Massage Establishment contrary to the provisions of this Article.

**Sec. 10-44. Penalty.**

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Article or of any of the provisions or requirements of any Massage Establishment License, shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00) and each day that a violation continues shall be deemed a separate offense. Provided, this provision shall not limit the authority of the Massage Business Commissioner to suspend or revoke any License.

**Sec. 45 through Sec. 47** reserved for future use.

**Article VI. Transient Merchants, Itinerant Merchants and Itinerant Vendors.**

**Sec. 10-48 through Sec. 10-58** repealed by Ord. 81-74.

**Article VII. Peddlers.**

**Sec. 10-59 through Sec. 10-70** repealed by Ord. 81-74.

**Sec. 10-71** repealed by Ord. 79-69.

**Sec. 10-72 through Sec. 10-79** reserved for future use.

**Article VIII. Residential Rental Dwellings/Licensing and Inspection.**

(Amended in its Entirety by Ord. 12-62)

**Sec. 10-80. Definitions.**

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

**Annual Inspection:** shall mean a compliance assessment, which is conducted annually, of all outdoor areas and structures, the exterior of all buildings, the dwelling units and all other interior common areas subject to this Article VIII, which are under the ownership of the property owner, to assess compliance with the applicable Village Code standards governing rental dwellings.

**Code Official:** shall mean the Director of Community Development, charged with the administration and enforcement of this Code and all associated ordinances. For the purpose of this

Article, reference to the term “code official” shall also designate the Code Enforcement Officer, a Community Development Inspector, a Plan Examiner, the Building Division Supervisor, or other designee as having the same authority identified.

**Code Standards:** shall mean those Code issues that apply to all structures but are not used with the inspection process to determine an annual grade for a rental site. *See* Inspection issues.

**Dwelling:** shall mean any enclosed space which is wholly or partly used or intended to be used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes, whether located in a building used for single family, multi-family or any other type of residential occupancy.

**Dwelling Unit:** shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, whether located in a building, used for single family, multi-family or any other type of residential occupancy.

**Inspection:** shall mean the annual inspection, semiannual inspection, a reinspection or an exterior only inspection.

**Inspection Issues:** shall mean those issues listed in the Housing Manual which are noted as the basis of determining the annual grade or as an inspection issue for any additional or follow-up rental inspection.

**Interior Common Areas:** shall mean interior spaces not part of a dwelling unit, including all interior utility areas and all interior areas shared and/or accessed by the occupants of the building.

**Lease or Rent:** shall mean the entry into a written or oral agreement embodying the terms and conditions concerning the use and occupancy of a dwelling by a tenant.

**Managing Agent:** shall mean any person or firm, acting for another, with authority to rent, manage or make expenditures.

**Reinspection:** A reinspection includes the inspection of all areas previously found in violation of the applicable codes. Reinspections may also identify new violations that have since developed or were not identified during the previous inspection.

**Rental Dwelling:** shall mean any dwelling unit which is not owner occupied and which is either rented, leased, available for rent or lease, or otherwise compensated for by others to the property owner or his/her agent, regardless of whether located in a building used for single family, multi-family or any type of residential occupancy. The rental of a single room or the sharing of a dwelling unit between the property owner of the dwelling unit and others shall not constitute a rental dwelling.

**Residential Rental License Year:** The residential rental license year shall begin on May 1 and continue through to April 30.

**Semiannual Inspection:** shall mean a second annual inspection of all outdoor areas and structures, the exterior of all buildings, the dwelling units and all other interior common areas subject

to this Article VIII, which are under the ownership of the property owner to assess compliance with the applicable Village Code standards governing rental dwellings.

**Tenant:** shall mean a person entitled by written or oral agreement, by subtenancy approved by the landlord or by sufferance, to occupy a dwelling unit to the exclusion of others.

**Tenant Compliance Letter:** shall mean a form developed and supplied by the Addison Community Development Department to document that the occupants were notified of their responsibilities. (Ord. 02-37; 04-40; 06-38; 07-39; 10-26; 11-17; 12-62)

### **Sec. 10-81. License Required.**

(A) No person shall allow a dwelling or dwelling unit under their ownership to be occupied or have the potential to be occupied by others, where rent is/will be charged unless a Residential Rental License is in effect therefore, as provided by this Chapter (excluding hotels, motels and dwelling units where the unit is co-occupied by the property owner). Licenses shall be issued for a period of up to one year. All licenses expire on April 30, unless sooner revoked.

If the rental license is not properly applied for, submitted and received by April 30, a late fee in the amount of \$200.00 will be assessed. In addition, if the license is not properly applied for, submitted and received prior to June 15, citations will be issued, subject to the fines associated with this Chapter.

Notwithstanding the foregoing, properties new to the rental program will not be required to pay a fee for the current license year when the subject property changes from being owner occupied to a rental property after January 31 of the current license year.

(B) No license shall be transferable to another rental dwelling. If there is a lawful transfer of ownership and a Residential Rental License has been issued for the current license year, the license shall also be transferred at no additional charge to the new owner, subject to the completion and approval of a new application by the new owner.

(C) Every owner shall fill out and submit a No Longer Renting form whenever a property no longer requires a rental license. This form shall include: the site address, the date, reason a license is no longer required and contact information of the property owner. At any time a dwelling or dwelling unit is rented and there is collection of rent, or the building is no longer vacant, the owner(s) is/are required to duly notify the Village of Addison Community Development Department and comply with Section 10-82. (Ord. 02-37; 04-40; 06-38; 07-39; 08-19; 10-26; 11-17; 12-11; 14-09; 18-02; 21-26)

### **Sec. 10-82. Application.**

No Residential Rental License shall be issued except upon receipt of a completed Village of Addison, residential rental license application filed with the Village Clerk or his/her designee. Such applications for existing rentals shall be submitted to the Village Clerk or his/her designee no later than April 30 preceding the license year being applied for with the appropriate fees. The application shall set forth, but not be limited to, the following information.

- (A) Full name, home address, day and evening phone numbers and date of birth of the legal owner; if owned by a trust, a trust disclosure is required. If owned by a business: the business name, designated representative and their date of birth, address, post office box (if applicable) and a daytime phone number is required.
- (B) The license application shall designate three (3) contacts, their names, title and phone numbers for twenty-four (24) hour contact in case of an emergency. Each contact shall have a different phone number from the other contact. The first contact shall be the property owner and each subsequent contact shall be two separate individuals different from the property owner. Each of such persons shall have the authority to address the issues necessary to resolve any and all problems and deficiencies that affect the safety and living conditions of the occupants, regardless of the time of day or day of the week. In the event that the owner cannot make a scheduled inspection/re-inspection appointment, one of the listed contact persons is expected to keep the appointment on the owner's behalf.
- (C) Full name, address, day and evening phone number and date of birth of the applicant for the license.
- (D) If applicable, the authorization or refusal to allow the removal of graffiti by the Village. (Ord. 04-40; 06-38; 07-39; 10-26; 11-17; 14-09; 18-02)

**Sec. 10-83. Reports.**

The licensee shall report to the Department of Community Development any changes in the information provided on the application, within seven (7) days of said change. Any conveyance in the legal or equitable interest in the building shall be reported to the Department of Community Development within seven (7) days after the execution of the contract to convey and at least fifteen (15) days prior to said conveyance to allow ample time to verify the status of compliance for the building and property. (04-40; 10-26)

**Sec. 10-84. Mandatory Crime Free Seminar.**

- (A) Any owner of a property that is required to obtain a rental license shall attend and complete a Village of Addison Crime Free Multi-Housing Program Seminar (the "Seminar"). The owner, agent or designee shall attend the Seminar prior to obtaining or being issued a Village residential operator license. In the event such a Seminar is not offered prior to issuance of the Residential Rental License, a conditional license may be issued subject to the owner, agent or designee attending the Seminar within three (3) months of the issuance of the license. In the event a Seminar is not attended within three months, the license shall be void.
- (B) A property manager shall be considered an agent of the owner. A new manager shall have three (3) months from the date of hire to attend the Seminar. A new property owner shall have three (3) months from the date of purchase of the property to attend the Seminar.
- (C) The Crime Free Multi-Housing Coordinator, as designated by the Director of Police, shall

provide the Director of Community Development with a list of owners, agents and/or designees who have attended the Seminar, with the date of attendance and verification that the owner, agent or designee has complied with the provisions of this Section and is eligible to obtain, maintain or renew the Residential Rental License.

- (D) Any owner or agent of a residential rental property or their designee is required to utilize a crime free lease addendum (see Appendix 10-84 to Chapter 10 of the Village Code) or to provide a clause in the lease similar to the crime free lease addendum for any lease executed after May 1, 2009. The Crime Free Multi-Housing Coordinator shall provide, at no cost, samples of the crime free lease addendum and shall submit such clauses within actual leases to the Village Attorney for review and approval. The clause is intended to consider criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter a lease violation. The landlord shall have authority under said clause to initiate an eviction proceeding as specified in the Illinois Forcible Entry and Detainer statutes. Proof of criminal violation shall be by a preponderance of the evidence. With respect to oral rental agreements, the crime-free lease addendum shall be deemed to be incorporated into such oral agreements as a matter of law.
- (E) Any owner, agent or designee may be required to attend and complete a four (4) hour Village of Addison Crime Free Multi-Housing Program Seminar Refresher Course pursuant to Section 12.38, Judicial Remedies, if in violation of Section 12.35, Chronic Nuisance Property. (Ord. 04-40; 09-02; 10-26; 11-17; 13-09; 14-09; 15-23)

### **Section 10-85. License Fees and Inspection Fees.**

No license shall be issued until all applicable inspection fees, license fees, past due water bills, repair costs owed to the Village of Addison, liens and citation fines have been paid to the Village.

It shall further be unlawful for any owner of a rental dwelling to fail to pay promptly license fees and inspection fees for rental dwelling units, as hereinafter provided in this Article. (Ord. 89-78; 92-33; 00-02, 01-35, 01-129; 02-37; 04-40; 06-38; 10-26; 11-17, 12-11)

#### **Sec. 10-85.1. Annual Residential Rental License Fees and Inspections.**

The annual Residential Rental License Fees for the 2014-2015 Residential Rental License Year and all subsequent license years shall be seventy-five dollars (\$75.00) per dwelling/dwelling unit plus:

- \$50.00 for each building having 2 to 5 units;
- \$75.00 for each building having 6 to 11 units;
- \$100.00 for each building having 12 to 17 units;
- \$125.00 for each building having 18 to 23 units; and
- \$150.00 for each building having more than 23 units.

Single family homes shall be charged a dwelling unit fee of seventy-five dollars (\$75.00) plus seventy-five dollars (\$75.00) for the exterior, including all accessory structures used by the

tenant, making the total license fee one hundred fifty dollars (\$150.00).

Condominium units and townhomes shall be charged a dwelling unit fee but shall not incur a fee for the building unless the building is maintained directly by the owner of one (1) or more of the condominium units or of the townhome.

- (A) The annual Residential Rental License fee includes the fee for a complete annual inspection but does not include any charges for rescheduling, reinspections, semi-annual or exterior only inspections.
- (B) The annual rental inspection shall be scheduled to inspect twenty percent (20%) of the dwelling units in each building. When the calculation of twenty percent (20%) of the total units creates a fraction of a unit, it shall be increased (rounded up) to the next full whole number of units to be inspected. The units selected to be inspected shall be a random choice made by the inspector. Annual inspection shall include the inspection of all exterior areas and structures, twenty percent (20%) of all dwelling units and all other common interior areas. If any unit is found to be infested during an annual inspection, all rental units in the building are subject to the inspection process, except for those units approved to be work in progress. No new leases or rental agreements for any unit in such violation may be entered into until the violations noted for the same unit have been resolved and approved. If additional units are required to be inspected as a result of the annual inspection and another time or date may be required, the annual rental inspection shall not be graded until all of the units are inspected.
- (C) The building official shall make annual inspections of all dwellings or dwelling units required to have a rental license. Additional inspections may be required based on the results of the initial annual inspection, semiannual or exterior inspections. Property owners have an affirmative obligation to allow such inspections.

Every building inspected shall receive an inspection grade based on the results of the annual inspection. Only those issues identified in the Housing Manual as inspection issues shall be used to determine the grade of the annual inspection. Based on this inspection grade, the schedule of the next annual, semiannual and/or exterior inspection shall be determined, as provided in Section 10-85.2 below.

- (D) The total number of dwelling units (excluding vacant units defined as a “work in progress” or owner occupied) inspected in the building, plus one for interior common areas and plus one for the exterior common area of the building, including all accessory structures, shall determine the total number of inspection areas used in calculating the annual inspection grade. For those condominium units or townhomes (that do not have maintenance responsibility for the exterior or common interior areas) that are to be inspected, there shall only be one inspection area. No interior common area or exterior common area issues shall be inspected or graded as part of this program other than balconies, patios, decks, exterior screens and dwelling unit door closers for the unit being inspected.
- (E) Vacated units may be inspected by the Village as part of the annual or semiannual inspection process. A vacant unit deemed a work in progress shall be exempt from the annual and semiannual inspection process and the grading system for the building, if such unit is in

compliance with the requirements for a Work in Progress. To qualify as a work in progress the unit shall be identified as either having ongoing remodeling, repair or new construction or proposed to correct a code violation and shall be vacant and unoccupied. Additionally, the request for such units to be exempted shall be requested in writing by the property owner or his designee and verified both visually and in writing by the inspector. Qualifying units shall be inspected before the unit is occupied and is subject to all fees and reinspections that are otherwise deemed applicable. No such unit may be rented if any safety or health issues are identified through the inspection process. Failure to request and have an inspection approved before allowing the unit to be occupied or furnished (any personal effects) by the tenant is prohibited and is subject to a citation being issued to the property owner, manager or landlord. Failure to complete the work that qualified the unit for the exemption shall be charged a one hundred dollar (\$100.00) administrative fee to adjust the results of the inspection and the change of the grade if applicable. Inspections for “work in progress” shall be scheduled a minimum of seven (7) working days before the use of the unit is anticipated. Vacant units that are approved as a “work in progress” are limited as such for a period not to exceed ninety (90) calendar days. (Ord. 10-26; 11-17; 14-09).

#### **Sec. 10-85.2. Inspection Grading System.**

- (A) Each property required to have a Residential Rental License shall be given an inspection grade at the conclusion of any annual inspection. The total number of violations and deficiencies observed at the time of the annual inspection divided by the total number of inspection areas shall determine the inspection grade of the building. A building having two separate entrances, each with a different address, shall be considered two buildings when the interior common area is not continuous throughout the building. If the building has two entrances, each with a separate address with the interior common hallway allowing for passage from one entrance to the other, only one Residential Rental License shall be issued.

If there are two licenses, the exterior areas shall be divided accordingly by determining a reasonable center point between each entrance which shall act as a dividing line for the inspection areas. All exterior common areas and accessory structures shall be inspected based on the proximity of the area to each building being inspected and the related uses.

Exterior areas that extend beyond property lines that are not under direct ownership of the building owners shall be inspected as part of the building’s exterior area by dividing the property in half based on the proximity of the next building.

- (B) Any building having, on average, one or less violations or deficiencies at the completion of an annual inspection shall receive an inspection grade of Very Good. An inspection grade of Very Good exempts the building from the next annual inspection process and the next annual Residential Rental License fee. However, the application for a new Residential Rental License shall still be submitted and approved and all reinspections and reinspection fees are still applicable. Should a reinspection be required based on the results of the annual inspection no reinspection fee shall be assessed for the annual inspection. In addition, no exterior only Inspections shall be scheduled during the license year. These exceptions shall be invalidated if within the twelve (12) months following the initial annual inspection, the respective building or site receives four or more valid service requests (complaints) that have

not been corrected within seven (7) calendar days after being notified by the Village or is found guilty of a violation of the housing program regulations. This exemption shall not be approved if during the annual inspection, there is any violation relating to infestation or there are four (4) or more violations in the common area or if the current rental license fee has not been paid on a timely basis as per Section 10-81 of the Village Code, in which case the building shall be graded as Satisfactory. Beginning with the 2008-2009 license year, by achieving and maintaining a Very Good grade on three (3) consecutive annual inspections and maintaining the associated Waived status, the building shall be exempted from the following two (2) annual inspections and the following two residential rental license fees, if maintained under the same ownership. Achieving a Very Good on the next annual inspection shall again exempt the building for an additional two (2) years from having any inspections or paying a license fee if maintained under the same ownership. If a rental license is not properly applied for before the beginning of the license year for the year of the waived status the waived status shall be withdrawn and the site shall be regarded as a Satisfactory, requiring both a license fee and the applicable inspections.

Any building having an average of more than one (1) but not more than three (3) violations or deficiencies per inspection area at the completion of an annual inspection shall receive a grade of Satisfactory. A grade of Satisfactory requires that one exterior only inspection be conducted during the same license year. A grade of Satisfactory also requires that for the next Village residential rental license year, a Residential Rental License shall be applied for, paid for and issued and that another annual inspection shall be conducted and all reinspections and reinspection fees shall be applicable.

Any building having an average of more than three (3) violations or deficiencies per inspection area at the completion of an annual inspection shall receive a grade of Unsatisfactory. A grade of Unsatisfactory requires that a semiannual inspection be conducted. This inspection applies to all areas subject to an annual inspection. A grade of Unsatisfactory requires that two exterior only inspections be conducted during the same license year. In addition, for the next Village Residential Rental License Year, a Residential Rental License shall be applied for, paid for and issued, another annual inspection shall be conducted, and all reinspections and reinspection fees shall be applicable. (Ord. 15-04)

(C) Sites receiving a Very Good grade:

- (1) shall not be charged a reinspection fee for an annual inspection if such an inspection is required, and
- (2) shall not be scheduled for any exterior only inspections.

(D) Sites receiving a Satisfactory grade:

- (1) shall be charged for the reinspection at fifty dollars (\$50.00) per unit where violations exist and/or the building fee if violations exist in interior common areas or the exterior of the building; and
- (2) shall be charged a fee for one exterior only inspection equal to the annual license fee less the per unit charge.

(E) Sites receiving an Unsatisfactory grade:

- (1) shall be charged for the reinspection at fifty dollars (\$50.00) per unit where violations exist and/or the building fee if violations exist in interior common areas or the exterior of the building; and
- (2) shall be charged a fee for one semiannual inspection equal to the annual license fee; and
- (3) shall be charged a fee for two (2) exterior only inspections equal to the annual license fee less the per unit charge, for each inspection. (Ord. 10-26; 12-11; 14-09)

**Sec. 10-85.3. Semiannual Inspections.**

Semiannual inspections shall be conducted when an annual inspection grade of Unsatisfactory is determined. Semiannual inspections shall require the duplication of the annual inspection process allowing again the random selection of units to inspect. A semiannual inspection shall not reduce the number of exterior only inspections that shall be required. The semiannual inspection fee shall be the same amount as the annual inspection fee. (Ord. 10-26)

**Sec.10-85.4. Reinspections.**

Reinspections shall be conducted on an as needed basis when a scheduled inspection identifies violations or code deficiencies. Reinspections may identify additional issues in addition to those already identified. The fee for each scheduled reinspection shall be fifty dollars (\$50.00) per unit where violations exist and/or the building fee if violations exist in interior common areas or the exterior of the building. (Ord. 10-26; 14-09)

**Sec. 10-85.5. Exterior Only Inspections.**

In addition to the annual rental inspection, each building (excluding single family residences, townhomes where the property is not directly maintained by the owner and condominiums) shall have up to two additional exterior only Inspections during the same license year. Exterior only inspections shall include the inspection of all outdoor areas and structures, the exterior of the building, including the operation of all the exterior doors opening into common areas, to verify code compliance. These inspections shall be scheduled after the annual inspection has been conducted and repeated if necessary. The exterior only inspection process shall be subject to reinspections and reinspection fees. However, the exterior only Inspection process cannot generate a semiannual inspection. If the property owner, landlord, property manager or other designated individual is not present at the scheduled time for the exterior inspection, the inspector shall not conduct the inspection.

The fee for a scheduled exterior inspection shall be at the same rate as the annual license fee less the per unit charge. (Ord. 10-26)

**Sec. 10-85.6. Payment of Certain Fees.**

All reinspection fees shall be paid in full within thirty (30) days of the date the initial inspection was conducted or prior to the reinspection date whichever occurs first. Fees for all semiannual inspections shall be paid in full within thirty (30) days of the date the annual inspection was conducted or prior to the semiannual inspection date whichever occurs first. Fees for all exterior only inspections shall be paid in full within thirty (30) days of the date the annual inspection was conducted or prior to the first exterior only inspection date whichever occurs first. Fees for a reinspection and/or for any additional inspections shall be listed on the inspection report, no invoices or additional notices shall be provided for the payment of these fees. (Ord. 10-26)

#### **Section 10-85.7. Scheduling Inspections.**

The Code Official, or his authorized representative, is hereby authorized and directed to make inspections in order to determine the condition of the dwellings, dwelling units, rooming units and premises (collectively a dwelling located within the Village). The sole purpose of such inspections shall be to determine whether such dwellings comply with the provisions of this Article, Section 15.3E of Chapter 15, Section 17-32 of Chapter 17, Section 1206 of the Subdivision Control Ordinance, and Chapter 24. The scope of such inspections shall be strictly limited to those areas of the dwelling that are required to be in compliance with this Article and Chapter 24. For the purpose of making such inspections, the Code Official or his authorized representative is hereby authorized to enter, examine and survey all dwellings and related areas and uses in the Village.

If the dwelling is vacant, the Code Official shall inform the owner of the scheduled inspection and shall request permission to enter the dwelling for the purposes of the inspection.

If a dwelling is occupied by a tenant, the landlord shall inform the tenant of the scheduled inspection and shall request permission from the tenant that the inspector be permitted to enter the dwelling if the tenant is not home at the time of the inspection. Failure to be granted permission shall require the landlord to provide in writing, the tenant's name, unit number and phone number to the Code Official no later than forty-eight (48) hours prior to the time of the scheduled inspection.

Every inspection and re-inspection shall be scheduled in writing.

The property owner or his/her designee has the responsibility to meet the inspector at the time of scheduled inspection. Failure to meet the inspector at the time of the scheduled inspection shall result in the imposition of a no-show fee equal to one hundred dollars (\$100.00) for buildings with 1-17 units and one hundred fifty dollars (\$150.00) for buildings with eighteen (18) units or more for the first failure during a license year. Additional failures to be present on the prescribed date and time are subject to citations. The inspector must be present on site and allow an additional fifteen (15) minutes, unless confirmation from the property owner or their designee (of being late) is received before documenting that the inspection must be rescheduled.

Requests to reschedule an inspection shall be subject to a fee of fifty dollars (\$50.00) unless a request to change the inspection date is received a minimum of twenty-one (21) days prior to the inspection date. The notification time frame for the rescheduled inspection may be reduced to no less than five (5) business days within the date of the scheduled inspection if mutually agreed upon by the inspector and property owner and will not require written notification. (Ord. 10-26, 12-11; 18-02)

#### **Section 10-86. Inspection of Building, Violations, Suspensions and Revocation of License.**

- (A) Whenever, upon inspection of the licensed rental dwelling or rental dwelling unit, it is determined by the appropriate officials of the Village of Addison that conditions or practices exist which are in violation of the provisions of this or any applicable ordinance of the Village of Addison, the official making the determination shall serve the owner or agent with a notice of violation. Such notice shall identify the specific violations and state that unless they are corrected within the time specified in the notice the operating license may be suspended. Notice pursuant to this Section shall be sent by U. S. mail to or hand delivered to the party designated in the application to receive notices or process or their authorized representative.

Notwithstanding anything to the contrary set forth in this Article, valid complaints or service requests regarding a non-responsive licensee shall be processed as follows. After a tenant has notified the licensee or his designated representative of a code violation, the licensee has an obligation to resolve the matter within a reasonable timeframe. If the Village is notified of the failure of the licensee to comply, the Village shall notify the licensee and investigate the complaint. If the complaint is valid, and the licensee has not addressed the issue within seven (7) calendar days, the licensee shall be responsible for the payment of the inspection costs incurred by the Village and any subsequent reinspection costs. If it has been determined that the respective building has received four (4) or more valid service requests within twelve (12) months following the initial annual inspection, an additional inspection consisting of the building exterior, the interior common areas and all rental dwelling units shall be conducted and the building will be charged a fee the same as the initial license fee. The licensee shall pay said costs within fifteen (15) days of notification of such inspection or reinspection. Such notification shall be either by the service of an inspection report indicating the fee or of a letter either mailed or hand delivered. Should the licensee fail to pay said costs in a timely manner, said failure shall be a violation of this Article and the licensee shall be subject to additional penalties as hereinafter set forth. In addition, if the violation(s) found on the service request are not corrected within seven (7) calendar days after being notified by the Village, the valid service request shall be counted against the grade of the building as indicated in Subsection 10-85(B). (Ord. 14-09; 15-04)

- (B) At the end of the time allowed for correction of any violation cited, the building shall be reinspected by the appropriate Village officials to verify compliance. If compliance has not been achieved or if significant progress has not developed, the Village of Addison may issue an order for suspending the operating license. Violations caused by the tenant shall not be considered grounds for suspension of license, if the licensee is diligent in achieving compliance.
- (C) Any person whose license to operate a rental dwelling or dwelling unit has been suspended shall be given the opportunity to be heard by the Village of Addison in connection with the violations. Within twenty-one (21) days following the issuance of an order of suspension, the Village shall schedule a hearing to determine whether the license shall be revoked. The Village, as a result of such hearing, may grant additional time or may revoke the license. Prior to revocation any person whose license has been suspended may request a reinspection upon showing that the violation cited in the notice has been corrected.
- (D) If the licensee is convicted by a Court of a violation of any applicable ordinance of the Village of Addison in connection with the licensed building, then the licensee shall be

subject to revocation.

- (E) In the event a condition of extreme hazard to health or safety is found to exist, the Village of Addison may immediately suspend the license.
- (F) If, upon reinspection, it is determined by the appropriate Village officials that the violations cited in the notice have been corrected, the license shall be reinstated by the Village of Addison. A request for reinspection shall not exceed the twenty-one (21) day suspension period unless the official responsible for sending the violation notice so requests.
- (G) Each day a building continues to operate after a license has been revoked shall constitute a separate violation of this ordinance subject to fine, as provided for in this Code.
- (H) Whenever the Code Official, upon presentation of proper credentials and request for entry to inspect, is refused access to any building, dwelling, dwelling unit, rooming unit, or premises, the Code Official is authorized to petition any judge for the issuance of a search warrant authorizing the inspection of such building, dwelling, dwelling unit, rooming unit or premises for the purpose of making such inspections as shall be necessary to the enforcement of the provisions of this Chapter or Chapter 24. (Ord. 04-40; 07-39; 10-26; 11-17; 14-09)

**Sec. 10-86.1. Nuisance Residential Rental Property.**

It is hereby declared a nuisance and against the health, peace and comfort of the Village and its residents for any property owner, agent or manager to suffer or permit the rental of a residential unit or residential building within an apartment community or governed by a homeowner's association (the "Property") to a tenant who commits, or allows to be committed by a member of the tenant's household, guest, or other party under the control of the tenant, acts which would cause the Property to become a chronic nuisance property under Article VI of Chapter 12 of the Addison Village Code. (09-02; 09-54; 10-26; 16-10)

**Sec. 10-87. Tenant Responsibility/Notification by Landlord.**

- (A) No tenant shall commit vandalism in the building in which the tenant's dwelling unit is located, and no tenant shall permit vandalism to occur or shall violate any of the provisions of the ordinances of the Village of Addison in the dwelling unit leased by the tenant.
- (B) Each tenant shall be notified of the Tenant Notification of Housing Codes, as provided in Chapter 24, before occupying a rental dwelling. The landlord shall notify the tenant of this requirement. (10-26)

**Sec. 10-88. Penalty.**

- (A) Any person not in compliance with the provisions of this Chapter as a result of failure to obtain a required rental license and any person who violates any other provision of this Chapter shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00) for each offense. In addition, any judgment shall include an award of costs and any outstanding fees owed to the Village under this Chapter. (Ord. 80-98; 01-35; 04-40; 08-19; 09-02; 10-26; 11-17; 12-18)

## **Article IX. Flea Markets.**

### **Sec. 10-89. Definitions.**

**Flea market** means the operation of any business where a party leases, sells or otherwise transfers spaces, booths, stalls or other areas for a period of less than one (1) year to a vendor who sells merchandise to the public at retail from those spaces.

**Outside flea market** means a flea market in which the market area is located outside of any permanent structure building.

**Operator** means any person who sells, leases or otherwise transfers space, booths, stalls or other areas for a period of less than one (1) year to a vendor for the purpose of selling merchandise at retail to the public.

**Vendor** means any person who buys or leases or otherwise acquires space, booths, stalls or other areas for a period of less than one (1) year for the purpose of selling merchandise to the public at retail.

**Booth or stall** means any space, booth, stall or other area designated by a flea market operator for the use of a flea market vendor.

**Tax number.** Retailer's occupation tax number as provided by the Illinois Compiled Statutes.

### **Sec. 10-90. Flea Market Operators; License Required.**

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 premises in the Village of Addison, the operation of a flea market, without first having obtained a flea market operator's license.

### **Sec. 10-91. Application for a Flea Market Operator's License.**

Applicants for operator's licenses under this Article, whether a person, firm or corporation, shall file a written, sworn application signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the Village Clerk showing:

- (A) Name and legal address and phone number of the applicant.
- (B) Address of the premises to be used.
- (C) Name of the owner of the premises and the names of beneficial owners if the property is in a land trust.
- (D) The legal address of the owner and beneficial owner.
- (E) The name of the business to be licensed.
- (F) Names and addresses of the owner, beneficial owner or the major stockholders of the business to be licensed.

- (G) A statement by the applicant that he or she has and is familiar with the provisions of both this Article and the ordinance dealing with the sale of precious metals and will comply with them.
- (H) A statement that the applicant will not violate any of the laws of this state or of the United States or any provisions of the Addison Village Code or any other ordinances of the Village in the conduct of his place of business.
- (I) A statement that the applicant has never been convicted of a felony or a misdemeanor involving theft, deceptive practices, advertisements, misbranding or fraud and is not disqualified to receive a license by reason of any matter or anything contained in this Article, the laws of this State or provisions of the Addison Village Code.
- (J) A statement by the applicant that he has read 35 ILCS 120/3 and that he will comply with that section and will not issue space, booths, stalls or other areas to vendors who do not have a retailers occupation tax number.
- (K) A statement that the applicant has complied with the "Assumed Business Name Act" (805 ILCS 405/1 *et seq.*).
- (L) A floor plan showing the number, location and size of all booths and stalls, aisles, entrances and exits, location of fire prevention equipment, emergency exits, loading berths and washrooms.
- (M) A copy of the rental agreement, lease or other type of application given to vendors.

**Sec. 10-92. Flea Market Vendors; License Required.**

It shall be unlawful for any person to sell merchandise at a flea market without first having obtained a flea market vendor's license. (Ord. 81-42)

**Sec. 10-93. Application for Flea Market Vendor's License.**

Applicants for operator's licenses under this Article, whether a person, firm or corporation, shall file a written, sworn application signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the Village Clerk showing:

- (A) Name and legal address and phone number of the applicant.
- (B) The name and address of the premises to be used at which the vendor's license will be used.
- (C) A statement that the applicant has complied with the "Assumed Business Name Act" (805 ILCS 405/1t *et seq.*), if it applies.
- (D) The applicant's retailer's occupation tax number as provided by the Illinois Compiled Statutes.
- (E) A statement that the applicant has read and is familiar with 35 ILCS 120/3 and will comply with that section.

- (F) A statement by the applicant that he or she has read and is familiar with the provisions of both this Article and the ordinance dealing with the sale of precious metals and will comply with them.
- (G) A statement that the applicant has never been convicted of a felony or a misdemeanor involving theft, deceptive practices, advertisements, misbranding or fraud and is not disqualified to receive a license by reason of any matter or thing contained in this Article, the laws of this State or the provisions of the Addison Village Code.
- (H) A statement that the applicant will keep the "inventory" and "sales receipts" as required by this Article.
- (I) A statement that the applicant will not attempt to sell, store or display stolen merchandise or any other merchandise prohibited by this Article, the Addison Village Code or the laws of the State of Illinois.
- (J) A statement of the nature, character and quality of goods, wares or merchandise to be sold, the invoice value and quality of such goods; whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; by direct sale or by direct sale and by taking orders for future delivery.
- (K) There shall be no coin-operated amusement and vending devices as defined by Section 10-18 of the Addison Village Code permitted in flea markets. (Ord. 81-42; 82-62)

**Sec. 10-94. Fee for Flea Market Operator's License.**

The annual fee for a flea market operator's license shall be five hundred dollars (\$500.00), which shall be paid to the Village Clerk at the time application for the license is made. Said license shall be valid for one (1) year from the date of issuance.

**Sec. 10-95. Fee for Flea Market Vendor's License.**

The annual fee for a flea market vendor's license shall be eighty-five dollars (\$85.00), which shall be paid to the Village Clerk at the time application for the license is made. Said license shall be valid for one year from the date of issuance.

**Sec. 10-96. License Not Transferable.**

No flea market operator's license or flea market vendor's license issued under the provisions of this Article shall be transferable. Any operator's or vendor's license issued shall be valid only at the location of the premises named in the license.

**Sec. 10-97. Exhibition of License.**

Any operator's license issued under this Article must be posted conspicuously in the place of business named therein. Any vendor's license issued under this Article must be posted conspicuously at the booth, stall, space or other area designated to the vendor.

**Sec. 10-98. Vendor's Exhibition of Warranties, Guarantees and other Consumer Protection.**

It shall be the duty of each vendor to post his statement and policy regarding warranties, guarantees, refund policies, return policies and other such consumer protection matters. If the merchandise is to be sold "as is" without any consumer protection, a statement of the same must be posted. All statements shall be posted above, below or next to the vendor's license and shall be printed in letters no less than one-half inch (1/2") in height.

**Sec. 10-99. Operator's Exhibition of Statement.**

It shall be the duty of each operator to post a sign at every entrance and exit of the flea market area. Such sign shall be no smaller than three feet by three feet (3'x3') in dimension and must be conspicuously placed at each entrance and exit. Such sign shall include the following:

"Notice! Every vendor in this flea market must exhibit statement of whether or not he or she offers any consumer protection."

**Sec. 10-100. Prohibited Storage, Sales and Display.**

No flea market operator or vendor shall sell, display or store any combustible or flammable liquids, any explosive materials or any flammable compressed gases. No stolen items shall be sold, displayed or stored. No alcohol, cigarettes, firearms, pornographic or obscene material, food, foodstuffs or beverages shall be sold, displayed or stored.

**Sec. 10-101. Sales Tax; Sales Receipts, Inventory.**

It shall be the duty of each vendor to provide a purchaser with a sales receipt for each article purchased. The sales receipt must reflect the purchase price, the amount of sales tax and the total of both.

It shall be the duty of each vendor to file all reports and returns and payments as are required under 35 ILCS 120/3.

It shall be the duty of each vendor to keep an inventory of all merchandise sold, displayed or stored. This inventory shall include the types of merchandise, the make, the model and any serial number which the product might have.

It shall be the duty of all vendors to keep a record of all sales.

**Sec. 10-102. Revocation of License.**

- (A) The permits and licenses issued pursuant to this ordinance may be revoked by the Mayor of the Village, after notice and hearing, for any of the following causes:
  - (1) Any fraud, misrepresentation or false statement contained in the application for license.
  - (2) Any fraud, misrepresentation or false statement made in connection with the selling

of goods, wares or merchandise.

- (3) Any violation of this ordinance.
- (4) Conviction of any felony or a misdemeanor involving theft, deceptive practices, advertisements, misbranding or fraud.

**Sec. 10-103. Clean-up Bond Required.**

Every flea market operator shall post a cleanup bond in the amount of three hundred dollars (\$300.00). Said bond shall be posted once the application for the operator's license is approved. The operator's license will not be issued until the bond is posted. If, at any time, the full amount of the bond shall be expended, the operator shall post an additional bond in the same amount.

**Sec. 10-104. Penalties.**

Any person, firm or corporation found guilty of violating any Section of this Article shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00). (Ord. 81-42)

**Article X. Food Trucks and Mobile Vending.**

(Amended in its Entirety by Ord. 25-32)

**Sec. 10-105. Findings and Purpose.**

The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic. Vending on the public streets promotes the public interest by contributing to an active and attractive pedestrian environment. Vending on sidewalks impedes the orderly flow of pedestrian traffic. Reasonable regulation of street and sidewalk vending is necessary to protect the public, health, safety and welfare. The regulations contained in this ordinance do not prohibit pure speech by religious organizations, but merely regulate the activities of an organization which are commercial in nature.

**Sec. 10-106. Definitions.**

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

**Beverage** means a liquid for drinking that does not contain alcohol.

**Bicycle powered vehicle** means any vehicle powered by human effort and having a bicycle-type apparatus.

**Food or foodstuff** means any substance that is defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale, in whole or in part, packaged or unpackaged, for human consumption, and chewing gum.

**Food delivery vehicle** means any vehicle that is primarily used for the delivery of food or beverages to consumers in the Village, on request for such delivery, but does not include vehicles that primarily

make deliveries of supplies or inventory to licensed food establishments, food stores, or mobile food service establishments.

**Food preparation** means packaging, processing, cooking, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

**Food truck** means a licensed, motorized vehicle modified to include facilities for the cooking, processing and preparation of food and beverages, when temporarily parked on property other than a public street, road or right-of-way, and from which food items or beverages are then sold to the general public.

**Food truck operator** means the owner or operator of a food truck to be licensed under this Article, and who shall be the party responsible for the compliance of the operations of the food truck with the requirements of this Article, this Code, and other applicable laws and regulations.

**Motor vehicle** means any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.

**Residential district** means any area zoned for residential dwellings.

**Stand** means any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device, with the exception of bicycle powered vehicles, which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.

**Vendor** means any person engaged in the selling, or offering for sale, of food, beverages, or merchandise on the public streets or sidewalks, from a stand or motor vehicle or from his person.

#### **Sec. 10-107. License Required.**

- (A) It shall be unlawful to sell, or offer for sale, any food, beverage or merchandise on any street or sidewalk within the Village without first obtaining a license therefor.
- (B) The number of licenses available for food trucks and mobile vendors shall be limited to fifteen (15) per year.

#### **Sec. 10-108. Compliance with state and local laws.**

Each food truck that is permitted to operate in the Village shall be operated in strict compliance with the regulations set forth in this Article as well as all applicable ordinances, laws, rules, and regulations, including, without limitation, all zoning, building, health, fire, and safety regulations, and all other provisions of this Code, the DuPage County Code, the DuPage County Health Department and state law. If a conflict arises between applicable regulations, the strictest regulation shall control.

#### **Sec. 10-109. Application.**

- (A) Any applicant desiring to operate a food truck as a food truck operator must provide the following supplemental documentation with its permit application, on a form provided by the Village:
- (1) The name and address of the food preparation establishment or food establishment where food items are to be prepared and/or packaged for sale by the food truck operator from the food truck with copies of the establishment's most recent health inspection report and DuPage County Health Department permits, and copies of the same documentation with respect to the food truck and/or food truck operator;
  - (2) A description of the nature of the food and beverages offered by the food truck;
  - (3) A letter of agreement from the food preparation establishment or food service establishment where food items are prepared and/or packaged for sale by the food truck operator from the food truck agreeing to comply with all applicable laws and regulations;
  - (4) A list of locations and times the food truck will be conducting its operations within the Village, which may be amended from time to time by the food truck operator to reflect its then current operations of the food truck, subject to the review and approval of the Village;
  - (5) A description of the food truck to be used in conducting business;
  - (6) Copies of all necessary licenses or permits required by state health or transportation authorities for the operation of the food truck;
  - (7) The permit application must include the written consent of the property owner stating the food truck is allowed to operate on the property, together with copies of any relevant documentation between the property owner and the food truck operator evidencing the terms of such consent;
  - (8) A signed statement approved by the Village as to form and substance providing that the vendor shall hold harmless the Village and its elected officials, officers, attorneys, agents and employees, and shall indemnify the Village, its elected officials, officers, attorneys, agents and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried out under the terms of the license. Contemporaneously with the issuance of a license under this Article, the food truck operator shall obtain or have in full force and effect commercial general liability insurance coverage insuring the food truck operator and the Village with respect to occurrences arising out of the activities authorized by the license, with such coverage having combined single limits of not less than \$1,000,000.00 for personal injury and death and property damage per occurrence, and in the aggregate, which coverage shall specifically refer to this license, coverage of the Village shall be by written endorsement naming the Village as an additional insured. The food truck operator shall further maintain automobile liability insurance with coverage of not less than \$1,000,000.00 for personal injuries or death per occurrence and \$1,000,000.00 for property damage per occurrence. All insurance coverage provided under the license shall expressly provide that it is primary and noncontributory to any insurance coverage maintained by the Village, and shall waive any rights of recovery against the Village. Copies of all policies of insurance, certificates of insurance and endorsements reflecting the coverages required under this agreement shall be provided to the Village prior to the issuance of any license under this Article. All such insurance coverage shall further provide that it may not be canceled except upon 30 days' written notice served upon the Director of Finance.

A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Finance Department; and

- (9) A signed statement approved by the Village identifying the location that the food truck would be cleaned and sanitized at the end of each day of operation.
- (B) At the time of application, all applicants shall pay an annual license fee of \$250.00.
- (C) Any food truck operator and mobile vendor who engages in the sale of food, beverages or merchandise during a Village sponsored special event shall, in addition to paying the annual license fee, obtain the prior written approval of the Village and pay an additional special event license fee of \$100.00 per special event.
- (D) All applicants shall successfully complete a background investigation and shall produce all necessary documents as requested.

**Sec. 10-110. Conditions of License.**

- (A) In addition to naming the applicant/food truck operator, the approved operating location and other information deemed appropriate by the Village, the food truck license shall be subject to the following conditions:
  - (1) Each food truck license shall expire on December 31 of each year;
  - (2) Each food truck license shall set forth the days of each week the food truck operator may operate. The number of days shall be not more than three days per week and shall be the same days each week for the duration of the license;
  - (3) The license shall not be transferable from one food truck operator or from location to location without the review and written approval of the Village;
  - (4) Each license is valid for one food truck only, and is valid only for the locations approved pursuant to the license application, or such locations as are subsequently approved by the Village;
  - (5) There shall be issued to each applicant a suitable license that shall be permanently affixed to the vehicle in a prominent location; and
  - (6) A license is only valid for and may only be issued with respect to a location permitted for food truck operation under the provisions of the Village Code.

**Sec. 10-111. Use Standards.**

- (A) Food trucks must be brought to a complete stop, with the ignition turned off, and be lawfully parked within the location approved for the license prior to commencing operations.
- (B) Food truck operators must provide or have garbage receptacles readily available for immediate use by customers of the food truck. Village trash receptacles are not to be used for this purpose. Such receptacles shall be removed from the site upon the conclusion of the food truck operations, and at all times when the food truck is not at the location for which the license has been approved.

- (C) Food truck operators must pick up, remove, and dispose of all garbage, refuse, or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the food truck, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where the food truck is operating.
- (D) No food truck operator shall sell, display, solicit, barter, gift, and/or exchange any food or beverages as provided in this Code from a food truck within 500 feet of the entrance to a business establishment which is open for business and is offering for sale any food, beverages or foodstuffs as an item offered for sale by the food truck operator; or within 500 feet of any restaurant, cafe, or eating establishment which is open for business. This prohibition may be waived if the operator of the food truck has obtained written consent of the owner of the relevant business or food service establishment to operate within this minimum distance. A copy of such written consent shall be maintained in the food truck for review on request by any Village employee or officer.
- (E) No food truck operator shall sell, display, solicit, barter, gift, and/or exchange any food or beverages as provided in this Code from a food truck within 500 feet of the entrance to any school, church or other place of worship. This prohibition may be waived if the operator of the food truck has obtained written consent of the school, church or place of worship to operate within this minimum distance. A copy of such written consent shall be maintained in the food truck for review on request by any Village employee or officer.
- (F) Food trucks must be located at least five feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way or emergency call box and must not locate within any area of a lot that impedes, endangers, or interferes with pedestrian or vehicular traffic.
- (G) Food trucks must be located a minimum distance of 15 feet in all directions of a fire hydrant.
- (H) Food trucks must never occupy any handicap accessible parking space.
- (I) No alcoholic beverages may be dispensed from a food truck.
- (J) Food trucks must provide their own utilities; use of Village utilities (such as water) is strictly prohibited.

**Sec. 10-112. Operation in Parking Lots.**

A food truck may not serve, dispense, or sell food or beverages in a public or private parking lot within the corporate limits of the Village without having first obtained written consent to operate from the owner of the property on which the lot is located. A copy of such written consent shall be maintained in the food truck for review on request by any Village employee or officer.

**Sec. 10-113. Hours of Operation.**

A food truck may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m., Monday

through Friday, and the hours of 7:00 a.m. and 11:00 p.m., Saturday and Sunday. Daily set up of a food truck may not occur before one hour prior to the permitted opening time, and the end of the day clean up must be completed not later than 11:00 p.m. Food trucks shall not be parked on the premises from which they operate under license during the time period after end of the day clean up and before the permitted set up time on the next intended day of operation. Hours of operation beyond these specified hours for special events conducted by an owner or occupant of the location proposed for the operation of the food truck may be authorized only with prior approval by the Village, upon verification that the conduct of the proposed event otherwise complies with the applicable ordinances of the Village, and the laws and regulations of any other governmental authorities having jurisdiction.

**Sec. 10-114. Signage Furnishing and Fixtures.**

All identifying information, logos, advertising, decorations, or other displays on the exterior of a food truck shall conform to the purposes set forth in the Village Code to the extent possible. In particular, exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety. It shall be unlawful for a food truck vendor to use or cause to be displayed, flashing or electronic or illuminated signs. It shall be unlawful for vendors of food trucks to display or utilize any signage that is not permanently affixed to a mobile food unit unless a temporary sign permit application was filed in accordance with the zoning code.

**Sec. 10-115. Suspension/Revocation of License.**

Operation of a food truck without valid licenses or permits from the Village, DuPage County Health Department and the state, as required, shall be a violation of this Article, and shall further render the food truck operator subject to proceedings for the revocation of its food truck license.

**Sec. 10-116. Exemption; Scope.**

Food delivery vehicles shall be exempt from the application of this Article. The regulations of this Article shall only apply to the food truck operators in connection with their operation of food trucks, as defined herein.

**Sec. 10-117. Enforcement and Penalties.**

- (A) The Village may enforce the provisions of this Article by filing an action in the circuit court for DuPage County, Illinois. Without otherwise limiting the foregoing, the Village may bring an action to collect payment of unpaid fees or to compel the licensee to take actions to comply with the requirements of this Article.
- (B) Any person found to have violated any of the provisions of this Article shall, upon conviction thereof (or upon entry of a guilty plea or other plea the substance of which is to admit or fail to contest the charged violations of this Article), be fined not less than \$100.00 nor more than \$750.00 for a first violation, and not less than \$250.00 nor more than \$1,000.00 for a second or subsequent violation.

**Article XI. Tattoo and Body Piercing Establishments**

**Sec. 10-120. Definitions.**

For purposes of this Article, the words and terms defined below shall have the following meanings:

**Body piercing** means any procedure whereby a part or parts of the human body are pierced by a sharp instrument in order to allow insertion of a piece or pieces of jewelry, a ring(s) or other ornamental device(s) through the orifice(s) thus created.

**Operator** means any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing other human beings.

**Tattoo, tattooed, tattooing** means any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin.

**Sec. 10-121. License Required.**

It shall be unlawful for any person, firm or corporation to maintain and operate a tattoo establishment, with or without body piercing, without first having obtained a license as hereinafter provided.

**Sec. 10-122. Application; Fee.**

Every applicant for a license to maintain, operate or conduct a tattoo establishment shall file an application upon a form provided by the Village Clerk and pay a nonrefundable filing fee of fifty dollars (\$50.00) to the Village Clerk. The Village Clerk shall, within fifteen (15) days thereafter, refer copies of such application and all additional information to the Police Department, Building Department and Mayor. The Village departments shall, within forty-five (45) days, inspect the premises proposed to be operated as a tattoo establishment, and make recommendations to the Clerk concerning compliance with the codes of the Village. Upon receipt of the recommendations of the respective Village departments, the Clerk shall notify the applicant as to whether his application has been granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days.

**Sec. 10-123. Duration of License; Renewal.**

A license as provided for herein shall expire and shall be renewable as set forth within Section 10-7 of this Chapter.

**Sec. 10-124. Premises.**

No tattoo establishment shall receive a license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

- (A) The establishment shall have a certificate of compliance with or inspection by the DuPage County Health Department, if available.
- (B) The room in which tattooing is done shall have an enclosed area of not less than five hundred

(500) sq. ft. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

- (C) Toilet facilities shall be provided within the establishment. When five (5) or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.
- (D) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a solid wall or door totally eliminating any view into the tattooing room.
- (E) Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in tattooing. All used linens, towels, equipment, instruments, and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

A steam sterilizer shall be provided to properly sterilize all needles and instruments before use on any customer, person or patron. Such needles and instruments required to be sterilized shall be so used, handled and temporarily placed during their use so that they will not be contaminated.

- (F) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
- (G) No tattoo establishment shall be open to the public for business between the hours of 10:00 p.m. and 7:00 a.m.
- (H) The main entrance door of any tattoo establishment shall be visible from a public street and shall remain unlocked during business hours.
- (I) The business shall also comply with all of the terms and conditions set forth within Article 1 of this Chapter 10 with respect to business licenses.

#### **Sec. 10-125. Operating Requirements.**

- (A) The operator shall wash his hands thoroughly with antiseptic soap and water before starting any tattoo; the hands shall be dried with individual, single use towels.
- (B) The area on the patron to be tattooed shall first be thoroughly washed with a sterile, single use sponge with warm water containing an antiseptic liquid soap. The area should be shaved with a safety razor, using single service blades for each customer or patron, followed by a solution of seventy percent (70%) alcohol to be applied to the area before tattooing is begun.
- (C) Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.
- (D) Single service or individual containers of dye or ink shall be used for each patron, and the

container therefor shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in tattooing and all bandages and surgical dressings used in connection with tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the tattooed area shall be washed with sterile gauze and seventy percent (70%) alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed area.

- (E) Operators shall at all times while in the performance of their services wear uniforms or garments which cover the torso, and said garments shall be kept clean and in a sanitary condition.
- (F) No person, while on the premises of any tattoo establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.
- (G) No intoxicated person shall be tattooed by an operator on the licensed premises.
- (H) Operators shall at all times comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 CFR §1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, bloodborne pathogens or other potentially infectious materials, which regulations are incorporated by reference herein.
- (I) Tattooing may be performed within such licensed tattoo establishment but shall be done only by a physician or osteopath or in the physical presence and under the direct supervision of a physician or osteopath authorized to practice medicine or osteopathic medicine in the State of Illinois as set forth in the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 *et seq.*) or any amendment thereof.

#### **Sec. 10-126. Inspections.**

Any Village department or agency may make an inspection of each establishment granted a license under the provisions of this Article for the purposes of determining compliance with the provisions of this Article.

#### **Sec. 10-127. License Revocation and Suspension.**

It shall be cause for revocation or suspension that a licensee has violated the provisions of this Article or any code or ordinance of the Village relative to operation of the business or use of the premises, has made a false statement on any application for license under this Article or, in the event that the licensee shall refuse to permit any authorized police officer or authorized member of the Police Department or Building Department of the Village to inspect the premises or the operations thereof at reasonable times.

#### **Sec. 10-128. Transfer of License Prohibited.**

No license for the operation of a tattoo establishment shall be transferable.

#### **Sec. 10-129. Display of License Required.**

Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the same may be readily seen by persons entering the establishment.

**Sec. 10-130. Exemptions.**

The provisions of this Article shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or tattoo individuals while in the course of their medical practice.

**Sec. 10-131. Requirement for Authorized Physician for Body Piercing.**

Body piercing may be performed within such licensed tattoo establishment but shall be done only by a physician or osteopath or in the physical presence and under the direct supervision of a physician or osteopath authorized to practice medicine or osteopathic medicine in the State of Illinois as set forth in the Illinois Medical Practice Act of 1987 (225 ILCS 60/1 *et seq.*) or any amendment thereof. The piercing of ears shall be exempt from the provisions of this Section.

**Sec. 10-132. Tattooing of Minors.**

In accordance with 720 ILCS 5/12-10, no person under the age of twenty-one (21) may be tattooed except by a person authorized to practice medicine or osteopathic medicine as hereinabove set forth.

**Sec. 10-133. Penalty.**

In addition to license suspension or revocation as hereinabove provided, any person, firm or corporation violating any of the provisions of this Article shall be fined not less than seventy five dollars (\$75.00) nor more than five hundred dollars (\$500.00), and a separate offense shall be determined to have been committed each day during which or on which the violation occurs or continues. (Ord. 25-32)

**Article XII. Fireworks.**

**Sec. 10-134. Definitions.**

**Fireworks** means and includes any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons that require fire underneath to propel same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term "fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms"; sparklers, toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five (25) hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty (20) hundredths grains of explosive mixture; the sale and use of which shall

be permitted at all times.

**Sec. 10-135. Sale, Possession or Use of Fireworks Prohibited.**

Except as hereinafter provided in this Article, it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks.

**Sec. 10-136. Permit Required.**

- (A) Upon application, the Village Manager, without creating any liability on behalf of the Village, its agents and employees, may issue a permit to a properly qualified lead pyrotechnic operator, for giving a display of fireworks in the Village. Such permits shall impose such restrictions as in the opinion of the Village Manager or his designee (the "Issuing Officer") may be necessary to safeguard life and property in each case. Every person conducting or in charge of any public display of fireworks as herein provided for shall file an indemnity bond running to the Village in a sum to be determined by the Director of Finance, and in no event less than twenty-five thousand dollars (\$25,000.00), to indemnify the Village against any and all claims arising through or because of such display. Such bond shall be subject to the approval of the Director of Finance and shall be filed in the office of the Director of Finance.
- (B) If the fireworks display is to occur on private property, the written consent of the owner of such property shall be filed with the Village with the application.
- (C) Such permit shall be issued only after inspection of the display site by the issuing officer, to determine that such display shall be in full compliance with the rules of the State Fire Marshal, which shall be based upon nationally recognized standards such as those of the National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays and NFPA 1126 guidelines for indoor displays and shall not be hazardous to property or endanger any person or persons.
- (D) All indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems.
- (E) The Issuing Officer shall sign the permit.
- (F) Possession by any party holding a certificate of registration under "The Fireworks Regulation Act of Illinois," filed July 20, 1935, or by any employee or agent of such party, shall not be a violation, provided such possession is within the scope of business of the fireworks plant registered under that Act.
- (G) The permit shall be issued only after the issuing officer has inspected the display site to ensure that such display is not hazardous to property or likely to endanger any person, is free from overhead obstacles, and is not closer than six hundred feet (600') to any hospital, nursing home, or other institution. The issuing officer may consult with the local Fire Chief or the National Fire Protection Association's 1123 guidelines for outdoor displays to ensure the safety of persons and property.

**Sec. 10-137. Permit Application.**

- (A) A permit application shall be completed and submitted to the Village not less than thirty (30) days in advance of the date of the fireworks display. Permits may be granted hereunder to any group of three (3) or more adult individuals applying therefor.
- (B) No permit shall be required under the provisions of this Article for supervised public displays by State or County fair associations.
- (C) Proof of insurance from the permit applicant in a sum not less than one million dollars (\$1,000,000) conditioned on compliance with the provisions of this Article and the regulations of the State Fire Marshal hereunder shall be provided not less than ten (10) days in advance of the date of the fireworks display.
- (D) The application shall identify the location at which the fireworks display is to occur.
- (E) The application shall identify the individual who is the fireworks supervisor and shall further contain such documentation as may be necessary to demonstrate that the supervisor is a qualified pyrotechnic operator.

**Sec. 10-138. Fireworks Supervisor Responsibilities.**

The Fireworks Supervisor is responsible for all aspects of the display related to fireworks and other pyrotechnics, including the following:

- (A) No fire or life safety hazard is allowed to exist or occur during the storage, transportation, handling preparation or use of fireworks.
- (B) All displays are conducted in accordance with applicable laws, codes, regulations and guidelines relating to fireworks, including this Article.
- (C) A sufficient number of assistants is on hand for the safe conduct of the display and the safety of those watching the display.
- (D) Proper protective gear (i.e., safety glasses and protective clothing) is worn by all personnel involved in the display.
- (E) A sufficient number of fire extinguishers of a suitable type are present while fireworks are being prepared for firing or fired.
- (F) If at any time high winds, severe weather or other conditions create a danger, the display shall be postponed until conditions improve.
- (G) The area in which debris from aerial fireworks has fallen must be inspected for unexploded fireworks and/or hot embers.

**Sec. 10-139. Penalty.**

The penalty for violation of this Article shall be not less than five hundred dollars (\$500.00)

nor more than one thousand dollars (\$1,000.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Article XIII. Motor Fuel Price Advertising**  
(Established by Ord. No. 08-46)

**Sec. 10-140. Posted Price to Include Tax; Regulation of Advertising Promotions.**

- (A) No person, firm or corporation owning or operating a service station shall advertise or hold out or state to the public the per gallon price of gasoline or other motor fuel upon any sign on the premises of such station, unless such price includes all taxes and unless the price, as so advertised, corresponds with the price appearing on the pump from which such fuel is dispensed. Also, the identity of the product must be included with the price in any such advertisement, holding out or statement to the public.
- (B) No person, firm or corporation owning or operating a service station shall sell, offer to sell or deliver gasoline or other motor fuel to any person on any one date at a price that is fifty percent (50%) or less than the price charged to other purchasers of gasoline or other motor fuel on that day, when the reduced price is associated with an advertising promotion at the service station.

**Sec. 10-141. Penalty.**

The penalty for violation of this Article shall be not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Article XIV. Precious Metal and Gem Dealers, Pawnbrokers**  
(Established by Ord.09-61)

**Sec. 10-142. License Required; Method of Obtaining License; No Convictions of Certain Crimes; Approval of Weighing Devices; Renewal; Permanent Location Required.**

- (A) No person shall engage in the activities of a precious metal dealer or pawnbroker without first obtaining a license from the Village.
- (B) In addition to any requirements set forth in Article I of this Chapter, in order to obtain a license, the dealer or pawnbroker shall file with the Chief of Police, or his designee, an application form which includes the dealer's or pawnbroker's full name, any aliases, age, date of birth, sex and fingerprints; the name, address and telephone number of the applicant's employer, if any; the location of the dealer's proposed place of business, and a consent to conduct a background investigation, together with a three hundred dollar (\$300.00) application fee, along with the Illinois State Police fingerprint fee. The Chief of Police, or his designee, shall thereupon conduct an investigation of the applicant. Issuance of the license may be denied by the Village Manager for cause, including but not limited to the causes for license revocation set forth in Section 10-13.

- (C) Before a license may be issued, the dealer or pawnbroker shall have all weighing devices used in the business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the Village.
- (D) The license shall be valid for one year from the date issue and may be renewed in the same manner as the original license was obtained for an annual permit fee of two hundred dollars (\$200.00). No license shall be transferable.
- (E) If the business of the dealer or pawnbroker is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the Chief of Police or his designee of all closings and reopenings of such business. The business of a dealer or pawnbroker shall be conducted only from the fixed and permanent location specified in the dealer's application for a license.
- (F) All such businesses shall maintain in working order and continuous operation an interior digital video surveillance system, storing a minimum of thirty (30) days of data.
- (G) In addition to the terms and conditions set forth in this Article, the dealer shall also comply with all pertinent state, federal and local laws, including, without limitation, 205 ILCS 510/1 *et seq.* In the case of a conflict, the most restrictive law, ordinance or regulation shall apply.\*

\*See also Village Code Sections 13-30 *et seq.*

#### **Sec. 10-143. Records to Be Kept; Copy Furnished to Local Authorities.**

Every dealer or pawnbroker shall keep at his place of business an accurate and legible record book of each purchase or item taken into possession and a photograph, in digital or other format, of each purchase or item taken into possession. The record book and photograph of each purchase shall be retained by the dealer for at least twenty-four (24) months. The record book shall set forth the following:

- (A) A complete description of all items taken into possession. The description shall include all names, initials, serial numbers, or other identifying marks or monograms on each item, the true weight or carat of any gem, and the price paid for each item.
- (B) The date, time and place of receiving the items taken into possession.
- (C) The owner/seller's full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, hair and eye color, and other identifying marks.
- (D) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon.
- (E) A statement of ownership signed by the owner/seller.

A copy of the record book shall be mailed each day to the Addison Police Department. E-mail shall be acceptable.

**Sec. 10-144. Officers May Examine Records of Property; Warrantless Search and Seizure Authorized.**

Every dealer or pawnbroker or his employee shall admit to the place of business during regular business hours the Chief of Police or his designee of the Village. The dealer or pawnbroker or his employee shall permit the officer to:

- (A) Examine all records required by this Article and any article listed in a record which is believed by the officer to be missing or stolen; and
- (B) Search for and take into possession any article known to him to be missing or known or believed by him to have been stolen.

**Sec. 10-145. Credentials and Statement of Ownership Required from Seller or Depositor.**

No dealer or pawnbroker shall purchase any item without first:

- (A) Ascertaining the identity of the seller/depositor by requiring an identification issued by a governmental agency with a photograph of the seller/depositor thereon, and at least one other corroborating means of identification; and
- (B) Obtaining a statement of ownership from the seller/depositor.

**Sec. 10-146. Prohibited Purchases.**

- (A) No dealer or pawnbroker shall accept any item from any person who is under the age of eighteen (18).
- (B) No dealer or pawnbroker shall accept the transfer of goods from any person who the dealer believes or has reason to believe is not the owner of such goods, unless the seller/depositor has written and duly authenticated authorization from the owner permitting and directing such transfer.

**Sec. 10-147. Dealer to Retain Purchases.**

- (A) The dealer or pawnbroker shall retain all items purchased or held on deposit for a minimum of seven (7) calendar days from the date on which the items were acquired. Until the expiration of this period, the dealer or pawn broker shall not sell, alter, or dispose of any acquired item in whole or in part, or remove it from the Village.
- (B) If a dealer or pawnbroker performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of seven (7) calendar days after receiving such article and precious metals or gems.

**Sec. 10-148. Record of Disposition.**

Each dealer or pawnbroker shall maintain for at least twenty-four (24) months an accurate and legible record of the name and address of the person, firm or corporation to which he sells any items in their original form after the waiting period required by Section 10-147. This record shall also show the name and address of the seller/depositor from whom the dealer acquired the item.

**Sec. 10-149. Exemptions from Article.**

- (A) The Chief of Police, or his designee, may waive by written notice implementation of any one or more of the provisions of this Article, except Section 10-146, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by not-for-profit organizations, provided that the purpose of the exhibitions is not-for-profit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.
- (B) Neither the provisions of this Article nor any local ordinances dealing with the subject matter of this Article shall apply to the sale or purchase of coins.
- (C) The provisions of this Article shall not apply to any bank, branch thereof, trust company or bank holding company, or to any wholly owned subsidiary thereof, engaged in buying and selling gold and silver bullion.

**Sec. 10-150. Penalties; Revocation**

Any person not in compliance with the provisions of this Article shall be subject to the penalties, including license revocation and fines, as set forth in Article I of this Chapter.

**ARTICLE XV. HOTELS AND MOTELS.**

(Established by Ord. 21-11)

**Sec. 10-151. Definition.**

A hotel or motel, as used herein, means any building or buildings which is open to more than twenty (20) persons in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, tourist homes or courts, lodging houses, rooming houses and apartment houses.

**Sec. 10-152. License Required.**

It shall be unlawful for any person to be engaged in the business of owner, operator or proprietor of a hotel or motel in the Village without first having obtained the proper license therefor as set forth in Chapter 10, Section 10-2 of the Village Code.

**Sec. 10-153. Hours.**

It shall be unlawful for any owner, operator or proprietor of a hotel or motel in the Village to rent, lease or let a room for a period of less than twenty-four (24) hours.

**Sec. 10-154. Penalty.**

Any person who violates any provisions or requirements of this Article shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00) and each day that a violation continues shall be deemed a separate offense.

In addition, any person who violates any provisions or requirements of this Article is subject to license revocation.

Rental Property: \_\_\_\_\_

**CRIME FREE LEASE ADDENDUM**

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

1. Resident, any members of the resident’s household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. “Drug-related criminal activity” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in the Illinois Compiled Statutes).
2. Resident, any member of the resident’s household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.
3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance, at any locations, whether on or near the dwelling unit premises or otherwise.
5. Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in any illegal activity, including prostitution, criminal street gang activity, threatening or intimidating, assault, including but not limited to the unlawful discharge of firearms, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.
6. **VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.** A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.
7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.
8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.
9. In the case of a conflict between the provisions of this addendum and any controlling state or federal law, including Public Act 97-441 (65 ILCS 5/1-2.1-5) and Public Act 97-1150 (735 ILCS 5/9-106.2), the controlling state or federal law shall govern.

\_\_\_\_\_  
Resident Signature

\_\_\_\_\_  
Resident Signature

\_\_\_\_\_  
Property Manager’s Signature

\_\_\_\_\_  
Property Owner’s Name

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

RP: \_\_\_\_\_  
Rental Permit Number