

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 33. MACHINE SHOPS

SECTION

- 10-33-1: Definition
- 10-33-2: License Required
- 10-33-3: Application
- 10-33-4: Operation at Night
- 10-33-5: Sanitary and Health Requirements
- 10-33-6: Noise
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10-33-1: DEFINITION: The term machine shop is hereby defined to mean a place or workshop in which machines or implements are made, or parts thereof are manufactured, repaired or processed, or where parts of machines, tools, implements, gears, dies, screws, or any other metal, glass, plastic or wood articles are cut, filed, shaped, punched, stamped, abraded, ground or otherwise processed by means of a lathe or other machinery or implements.

10-33-2: LICENSE REQUIRED: No person shall conduct or operate a machine shop within the limits of the municipality without first having obtained a license therefor; provided, however, that this shall not apply to any machine shops specifically licensed under other provisions of this Code.

10-33-3: APPLICATION: Application for license hereunder shall be made in conformance with the general requirements of this Code relating to applications for licenses.

The Chief of Police and other municipal officers shall make the necessary investigations in order to determine whether the building or place within which such machine shop is conducted or is to be conducted complies with all the provisions of this Article relating to health, safety and sanitation, buildings and fire prevention, respectively.

10-33-4: OPERATION AT NIGHT: No machine shop shall be operated in the night time between the hours of 8:00 p.m. and 6:00 a.m. in any block in which a majority of the buildings on both sides of the street are used exclusively for residential purposes, or within one hundred (100) feet of such block.

10-33-5: SANITARY AND HEALTH REQUIREMENTS: No building, structure, or part thereof used for or in connection with any machine shop shall be so used as to endanger the health or property of the employees or of the public. The owner, lessee, tenant, occupant,

or manager of any such machine shop shall cause all floors and other surfaces around or beneath any machine or work bench to be kept in good order and repair, and shall have suitable and convenient sanitary receptacles for receiving waste and cloths used in and about the machine shop for the purpose of cleaning machines or parts thereof, or which are intended for any other necessary use. Such owner, lessee, tenant, occupant or manager shall not permit any steel cuttings or machine parts to accumulation or about any machine or work bench so that the same may become detrimental to the health or safety of any person therein engaged.

It shall be the duty of the Chief of Police to cause an inspection to be made of the premises used for machine shop purposes and all buildings used in connection therewith as often as may be necessary to abate or cause to be removed the nuisance designated in this section.

10-33-6: NOISE: It shall be unlawful to operate, within two hundred (200) feet of any residence, a machine shop wherein pneumatic hammers or other apparatus are used which cause loud or unusual noises.

10-33-7: FIRE REGULATIONS: Each person, firm, partnership, or corporation conducting a machine shop shall comply with the fire regulations of the municipality. It shall be the duty of the Fire Chief to inspect periodically each such premises to determine whether such regulations are being complied with.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 34. MESSAGE ESTABLISHMENT SERVICE

SECTION

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10-34-1: DEFINITIONS: For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

a. Massage. Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating or stimulating of external soft parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, soaps, ointments or other similar preparations commonly used in this practice.

b. Massage Establishment. Any establishment having its place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on, any of the activities mentioned in subparagraph a. hereof.

c. Massage Services. The providing of a massage or massages by any persons.

d. Masseur or Masseuse. Any person who, for any consideration whatsoever, engages in the practice of massage as above defined.

e. Employee. Any and all persons other than masseurs or masseuses who render any service for the licensee and who receives compensation directly from the licensee but has no physical contact with customers or clients.

f. Persons. Any individual, co-partnership, firm, association, joint stock company, corporation, or any combination of individuals of whatever form or character.

g. Licensee. The operative of a massage establishment.

h. Sexual or Genital Area. The sexual or genital area of any person shall include the genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

10-34-2: 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, upon any premises in the municipality, the operation of a massage establishment as herein defined without first having obtained a license from the Municipal Clerk after the recommendation of the Chief of Police that such license be issued, and the approval of the issuance thereof by the President and Board of Trustees.

10-34-3: APPLICATION: Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate, under oath, with the Municipal Clerk upon a form provided by the Clerk, and pay a non-refundable filing fee as required in Section 10-1-20. The Municipal Clerk shall, within fifteen (15) days thereafter, refer copies of such application and all additional information to the Chief of Police. The Chief of Police shall cause the various departments and bureaus of the municipality, within forty five (45) days thereafter, to inspect the premises proposed to be operated as a massage establishment and make recommendations to the Village President concerning compliance with the ordinances of the municipality. Upon the receipt of the recommendations of the respective department heads, the Chief of Police shall notify the applicant as to whether his application has been referred to the corporate authorities for their approval, or disapproval, or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed by the applicant.

If the Chief of Police determines that the application should be forwarded to the corporate authorities, he shall do so, with a written statement of his recommendation with respect thereto, within fifteen (15) days after receipt of all reports of investigations made by the department heads as required hereunder. Within

forty five (45) days after the receipt from the Chief of Police of his recommendations, the corporate authorities shall act upon the application. Such application shall be deemed to be approved if the corporate authorities have not taken action with respect thereto within such forty five (45) day period. The Chief of Police shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Chief of Police shall advise the applicant in writing the reason for such refusal.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this Article, shall be grounds for denial of the application.

10-34-4: CONTENTS OF APPLICATION: The applicant for a license to operate a massage establishment shall set forth on the application the exact nature of the massage to be administered and the proposed place and facilities thereof.

In addition thereto, any applicant for a license and each partner or limited partner of an applicant, if a partnership applicant, and each officer and director of a corporate applicant, and any stockholder of a corporate applicant holding more than ten percent (10%) of the stock of the corporate applicant, shall furnish the following information:

- a. written proof that each individual is at least eighteen (18) years of age;
- b. all residential addresses for the past three (3) years;
- c. the business, occupation, or employment of each individual for the three (3) years immediately preceding the date of application;
- d. the previous experience of the individual in massage or similar business;
- e. whether the individual has had any license denied, revoked or suspended in the municipality, or in any other municipality, or any state, for a massage establishment, the reason therefor, and the business activity or occupation of the individual subsequent to such suspension, revocation, or denial;

f. any conviction, forfeiture of bond, or plea of nolo contendere upon any criminal violation or municipal ordinance violation (except minor traffic violations), within a five (5) year period;

g. if the applicant is a corporation, or a partner of any partnership is a corporation, then the name of the corporation shall be set forth exactly as shown in the Articles of Incorporation, together with the state of incorporation and proof of authority to do business in the State of Illinois.

10-34-5: LICENSE:

a. Upon receipt of the recommendations of the respective departments, and with the information contained in the application, together with all additional information provided herein, the Chief of Police shall, together with his recommendation with respect thereto, refer the application to the corporate authorities, unless the Chief of Police shall find:

1. that the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Illinois and the ordinances of the municipality; or
2. that the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of (1) a felony, (b) an offense involving sexual misconduct with children, (c) any provision of Article II of Chapter 38 of the Illinois Revised Statutes; or
3. that the operation of the massage establishment as provided by the applicant, if permitted, would violate the provisions of this Article.

b. Upon receipt of the recommendations of the Chief of Police, the corporate authorities shall grant such application, unless they shall find:

1. that the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Illinois and the ordinances of the municipality; or
2. that the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of (a) a felony, (b) an offense involving sexual misconduct with children, (c) any provision of Article II of Chapter 38 of the Illinois Revised Statutes; or

3. that the operation of the massage establishment as provided by the applicant, if permitted, would violate the provisions of this Article.

10-34-6: REVOCATION OR SUSPENSION OF LICENSE:

a. Any license issued for a massage establishment or for a masseur or masseuse may be revoked or suspended by the corporate authorities upon the receipt of a recommendation to do so by the Chief of Police.

b. Upon having received a complaint from any person that a massage establishment or a masseur or a masseuse has violated any provision of this Article, or any other provisions of any ordinance of the municipality or any section of the Municipal Code, or any statute, rule or regulation of any other governmental agency, the Chief of Police shall cause written notice of such charge to be served upon the licensee, either by personal service or by certified mail. Notice by certified mail shall be deemed to have been served ten (10) days after the mailing thereof to the licensee's address as shown on the license, in the absence of any other evidence that service by certified mail was accomplished earlier than such ten (10) days. Such notice shall fix a date and time for public hearing by the corporate authorities on such charges not less than thirty (30) days from the date of such notice.

c. At such public hearing, the Village President shall hear such evidence bearing upon the question as may be presented by the complainant and the licensee. Each party shall have the right to cross-examine witnesses produced by the other party, and each party may be represented by counsel. Such hearing may be continued from time to time by the Village President. The Village President shall have a stenographic record of the proceedings transcribed, at the cost of the municipality. In the event that any party other than the municipality, or an officer or employee thereof, desires a copy of such transcript, he shall pay the cost to the municipality of such transcript, including the cost of the court reporter's attendance charges.

d. Based upon the evidence taken at such hearing, the Village President shall make findings of fact and submit those in writing, along with his recommendations considering the revocation or non-revocation of the license, to the corporate authorities, within thirty (30) days after the conclusion of the hearing. The corporate authorities shall take action upon the revocation or non-revocation of the license within thirty (30) days after receipt of the Village President's findings of fact and recommendations.

e. Cause for revocation or suspension shall include the violation of the provisions of this Article or of any criminal statute of the State of Illinois by the applicant, or by an employee of the licensee or any masseur or masseuse employed by the licensee; provided that the violation of this Article or any criminal law of the State of Illinois shall not be a cause for revocation or suspension unless the licensee shall have had actual or constructive knowledge of such violations in the exercise of due diligence. It shall also be cause for revocation or suspension that the applicant has made a false statement on any application for permit under this Article, or in the event that the licensee shall refuse to permit any authorized police officer, building inspector, health inspector, fire inspector, or other authorized representatives of the municipality to inspect the premises or the operations thereof at reasonable times.

f. When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of a massage establishment in the premises described in such revoked license.

10-34-7: PERMIT FOR MASSEUR OR MASSEUSE: Any person who engages in the practice of a massage as herein defined shall file an application for a permit as a masseur or a masseuse, which application shall be filed with the Municipal Clerk, along with the fee as required in Section 10-1-20.

10-34-8: APPLICATION FOR PERMIT: The application for a permit for a masseur or a masseuse shall be accompanied by the fee as required in Section 10-1-20, and contain the following information with respect to the applicant:

- a. name and residence;
- b. Social Security number;
- c. written evidence that the applicant is at least eighteen (18) years of age;
- d. business, occupation, or employment of the applicant for three (3) years immediately preceding the date of application;
- e. whether the applicant has ever been convicted of, pleaded nolo contendere to, or suffered a forfeiture of bond on a charge of committing any violations of the municipal ordinances or state statutes (except minor traffic violations). In the event any answer is in the affirmative, then the applicant shall state the place and court in which such conviction, plea or forfeiture was had, the specific charge, and the sentence imposed as a result thereof.

f. The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea, a test or tests which will demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in laboratories approved by the municipality. The applicant shall then present a certificate with the results of each such examination, signed by a physician licensed in the State of Illinois, stating that the person examined is either free from any contagious or communicable disease, or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the Municipal Clerk the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

There shall be excepted from the provisions of this section any person who shall be registered as a physical therapist by the State of Illinois under the provisions of Section 221, et seq., of Chapter 91 of the Illinois Revised Statutes, which person shall not also be required to obtain a permit as a masseur or masseuse.

10-34-9: ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE:

a. The Municipal Clerk shall refer all applications to the Chief of Police within fifteen (15) days after receipt thereof. The Chief of Police shall cause the various departments and bureaus of the municipality to conduct an investigation to determine if the applicant possesses the qualifications required by this Article. Upon the receipt of the recommendations of the respective department heads, the Chief of Police shall notify the applicant as to whether the application has been referred to the corporate authorities for its approval or disapproval, or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days, unless otherwise agreed to by the applicant. The Chief of Police shall advise the applicant in writing as to whether the application has been granted or denied. If the application has been denied, the Chief of Police shall advise the applicant in writing the reason for such refusal.

b. The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this Article, shall be grounds for denial of the application.

c. Each permit for a masseur or masseuse shall be carried by the permit holder while engaged in his or her employment.

10-34-10: REVOCATION OF PERMIT FOR MASSEUR OR MASSEUSE: A permit for masseur or masseuse may be revoked or suspended where it appears that the masseur or masseuse had been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Article. The Chief of Police shall give the permit holder a written notice specifying the grounds of suspension or revocation. The permit holder may, within fifteen (15) days from the date of such revocation or suspension, file a written request for public hearing, which hearing shall be held within fifteen (15) days after the permit holder may present evidence bearing upon the question. The Chief of Police shall then issue a written order as to whether the permit shall be revoked or suspended within five (5) days after the date of hearing.

10-34-11: REGULATIONS: No massage establishment shall receive a permit or be operated, established, or maintained, unless the following establishment shall comply with each of the following minimum regulations:

a. All massage tables, bath tubs, shower stalls, bath ares and floors shall have surfaces which may be readily disinfected.

b. Separate bathing, dressing, locker, toilet and massage room facilities shall be provided for female and male patrons, so that female and male patrons may be served simultaneously in the event that patrons of both sexes are permitted.

c. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.

d. Toilet facilities shall be provided in convenient locations. 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 or wash basins shall be provided with both hot and cold running water, and shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap and a dispenser and with sanitary towels.

e. Closed cabinets shall be provided for use in the storage of clean linens, towels, and other materials used in administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

10-34-12: OPERATING REQUIREMENTS:

a. Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated under sanitary conditions.

b. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

c. All employees, including masseurs and masseuses, shall wear clean, non-transparent outer garments, covering the sexual and genital areas.

d. A separate dressing room for each sex must be available on the premises, with individual lockers for each employee, masseur and masseuse.

e. Doors to the dressing rooms shall open inward and shall be self-closing.

f. All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

g. The sexual or genital areas of patrons must be covered with towels, cloths, or undergarments when in the presence of an employee, masseur or masseuse.

h. It shall be unlawful for any person in a massage establishment to place his or her hand upon or to touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital area of any person.

i. No masseur or masseuse, employee or licensee shall perform, offer, or agree to perform any act which shall require the touching of the patron's genital area.

j. All walls, ceilings, floors, pools, showers, baths and steam rooms and any other physical facilities shall be in good repair, and maintained in a clean and sanitary condition.

k. Oils, creams, lotions, and other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

l. No masseur or masseuse shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician duly licensed by the State of Illinois shall certify in writing that such person may be

safely massaged, describing the conditions under which such massage may be performed.

m. Each masseur or masseuse shall wash his or her hands in hot running water, using a proper soap or disinfectant, before administering any massage to any patron.

10-34-13: ADVERTISING: No massage establishment holding a license under this Article shall depict, place, publish, distribute, or cause to be depicted, placed, published or distributed, any advertising matter that suggests to prospective patrons that any services are available other than those services permitted by this Article, or which would suggest that employees, masseurs or masseuses are dressed in any manner other than that permitted by this Article, and all advertisements shall contain the number of the municipal license held by the massage establishment.

10-34-14: OUT CALL REGISTRATION: Any masseur or masseuse who provides any of the services provided in this Article at any hotel or motel must first register his or her name and permit number with the owner, manager, or person in charge of such hotel or motel. No out call massage service may be operated other than by a licensed establishment, and each out call massage service must be performed within the manner provided in this Article.

10-34-15: INSPECTION: The Police Department, Fire Department, Health Officer and Building Inspector shall, from time to time, and at least twice each year, make an inspection of each massage establishment granted a license under the provisions of this Article for the purposes of determining that the provisions of this Article are complied with. Such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such inspection officer in any manner.

10-34-16: EMPLOYMENT. It shall be unlawful for any owner, operator, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age.

10-34-17: TRANSFER OF LICENSES AND PERMITS PROHIBITED: No license for the operation of a massage establishment, or permit for a masseur or masseuse, shall be transferable.

10-34-18: DISPLAY OF LICENSE: Each licensee shall display a valid current license in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the establishment.

10-34-19: EXCEPTIONS AS TO LICENSEE: No license shall be required for hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice medicine under the laws of the State of Illinois, or to persons working under the personal direction of any such persons or in any such establishments, nor shall this Article apply to barbers or cosmetologists lawfully carrying out their profession and holding a valid unrevoked license or certificate or registration issued by the State of Illinois, nor shall the provisions of this Article apply to participants in any professional or amateur sports competition.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 35. MEDICAL DISPENSARIES

SECTION

- 10-35-1: Definition
- 10-35-2: Exceptions
- 10-35-3: License Required
- 10-35-4: Application
- 10-35-5: Records
- 10-35-6: Reports
- 10-35-7: Sanitary Requirements
- 10-35-8: Inspection

10-35-1: DEFINITION: "Medical Dispensary" is hereby defined to mean any place, establishment or institution which operates or is advertised or announced under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase or like or similar import, for the purposes of furnishing at the place, establishment or institution advice, diagnosis, drugs, remedies, or treatment to any person suffering from or afflicted with mental or physical diseases, bodily injury, alcohol or drug addiction, not residing or confined in the place, establishment or institution.

10-35-2: EXCEPTIONS: This Article does not apply to, and no license provided for in this Article is required by:

a. a place or establishment wholly owned or operated by one (1) or more licensed physicians and surgeons, dentists, chiropractors, osteopaths, optometrists, podiatrists, physical therapists, psychiatric social workers or psychologists, and used as the office for the practice of medicine and surgery or dentistry, chiropody, osteopathy, optometry, physical therapy, psychiatric social work or psychology, as the case may be, of such owners, regardless of the name used publicly to identify such place or establishment;

b. hospitals licensed under this Chapter, or extension facilities solely under the jurisdiction of and operated by a licensed hospital;

c. drug stores;

d. pharmacies.

10-35-3: LICENSE REQUIRED: It shall be unlawful for any person other than the regularly constituted authorities of the United States, the state, the county or the municipality to conduct or operate any dispensary as above defined with the municipality without first obtaining a license therefor.

10-35-4: APPLICATION: An application for a medical dispensary license shall be made in conformity with the general requirements of this Code relating to applications for licenses. In addition, the application shall state the purpose for which it is to be opened, conducted, and maintained, the accommodations or proposed accommodations for patients which it shall contain, the nature and kind of treatment given or proposed to be given therein, and the names and addresses of the physician or physicians who shall be attendant therein.

Upon the presentation of such application to the Clerk, the Health Officer shall make, or cause to be made, inquiry into the facts set out in such application, to ascertain whether such dispensary is or is intended to be so constructed and equipped as to afford proper accommodations for the care of the persons treated or proposed to be treated therein, and that the physician or physicians or intended physician or physicians thereof will give, or is or are under agreement to give, such attendance therein as will render him or them responsible professionally for the medical or surgical treatment given or to be given to any and all indigent persons applying thereto, and that such physician or physicians is or are regularly authorized to act as such under the laws of the state.

10-35-5: RECORDS: Every dispensary shall keep a complete medical record of all patients treated, giving the date of treatment and the address, name, age, and occupation of each patient, and the disease or injury for which such patient was treated. Such record shall be open at all times to the inspection of the municipal officers. The municipality shall maintain the confidential nature of such records in accordance with law.

10-35-6: REPORTS: Every person conducting, or operating any dispensary within the municipality shall make a report to the Health Officer by telephone and by mail immediately upon discovering any actively contagious, epidemic, or communicable disease.

Such person shall also make such other reports to the Illinois Department of Public Health as required by state law.

10-35-7: SANITARY REQUIREMENTS: Every person conducting or operating a dispensary shall keep the rooms, equipment, and apparatus of such dispensary in a clean and sanitary condition and in compliance with other requirements of this Code.

10-35-8: INSPECTION: Every dispensary shall at all times be open to the inspection by any officer or employee of the municipality whenever and as often as they shall deem necessary.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 36. NURSING HOMES, SHELTERED CARE HOMES AND HOMES FOR THE AGED

SECTION:

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10-36-4:	Administrator; Physician; Hospital Care
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10-36-6:	Removal of Dead
10-36-7:	Records
10-36-8:	Reports
10-36-9:	Inspections

10-36-1: DEFINITIONS: For purposes of this article, the definitions contained in the Nursing Home Care Act, 210 ILCS 45/1-101, *et seq.*, shall apply unless the context otherwise requires.

a. 'Nursing Home' means a private home, institution, building, residence or other place, whether occupied for profit or not, for the infirm, which provides, through its ownership or management, maintenance, personal care or nursing for three (3) or more persons, not related to the applicant or owner by blood or marriage, who, by reason of illness of physical infirmity, are receiving such care.

b. 'Sheltered Care Home' means a private boarding home, institution, building, residence, or other place operated for profit, which, through its ownership or management provides sheltered care to three (3) or more adults who are not related to the applicant or owner by blood or marriage.

c. 'Home for the Aged' means any home which as its principal objective provides maintenance, personal care, nursing or sheltered care to aged persons, and in the conduct of which provides such services to not less than three (3) persons over sixty (60) years of age, who are not related to the applicant or owner by blood or marriage.

d. 'Maintenance' means food, shelter and laundry.

e. 'Personal Care' means assistance with meals, dressing, transportation and movement, and such other general oversight for the physical well-being of the residents of the home, exclusive of nursing, as may be required by their condition.

f. 'Nursing' means professional nursing or practical nursing, as these terms are defined in Section 4 of 'The Illinois Nursing Act,' approved June 14, 1951, as the same is now or may hereafter be amended, for sick or infirm persons who are under the care and supervision of licensed medical practitioners.

g. 'Sheltered Care' means maintenance and personal care.

h. 'Applicant' means any person making application for a license.

i. 'Owner' in the case of a licensee who is an individual means the licensee, and in the case of a firm, partnership or association means each member thereof.

j. 'Person' means any individual, partnership, association, firm, corporation, municipality, political subdivision, trust or estate, or any other entity whatsoever.

k. 'Resident' means any person admitted to a nursing home, sheltered care or home for the aged for care.

10-36-2: LICENSE REQUIRED.

a. It shall be unlawful to establish, operate or maintain a long-term care facility without obtaining a valid Village license therefore, which license remains un-revoked and unexpired. Licenses shall be renewed annually and shall be for a period of 12 months commencing on January 1 of each year.

b. No facility shall operate without a state license.

Application for a license under this Article shall be in conformance with the general requirements of this Chapter relating to applications for licenses, and shall include such information regarding the training and experience of all employees as is deemed necessary by the Clerk or Health Officer.

10-36-3: LICENSE APPLICATION AND PROCEDURES.

Each applicant shall submit a completed application form and such information as required by the Village Clerk. The application shall contain the following information:

- a. The name and address of the applicant. If the applicant is other than an individual, then the name and addresses of all partners, stockholders or other persons having an interest in the ownership of the facility must be disclosed.
- b. The name and location of the facility for which a license is sought and the name of the beneficial owners of the facility.

- c. The name and address of the administrator of the facility.
- d. The number and type of residents for whom maintenance, personal care or nursing is to be provided.

All applications shall be accompanied by a license issued by the Illinois Department of Public Health, any management agreements for the operation of the facility, and copies of any Medicare/Medicaid certifications. A license fee shall be submitted in the amount of \$500.00 plus \$30.00 per licensed bed.

Before a license is issued by the Village Clerk, the facility shall be inspected to determine that it is in compliance with the ordinances of the Village, the provisions of the Nursing Home Care Act, and any rules promulgated thereunder.

10-36-3

10-36-4: SECURITY REQUIREMENTS:

a. All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised may have a disconnect device for the signal during such time as the door is actually supervised. If there is 24-hour supervision of a door, then a signal is not required.

b. All exterior doors shall be equipped with a camera which shall be monitored by the staff so that a resident shall not be allowed to leave the facility without registering in the log book.

c. The facility shall maintain a log book which shall be used for all residents leaving the facility. The information required to be placed in the log book before a resident leaves the facility shall be name of the resident, the time leaving, the destination, and the planned time of return. Upon return to the facility the log book shall be marked with the time of return.

d. The provisions of subparagraph (c) shall not apply to any resident leaving the facility who remains solely on the property on which the facility is located.

10-36-5: PERSONS PROHIBITED FROM RESIDING IN LONG-TERM CARE FACILITIES.

a. Any person required to register as a sex offender under the provisions of the Sex Offender Registration Act, 730 ILCS 150/1, *et seq.*, is hereby prohibited from residing in a long-term care facility within the Village.

b. No licensee or owner of a long-term care facility may admit or allow any person registered as a sex offender (regardless of the address where registered) on the Sex Offender Registry maintained by the Illinois State Police to reside in or to remain overnight in such long-term care facility. Each long-term care facility must conduct a record search of each person to be admitted as a resident thereof, before the person is admitted, in order to determine whether the person is a registered sexual predator or sexual offender. The long-term care facility must search the Sex Offender Registry maintained by the Illinois State Police. Each long-term care facility must have in its possession evidence demonstrating that a search of the Sex Offender Registry has been made before allowing a person to be admitted as a resident thereof. The long-term care facility must notify the Village within 72 hours each time that it refuses to admit a prospective resident who was identified as a sexual predator or sexual offender on the Sex Offender Registry.

c. When a long-term care facility determines upon information or belief that a person residing therein is a sexual predator or sexual offender who is required to be registered, but who has failed to register, under the Sex Offender Registration Act, the long-term care facility shall notify the Bridgeview police Department of its suspicion so that the Police Department can perform a search of its data base in order to determine if that person is in fact required to be registered under the Sex Offender Registration Act.

10-36-6: STATE LAW.

- a. It shall be unlawful for any person to operate a facility in violation of any provision of the Nursing Home Care Act.
- b. It shall be unlawful for any person to operate a facility in violation of the "Minimum Standards, Rules and Regulations for Classification and Licensure of Long Term Care Facilities", as promulgated by the Illinois Department of Public Health, pursuant to the Nursing Home Care Act.
- c. In the event that a license issued by the State of Illinois for a facility is revoked, suspended, or not in effect, then such fact shall be grounds for the Mayor to take similar action with respect to any Village license.

10-36-5

10-36-7: ENFORCEMENT AND PENALTIES.

- a. Any person who violates any of the provisions of this Article, any rule or regulation promulgated hereunder, the Nursing Home Care Act, 210 ILCS 45/1, *et seq.*, or any rule or regulation promulgated thereunder, shall be subject to a fine of not less than \$300.00 nor more than \$1,000.00 per violation. Each day that such violation exists shall constitute a separate and distinct offense.
- b. The Mayor may also suspend, for a period not to exceed 30 days, or seek revocation of a license issued under this Article, in accordance with the procedures described in this section, upon the determination that one or more violations of this Article, any rule or regulation promulgated hereunder, the Nursing Home Care Act, or any rule or regulation promulgated thereunder, has occurred.
- c. Before any suspension or revocation order shall be issued, the Mayor shall notify the licensee of the specific charges against him and of his right to a hearing. Notice shall be served upon licensee of the long-term care facility at least seven days prior to the hearing date by: (i) first class or express mail or by overnight carrier; or (ii) personal service. The person before whom the hearing is held shall not have been involved in the initial decision to seek suspension. At the hearing, a long-term care facility licensee and its representatives may be represented by counsel, present documentary evidence and witnesses, and may cross-examine witnesses called by the charging party. The charging party shall present sufficient evidence from witnesses having personal knowledge of the offense to prove, by a preponderance of the evidence, that one or more violations of the aforementioned provisions occurred. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings under this section. The record of each hearing shall include: (i) a record of the testimony presented at the hearing, which may be by tape recording or other appropriate means; (ii) any document presented at the hearing; and (iii) a copy of the written notice of hearing that was served in accordance with this section. Following the hearing, the Mayor shall issue in writing a decision stating whether the long-term care facility license shall be suspended or revoked, or for such court of competent jurisdiction seeking to review of a decision issued by the Mayor.
- d. Any official of the Village may file charges seeking the suspension or revocation of a license under this Article.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 37. PARKING LOT OR GARAGE

SECTION

- 10-37-1: Definitions
- 10-37-2: License Required; Application
- 10-37-3: Revocation of Licenses
- 10-37-4: Rates to be Filed with Clerk
- 10-37-5: Rate and Hour Signs Required
- 10-37-6: Refusing Vehicles Prohibited
- 10-37-7: Claim Checks; Return of Vehicle
- 10-37-8: Affixing Parking Coupons to License Plates Unlawful
- 10-37-9: Bond or Liability Insurance Require
- 10-37-10: Entrances and Exits
- 10-37-11: Barrier Requirements
- 10-37-12: Maintenance of Parking Lot
- 10-37-13: Distribution of Handbills Unlawful
- 10-37-14: Loading or Unloading of Vehicles
- 10-37-15: Notification of Claims
- 10-37-16: Notification of Unclaimed Vehicles
- 10-37-17: Unauthorized Use or Removal of Vehicles Unlawful
- 10-37-18: Vehicles' Care After Closing Time
- 10-37-19: Fire Protection

10-37-1: DEFINITIONS: As used in this Article:

a. "Garage" shall mean a building, shed or full enclosure, or any portion thereof, in which more than five (5) motor vehicles may be parked, stored, housed or kept, for which any charge is made.

b. "Motor Vehicle" shall mean any automobile, truck, motor scooter, or other self-propelled vehicle not operated on tracks or from trolleys.

c. "Parking Lot" shall mean any outdoor space, or plot, place, lot, parcel, yard or semi-enclosure, or any portion thereof, where more than five (5) motor vehicles may be parked, stored, housed or kept for which any charge is made.

d. "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

10-37-2: LICENSE REQUIRED; APPLICATION: It shall be unlawful for any person to conduct a business of storing motor vehicles for hire on a parking lot or in a garage within the municipality without first having obtained a license therefor in a manner hereinafter set forth.

Application for license required by this Article shall be made in conformance with the general requirements of this Chapter relating to the issuance of licenses. The application shall include (1) a plat or drawing of the parking lot or garage, showing (a) the location, size, capacity; (b) location and size of entrance and exit; (c) kind of floor or ground surface; (d) location, size and construction of attendant's station; (e) wall or barriers surrounding said premises; (2) the hours for storage or parking of the vehicles and whether night storage is to be maintained upon the licensed premises; (3) a complete schedule of the rates to be charged for storing or parking of vehicles; and (5) such other information as the Clerk may deem necessary for the issuance of the license.

10-37-3: REVOCATION OF LICENSE; CAUSES: In addition to those causes stated elsewhere in this Chapter, any parking lot license may be revoked for the following reasons, pursuant to the procedures contained in this Chapter:

a. the licensee knowingly violated or knowingly permits or continues the violation of any provision of this Article;

b. the licensee has made any charge for parking or storing a vehicle other than those set forth in his license application;

c. the licensee knowingly violates, or knowingly permits or countenances the violation of, any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle, or the operation of a motor vehicle without the owner's consent, whether the licensee or other person has been convicted of such offense or not;

d. the licensee fails to keep any attendant on duty during the times specified on his application.

10-37-4: RATES TO BE FILED WITH CLERK: Every licensee shall file with the Clerk at the time of application for license a complete schedule of rates and charges to be made for storing or parking motor vehicles on the premises to be licensed. No licensee shall make any charge for storing or parking any vehicle in a parking lot or garage in excess of that set forth in his application for a license unless and until he has notified the Clerk in writing of the new schedule of rates, and posted signs showing such increase.

10-37-5: RATE AND HOUR SIGNS REQUIRED:

a. Each licensee shall maintain at each entrance to such parking lot or garage a permanently affixed sign suitable to apprise persons using same of the name of the licensee, the hours of the day or night when such places are open for parking or storing motor vehicles, the rates charged, and the closing hours of such parking lot or garage.

b. Where more than one (1) rate is charged for parking, the figures for each rate will be of the same size and dimensions, and such figures shall measure not less than six (6) inches in height, and the letters and figures indicating the closing hours shall be not less than six (6) inches in height. All such signs shall be subject to the approval of the Building Inspector or his representative.

10-37-6: REFUSING VEHICLES PROHIBITED: No licensee shall refuse to park or store any vehicle for which there shall be accommodation in such parking lot or garage or tender of the stated fee for such parking.

10-37-7: CLAIM CHECKS; RETURN OF VEHICLE:

a. When a vehicle is left for storing or parking, the licensee of the parking lot or garage, his agent, servant, or employee, shall furnish the owner or operator of the vehicle with a distinctive claim check, which shall have printed thereon the full name and address of the parking lot or garage, a number corresponding to a coupon placed upon the vehicle, and shall have written or stamped thereon the date and license number of the motor vehicle. The licensee shall not deliver any vehicle without the proper claim check being presented, or without satisfactory proof of ownership of the vehicle.

b. This section shall not apply where vehicles are stored or parked on a weekly or monthly fee basis.

10-37-8: AFFIXING PARKING COUPONS TO LICENSE PLATE UNLAWFUL: It shall be unlawful to affix any parking coupon upon any vehicle so as to obliterate, in whole or in part, any portion of the license plates on such vehicle.

10-37-9: BOND OR LIABILITY INSURANCE REQUIRED: Every application for a license hereunder shall be accompanied by a bond, approved by the municipal attorney, executed by a bonding or surety company authorized to do business in the State, in the penal sum of Five Thousand Dollars (\$5,000.00), conditioned upon the payment by the licensee of any and all final judgments for damages resulting to persons or property, including the theft of any motor vehicle or any part or accessory thereof, arising out of the operation or maintenance of any parking lot or garage. Such bond shall run to

the municipality for the benefit of any person who may claim redress for property damage or theft, resulting from the operation or maintenance of a parking lot or garage. The bond shall remain in full force and effect for the full period of time for which the license is effective. A liability insurance policy issued by an insurance company authorized to do business in the State of Illinois conforming to the requirements of this section may be permitted in lieu of a bond.

10-37-10: ENTRANCES AND EXITS: Each parking lot or garage shall have one (1) common entrance and one (1) common exist, which may or may not be combined, and the operator of such parking lot or garage shall keep such entrance and exit properly attended at all times during the period the parking lot or garage is in operation.

10-37-11: BARRIER REQUIREMENTS: Except for places of entrance and exit, every parking lot shall be completely enclosed by barriers constructed and maintained so as to withstand the shocks and stresses to which they will normally be subjected by vehicles using the premises, and shall be of such height as to engage the bumper of any motor vehicle parked on the lot so that no portion of the vehicle shall extend over the property lines. When the lot abuts on a building, barriers shall be erected as provided in this section to prevent motor vehicles form striking the building.

10-37-12: MAINTENANCE OF PARKING LOT: Every operator of a parking lot or garage shall keep the sidewalk surrounding the premises free from dirt, ice, sleet and snow, and shall keep the sidewalk and driveways in a safe condition for the travel of pedestrians.

10-37-13: DISTRIBUTION OF HANDBILLS: No person shall distribute literature or place handbills in or upon any vehicle while parked in a parking lot or garage.

10-37-14: LOADING OR UNLOADING OF VEHICLES: The loading or unloading of passengers or drivers of vehicles across or upon a public sidewalk is hereby expressly prohibited, and any operator or employee who, by receiving or delivering vehicles other than within the property line of the parking lot or garage, aids or assists in blocking any sidewalk or street shall be deemed to have violated the provisions of this Article.

10-37-15: NOTIFICATION OF CLAIMS: Every licensee shall immediately notify the Police Department of every claim made by reason of loss, theft, or conversion, or any damage or injury to person or property from the operation of a parking lot or garage, and occurring during the hours the premises are regularly open for business. The obligation created by this section shall not extend beyond the regular posted hours of attendance as posted upon the

premises and printed upon the regular receipt furnished to the owner or person parking a vehicle.

10-37-16: NOTIFICATION OF UNCLAIMED VEHICLES: Every licensee shall immediately notify the Police Department, in writing, of the license number, make, and the name of the owner, if known to him, of every vehicle left in the parking lot or garage for a period of more than forty eight (48) consecutive hours without a prior arrangement for extended parking privileges.

10-37-17: UNAUTHORIZED USE OR REMOVAL OF VEHICLES UNLAWFUL: No licensee of a parking lot or garage shall make or permit any use for any purpose whatsoever of any vehicle parked in such place, unless the use shall have first been expressly authorized by the owner or person having control of the vehicle.

10-37-18: VEHICLES' CARE AFTER CLOSING TIME: When vehicles are not called for at closing time, the attendant shall leave the keys and parking coupon for safekeeping at a place within a reasonable distance of the parking lot or garage, with a responsible person whose name and address shall be posted in a conspicuous place on said premises.

10-37-19: FIRE PROTECTION: Every parking lot or garage shall be equipped with proper fire extinguishing apparatus subject to the approval of the Police Department, and all vehicles shall be so parked or stored that they may be reached readily in case of fire or other emergency.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 38. PAWNBROKERS

SECTION

- 10-38-1: License Required; Application
- 10-38-2: Records; Inspection
- 10-38-3: Weapons
- 10-38-4: Regulations Pertaining to Minors
- 10-38-5: Report by Licensee of Stolen or Lost Articles
- 10-38-6: License Required for Second Hand Dealer

10-31-1: LICENSE REQUIRED; APPLICATION: No person shall conduct or operate the business of pawnbroker without having first been licensed therefor as provided in this Code, or in violation of any provision of this Article.

Application for such license shall be made in conformance with the general requirements of this Chapter pertaining to applications for licenses; provided that no pawnbroker license shall be issued to a person who has been convicted of any crime in the past five (5) years. Any person convicted in the past five (5) years of a felony or any other crime including in its essential elements the possession of stolen proper shall no be issued a license under this Article.

10-38-2: RECORDS; INSPECTION: Every pawnbroker doing business in the municipality shall keep a record of every article pledged with him or sold to him. This record shall be open to the inspection of the Police Department at any time during business hours.

10-38-3: WEAPONS: No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack, or sawed-off shotgun, or display in his window or shop any such weapons for sale.

10-38-4: REGULATIONS PERTAINING TO MINORS:

a. No pawnbroker's license shall be issued to any person who is not eighteen (18) years of age or over.

b. No pawnbroker shall employ a person of less than eighteen (18) years of age to assist him in his business.

c. No pawnbroker shall have any business dealings as a pawnbroker with any person less than eighteen (18) years of age except with the written consent of the parent or guardian of the minor to each particular transaction.

10-38-5: REPORT BY LICENSEE OF STOLEN OR LOST ARTICLES: It shall be the duty of every pawnbroker to report to the Police Department any article pledged with him, or which it is sought to pledge with him, if he shall have reason to believe that the article was stolen, or that the article was lost, and was found by the person attempting to pledge it.

10-38-6: LICENSE REQUIRED FOR SECOND HAND DEALER: No pawnbroker shall conduct the business of second hand dealer without having obtained the license required, in addition to his pawnbrokers' license.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 39. PEDDLERS, SOLICITORS AND CANVASSERS

Section

- 10-39-1: Definitions
- 10-39-2: Permit Requirements
- 10-39-3: Permit Application
- 10-39-4: Permit Fees
- 10-39-5: Application Review and Issuance of Permit
- 10-39-6: Permit Denial
- 10-39-7: Permit Expiration
- 10-39-8: Carrying of Permits
- 10-39-9: Transfer of Permits
- 10-39-10: Canvassers
- 10-39-11: Entry and Staying Upon Private Premises Unlawful
- 10-39-12: Hours
- 10-39-13: Handbills and Flyers
- 10-39-14: Street Solicitation
- 10-39-15: Permit Suspension and Revocation
- 10-39-16: Basis for Suspension and Revocation
- 10-39-17: Appeals
- 10-39-18: Claims of Exemption
- 10-39-19: Solicitation at Toyota Park

10-39-1: DEFINITIONS:

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

Canvasser means any person who attempts to make personal contact with another (except on premises where that person is employed or resides), for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts contributions for or against such cause, and/or (2) distributes a handbill, flyer, pamphlet, or any other type of literature, advertising a non-commercial event, service or ideal. Canvasser shall also include any person who seeks charitable contributions for a patriotic, philanthropic, religious, social, health, welfare, benevolent, educational, civic, cultural or fraternal cause or ideology.

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Canvassing activities means the actions of a canvasser.

Contributions mean and include alms, money, subscriptions, property, or any other types of donations.

Corporate Authorities means the Mayor and Board of Trustees of the Village of Bridgeview.

Peddler means any person who, not having been invited by another, carries or transports goods, wares, merchandise or personal property of any nature and offers the same for sale (except on premises where that person is employed or resides). A *Peddler* shall also include any person who solicits orders and, as a separate transaction, makes a subsequent delivery to a purchaser.

Peddling activities means the actions of a peddler.

Person means any person, firm, corporation, association, club, society or other organization.

Solicitor means any person who, not having been invited by another (except on premises where that person is employed or resides), takes or attempts to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services performed in the future. A solicitor shall also include any person who distributes handbills and flyers advertising a commercial event or service.

Soliciting activities means the actions of a solicitor.

Street means any public street, highway or other thoroughfare primarily intended for use by motor vehicles. Street shall mean the entire area between a curb-cut, including but not limited to any and all medians and crosswalks.

Street Solicitation means the act of soliciting, peddling or canvassing in and on a Village streets or highways.

Village means the Village of Bridgeview.

Village Clerk means the Village Clerk of the Village of Bridgeview or his/her assigns.

10-39-2: PERMIT REQUIREMENTS:

It shall be unlawful for any person to engage in peddling or solicitation activities within the Village without first obtaining a permit issued by the Village Clerk.

10-39-3: PERMIT APPLICATION:

Any person who desires to engage in peddling or solicitation activities shall file with the Village Clerk an application in writing, on a form to be furnished by the Village Clerk, which shall consist of the following information:

- (a) Name, address, age and telephone number of the applicant, which shall be confirmed through the applicant's driver's license or state identification card, articles of incorporation, or other legally recognized form of identification;
- (b) A brief description of the business or activity;
- (c) If acting as an employee of an employer, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (d) A statement as to whether or not the applicant has been convicted or pleaded guilty to a felony or misdemeanor, the nature of the offense, and the date of the conviction or plea;
- (e) A statement as to whether the applicant has had a permit denied, suspended or revoked for noncompliance with this Article in the past;
- (f) Proof of possession of any license or permit which, under federal, state or local law, the applicant is required to have in order to conduct the proposed business, or which, under any such law, would exempt the applicant from the licensing requirements of this Article; and
- (g) Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately preceding the date of filing of the application. The photographs shall be of a size common to a passport.

10-39-4: PERMIT FEES:

At the time the application is filed with the Village Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be \$5.00 for each solicitor and peddler.

10-39-5: APPLICATION REVIEW AND ISSUANCE OF PERMIT:

(a) Upon receipt of an application, the Village Clerk shall review the application to determine if all of the information required by this Article is present. If the application has listed all of the information necessary, and there exists no reason to deny the permit for the reasons set forth in §10-39-6, the Village Clerk shall issue the permit to the applicant.

(b) Any permit issued pursuant to this Article shall contain the name, address and photograph of the permittee, the name of any employer or principal, the class of permit issued, the date of issuance and the date of expiration. The permit shall also contain a permit number (which shall be a number matching a number listed on the application).

(c) The Village Clerk shall make a good-faith effort to complete an application review and advise an applicant of his/her decision within seventy-two (72) hours of receipt of the application, excepting weekends and holidays. An applicant may obtain his/her permit from Village Hall once advised that a decision to grant the permit has been issued by the Village Clerk.

(d) If, upon the expiration of the seventy-two (72) hour review period, the Village Clerk has not advised an applicant of his/her decision to grant or deny a permit, an applicant may request, and the Village Clerk shall be obligated to issue, a temporary permit.

(e) If a temporary permit is issued, and further review identifies a basis for which a permit should be denied, an applicant shall be immediately notified by telephone that the temporary permit is revoked and his/her application has been denied. In no event shall an application review take longer than seven (7) business days. At the expiration of seven (7) business days, and provided no oral decision has been made concerning the issuance of the permit, the applicant may request, and the Village Clerk shall be obligated to issue a permit to the applicant. Once issued, the permit shall only be subject to suspension or revocation as provided by §10-39-15 and §10-39-16 of this Article.

(f) The Village Clerk shall notify the applicant of his/her decision to grant or deny a permit by the telephone number listed on the application. The Village Clerk shall advise the applicant of the basis for the denial.

(g) If an application is incomplete, the Village Clerk shall allow the applicant an opportunity to provide the information necessary for his/her review.

(h) In the case of a denial, the Village Clerk shall issue a written decision advising the applicant why the permit was denied. The written decision shall be mailed to the applicant *via* U.S. Mail at the address contained on the application. The written decision shall be postmarked no later than three (3) business days subsequent to the expiration of the seventy-two (72) hour review period or the oral advisement of a denial of a permit, whichever is later.

(i) A denial of a permit may be appealed in the manner provided in §10-39-17 of this Article.

(j) A record of all permits issued and denied pursuant to this Article shall be maintained by the Village Clerk for a period of two (2) years.

10-39-6: PERMIT DENIAL:

The Village Clerk may refuse to issue a permit for any of the following reasons:

(a) The location and time of solicitation or peddling, referenced on the application, is otherwise prohibited by this Article;

(b) An investigation reveals that the applicant falsified information on the application;

(c) The applicant has been convicted or pleaded guilty to a felony or misdemeanor involving a sex offense, trafficking in controlled substances, crimes of dishonesty (*e.g.* theft, fraud, deceit, misrepresentation, etc.), or any violent acts against persons or property, within the five (5) years preceding the date of application;

(d) The applicant's failure to provide proof of authority to act on behalf of an employer or principal; or

(e) The applicant's denial of a permit issued under this Article within the immediate past year, unless the applicant can and does show that the basis for the previous denial no longer exists;

The Village Clerk's denial and the reasons for disapproval shall be noted on the application.

10-39-7: PERMIT EXPIRATION:

All permits shall expire six (6) months from the date of issuance.

10-39-8: CARRYING OF PERMITS:

Every person required to obtain a permit under this Article shall carry that permit on him/herself at all times.

10-39-9: TRANSFER OF PERMITS:

No permit issued to any one person shall be transferable to another regardless of affiliation. It shall be unlawful for any person other than the permittee to use a permit issued under this Article.

10-39-10: CANVASSERS:

Canvassers shall be exempt from the permit requirements of this Article. Canvassers shall be subject to all other time, place and manner restrictions provided for in this Article.

10-39-11: ENTRY AND STAYING UPON PRIVATE PREMISES UNLAWFUL:

(a) It shall be unlawful for any solicitor, peddler or canvasser to enter upon any private premises in the Village which has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers" or "No Solicitors," or words of similar import.

(b) It shall be unlawful for any solicitor, peddler or canvasser to remain on any private premises once requested to leave by an occupant. Once requested to leave, a solicitor, peddler or canvasser must do so immediately and peacefully.

10-39-12: PERMITTED HOURS:

(a) Permitted hours for canvassing activities, peddling activities, and soliciting activities are Monday through Saturday between the hours of 9:00 a.m. and 7:00 p.m. and Sunday between the hours of 12:00 noon and 7:00 p.m.

(b) No person shall engage in canvassing activities, peddling activities, and soliciting activities other than during permitted hours.

10-39-13: HANDBILLS AND FLYERS:

It shall be unlawful to leave a handbill or flyer upon any premises which is not securely attached thereto or placed in such a manner to prevent litter. Provided, however, it shall be unlawful to damage any property in an attempt to securely attach any handbill or flyer to a premises.

10-39-14: STREET SOLICITATION:

Street solicitation is not permitted in or on any street or highway in the Village.

10-39-15: PERMIT SUSPENSION AND REVOCATION:

(a) Any permit issued under this Article may be suspended or revoked by the Village Clerk after notice and a hearing for any basis identified in §10-39-16 of this Article. Notice and a hearing prior to a suspension or revocation shall not be given if Village Clerk determines that an immediate suspension or revocation is necessary. In such cases, a post-deprivation hearing will be provided.

(b) The Village Clerk shall provide notice to the permittee *via* U.S. Mail setting forth the time and place of the hearing. The notice shall consist of the charges for which the permit's suspension or revocation is being considered. The notice shall contain the date(s) on which any charge is alleged to have occurred along with the name(s) of any witness(es) that will testify at the hearing. Any written or tangible evidence of the occurrence shall be identified in the notice.

(c) A hearing pursuant to this section shall occur no earlier than seven (7) days nor later than fourteen (14) days from the date the notice of hearing is postmarked.

(d) The permittee shall be responsible for obtaining a court reporter in order to preserve the record for appeal.

(e) After the hearing, the Village Clerk shall orally advise the permittee of his/her decision to suspend or revoke a permit under this Article. After the decision has been orally related to the permittee, the Village Clerk shall issue a written decision setting forth his/her decision and the basis for the ruling. The written decision shall be mailed to the permittee *via* U.S. Mail at the address contained in the application. The written decision shall be postmarked no later than three (3) business days subsequent to the hearing.

10-39-16: BASIS FOR SUSPENSION OR REVOCATION:

Any permit may be suspended or revoked for the following reasons:

(a) Fraud, misrepresentation or false statement contained in an application;

(b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;

(c) Conducting peddling or solicitation activities contrary to the provisions contained in the permit or this Article;

(d) A conviction of any crime which would otherwise be a basis for denying a permit application; or

(e) Conducting peddling or solicitation activities in such a manner so as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety or welfare of the public.

10-39-17: APPEALS:

(a) Any person aggrieved by the action or decision of the Village Clerk to deny, suspend or revoke a permit shall have the right to appeal such action to the Corporate Authorities within fourteen (14) days from the date on which the Village Clerk's decision has been mailed to the applicant/permittee. This date shall be determined by the date on which the written decision was postmarked. In the event the Village Clerk fails to issue a written decision, the appellant shall have seventeen days (17) from the date on which he/she was orally informed of the Village Clerk's decision to deny, suspend or revoke a permit to appeal that decision.

(b) An appeal shall be perfected by filing a written statement with the Village Clerk setting forth the grounds for the appeal. If a written decision was provided to the appellant from the Village Clerk, a copy of that decision shall be attached to the appellant's written statement. After the receipt of said appeal, the Village Clerk shall schedule the appeal for the next regularly scheduled meeting of the Corporate Authorities. Provided, however, if said appeal is received within ninety-six (96) hours of a regularly scheduled meeting, said appeal shall be heard at the following regularly scheduled meeting.

(c) A hearing shall be set no later than thirty (30) days from the date on which an appeal is received.

(d) Notice of the time and place of the appeal hearing shall be given to the appellant *via* U.S. Mail at the address provided on the person's application.

(e) An appellant shall be given notice of the hearing at least seventy-two (72) hours before the hearing.

(f) A decision to affirm or reverse the decision of the Village Clerk concerning the suspension or revocation of a permit shall be limited to the record generated at the hearing in front of the Village Clerk.

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(g) The decision of the corporate authorities of the Village shall be final and binding on all parties concerned.

(h) A decision to affirm or reverse a decision of the Village Clerk shall be made by a majority vote of the Corporate Authorities present at the meeting.

10-39-18: CLAIMS OF EXEMPTION:

Any person claiming to be legally exempt from the application of this Article shall cite to the Village Clerk the legal authority under which the exemption is claimed and shall present to the Village Clerk proof of qualification for such exemption.

10-39-19 SOLICITATION AT TOYOTA PARK: Any person wishing to solicit, peddle or canvass on the Toyota Park grounds shall comply with the terms of this Article and this Section, specifically.

(a) Solicitors, peddlers and canvassers shall be granted no greater rights than the public in general.

(b) Solicitation, peddling and canvassing activities on Toyota Park grounds shall be limited to event days.

(c) No person shall be permitted to sell any goods or merchandise in any area which is inaccessible to the general public without a ticket or pass unless authorized by contract or lease agreement with the Village of Bridgeview.

(d) Soliciting, peddling and canvassing activities are prohibited within forty (40) feet of the structure that is Toyota Park.

(e) No solicitor, peddler or canvasser shall approach a moving vehicle or a vehicle that is not stopped and parked in a designated parking area in order to promote a cause.

(f) No person shall be permitted to sell any food or beverage on Toyota Park grounds unless authorized by contract or lease agreement with the Village of Bridgeview.

(g) It shall be unlawful to leave a handbill or flyer upon any vehicle on Toyota Park grounds.

(h) No person may solicit, peddle or canvass in any area designated for parking after an event has terminated.

(i) No person may canvass inside of Toyota Park

CHAPTER 10.

BUSINESS LICENSING AND REGULATION

ARTICLE 40. SCAVENGERS.

SECTION

- 10-40-1: Definitions.
- 10-40-2: License Required; Application; No limitation of Number.
- 10-40-3: Duty of Scavengers.
- 10-40-4: Equipment, Inspection.
- 10-40-5: Disposal.
- 10-40-6: Enforcement.
- 10-40-7: Bond Required.
- 10-40-8: Restrictions.
- 10-40-9: Penalty.

10-40-1: DEFINITIONS:

a. "Offal Scavenger" means any person engaged in the business of collecting, gathering, or transporting butcher's offal, calfskins, hotel or restaurant bones, grease, glue, stock, or kindred refuse, by wagon, cart, or otherwise, or to drive any wagon or vehicle for such purpose through the public ways of the municipality.

b. "Private Scavenger" means any person engaged in the removal and disposal of wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce, animals and fish or poultry; non-combustible refuse, including, but not limited to, metals, tin cans, metal furniture, dirt, rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, content of liter receptacles, manure, ashes and cinders; combustible refuse, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding.

c. "Sewer and Catch Basin Cleaner" means any person engaged in the business of cleaning, collecting, or transporting the contents of catch basins or sewers by vehicle or otherwise or in any way engage in the business of cleaning catch basins and sewers; provided that licensed plumbers or licensed sewer builders who may clean catch basins or sewers as an incident to the repair of such catch basins or sewers shall not be included in such definition.

d. For purposes of this Title, a scavenger shall be defined as any person, firm or corporation who collects, procures, obtains and/or sells items which have been discarded, thrown away, or set out for collection by the Village's garbage collection contractor, or any other garbage collection service.

e. 'Commercial scavenger' means any scavenger whose customers include commercial and/or industrial enterprises.

f. 'Residential scavenger' means any scavenger whose customers within the Village of Bridgeview are limited to single-family residences.

10-40-2: LICENSE REQUIRED; APPLICATION; NO LIMITATION OF NUMBER:
No person shall engage in the business of private scavenger, offal scavenger, or sewer and catch basin cleaner, without first obtaining a license to do so as provided in this Code.

Application for such license shall be made in conformity with the requirements of this Code relating to applications for licenses, and shall set forth the nature of the business to be carried on.

No more than one residential scavenger license shall be issued by the Village at any one time.

10-40-3: DUTY OF SCAVENGERS: It shall be the duty of every contractor, scavenger and person, his agents and employees, who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street sweepings or other filthy, offensive or noxious substance, or is engaged in any such removal or in the loading or unloading of any such substance, to do the same with dispatch and in every particular in a manner as cleanly and free from offense and with as little danger and prejudice to life and health as possible.

10-40-4: EQUIPMENT, INSPECTION: All vehicles used for collecting, gathering or transporting refuse and wastes shall have a water tight body, and such equipment shall be inspected and approved by the Health Officer prior to issuance of a license.

10-40-5: DISPOSAL: All of the offensive matters described in this Article shall under no circumstances be disposed of in any public dump or public place except as described by the Health Officer.

10-40-6: ENFORCEMENT: The Building Department and the Health Officer shall enforce the provisions of this Article and shall issue such reasonable orders in connection with the carrying on of the business of a licensed scavenger as they deem necessary to protect the health of the public. It shall be the duty of such

licensed scavengers to comply with such orders and to perform the work required of them in such a way that no nuisance will be created thereby.

10-40-7: BOND REQUIRED: All sewer and catch basin cleaners shall give bond to the municipality in the penal sum of One Thousand Dollars (\$1,000.00) with surety to be approved by the Village President, conditioned to keep and save harmless the municipality from any and all damage that may result to pavements, sidewalks, or other public property of the municipality resulting from the use of its streets or other public property in connection with such business, and further, to save and keep harmless the municipality from damages to persons or property arising from suits or claims resulting from obstructions or materials deposited or dropped upon the streets or other public places in the municipality by such sewer or catch basin cleaners.

10-40-8: RESTRICTIONS: It shall be unlawful for any scavenger to collect, obtain, possess or pick-up any recyclable item placed for collection in front of a residence as part of the Village of Bridgeview's recycling program. All scavenger licenses issued within the Village shall contain a statement in regard to the aforementioned restriction, as well as a statement advising the licensee of the boundaries of the areas within the Village in which the Village's recycling program is being conducted.

10-40-9: PENALTY: Any person, firm or corporation who violates the provisions of this Article shall be fined not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars.

CHAPTER 10

BUSINESS LICENSING AND REGULATION

ARTICLE 41. SECOND HAND DEALERS, GARAGE, RUMMAGE AND
SIMILAR SALES AND FLEA MARKETS

SECTION

- 10-41-1: License Required, Exceptions
- 10-41-2: Application for License; Investigation
- 10-41-3: Records to be Kept by Licensee; Inspection
- 10-41-4: Purchase from Minors Prohibited; Exception
- 10-41-5: Garage, Rummage and Similar Sales; Definitions
- 10-41-6: Limit on Length and Frequency of Occasional Sales
- 10-41-7: Notification and Approval Required
- 10-41-8: Regulations for Occasional Sales
- 10-41-9: Flea Market Operation Defined
- 10-41-10: Flea Market Vendor Defined
- 10-41-11: Flea Market Operator Defined - Permit Required
- 10-41-12: Application for Permit to Conduct Flea Market Operation
- 10-41-13: Application Review - Examination of Applicant
- 10-41-14: Issuance of Permit
- 10-41-15: Payment of Fees
- 10-41-16: Flea Market Vendor - Record of Inventory and Employees
- 10-41-17: Inspection
- 10-41-18: Flea Market Operator - Duties and Responsibilities
- 10-41-19: Flea Market Vendor - Merchandise to be Held or Impounded
- 10-41-20: Flea Market Vendor - Receipt of Goods from Minors
- 10-41-21: Character of Produce
- 10-41-22: Unwholesome Foods
- 10-41-23: Sanitation
- 10-41-24: Animals Not Permitted
- 10-41-25: Parking - Snow Removal - Traffic Control
- 10-41-26: General Inspection
- 10-41-27: Evidence of Insurance
- 10-41-28: Persons and Sales Excepted
- 10-41-29: Revocation

10-41-1: LICENSE REQUIRED; EXCEPTIONS: No person shall engage in the business of a second hand dealer without first obtaining a license therefor for each separate place, premises, or location where such business is to be carried on; provided, however, that the words "second hand dealer" as used in this section shall not include itinerant dealers in second hand clothes, second hand bottle dealers or exchangers, pawnbrokers or junk dealers as defined by other provisions of this Code; or sales or exchanges of used articles and materials conducted by charitable or religious organizations. The business of a salvage dealer or salvage store shall be included in the business of "Second Hand Dealer" and shall obtain a license under the provisions of this Article.

10-41-2: APPLICATION FOR LICENSE; INVESTIGATION: An application for license as a second hand dealer shall be made in conformance with the general requirements of this Code relating to applications for licenses. When an application for such license is made, the Chief of Police shall cause an investigation to be made to ascertain whether the applicant has complied with the State laws and the provisions of this Article applicable to such business, and whether the applicant has been convicted of any crime in the past five (5) years. Any person convicted in the past five (5) years of a felony or any other crime including in its essential elements the possession of stolen property shall not be issued a license under this Article.

10-41-3: RECORDS TO BE KEPT BY LICENSEE; INSPECTION:

a. Every second hand dealer shall keep a book in which there shall be made, at the time of the transaction, a record in English of every article received, purchased, sold or exchanged by him, setting forth the following: the date of the transaction, the name and residence of the purchaser or seller, and a brief description of the article sold or purchased, including identification numbers thereon, if any.

b. Such record shall at all reasonable times be open to the inspection of the Police Department.

10-41-4: PURCHASE FROM MINORS PROHIBITED; EXCEPTION: No second hand dealer shall purchase any second hand article whatsoever from any minor without the written consent of the parents or guardians of said minor.

10-41-5: GARAGE, RUMMAGE AND SIMILAR SALES; DEFINITIONS: As used herein, "occasional sales" shall mean those sales of goods, wares and merchandise commonly known as garage sales, basement sales and rummage sales conducted on an infrequent and unscheduled basis on premises zoned or used for residential purposes. "Person" as used herein shall mean any individual, firm or corporation, except a charitable or religious organization.

10-41-6: LIMIT ON LENGTH AND FREQUENCY OF OCCASIONAL SALES: It shall be unlawful for any person to conduct, or allow the conducting of, an occasional sale as defined herein on premises zoned or used for residential purposes over a period of time in excess of two (2) consecutive days, or to conduct more than two (2) such occasional sales on the same premises within any twelve (12) month period. Not more than two (2) such occasional sales shall be conducted on the same premises within any twelve (12) month period, regardless of whether another such sale was conducted on said premises within that period by another person.

10-41-7: NOTIFICATION AND APPROVAL REQUIRED: Every person desiring to conduct an occasional sale shall deliver to the Clerk a written notice, in triplicate, thereon stating the name of the person to conduct such sale, the location and address that such sale is to be conducted at, and the date and duration of such sale. Said notice shall be given not less than three (3) days in advance of the first day of such sale. The Clerk shall investigate the number of sales conducted within the last twelve (12) month period, and, upon finding that the number of sales conducted has not exceeded the requirements of this Article, the Clerk shall approve the sale by signing such notice. The original notice shall be retained by the Clerk, one (1) copy shall be forwarded to the Police Department, and one (1) copy shall be prominently posted by the applicant at the location of the sale.

10-41-8: REGULATIONS FOR OCCASIONAL SALES:

a. No such sale shall commence before the hour of 8:00 a.m. nor extend beyond the hour of 9:00 p.m.

b. Items to be sold at such sales shall be limited to household goods and furnishings which have been in use in the dwelling unit located on the premises on which such sale is to be conducted.

c. No sidewalks, public parkways or public property whatsoever shall be used or obstructed as a result of such sale.

d. Sale items purchased not for use on the premises, but with the intent to resell, may not be sold from private residential property in occasional sales or otherwise.

e. Signs advertising or calling attention to such sales shall be a maximum size of three (3) feet by five (5) feet, and shall be limited to two (2). Such signs may be posted at the location of the sale, but only on private property under the ownership or control of the person conducting the sale. All signs shall be removed immediately upon termination of the sale. Any additional signs must conform to the provisions of the sign ordinance of the municipality, and no such sign may be placed upon public real or personal property.

10-41-9: FLEA MARKET OPERATION DEFINED: "Flea Market Operation" shall include any facility where activities take place commonly known as, but not limited to, swap shops, penny markets, rummage sales, and where tangible articles are bought, sold, or exchanged, not otherwise regulated in the Municipal Code of Bridgeview.

10-41-10: FLEA MARKET VENDOR DEFINED: "Flea Market Vendor" shall include any person, firm or corporation who engages in or conducts the activity of buying, selling or exchanging, whether on a casual or regular basis, any tangible articles, whether new, second hand or used, in any facility described in Section 10-41-9.

10-41-11: FLEA MARKET OPERATOR DEFINED - PERMIT REQUIRED: "Flea Market Operator" shall include any person, firm or corporation who owns or controls the premises at which the activity defined as a flea market operation is conducted. It shall be unlawful for a flea market operator to operate unless a permit shall be applied for, granted and in existence, all in compliance with the provisions of this Article and with all laws of the State of Illinois and the Village of Bridgeview.

10-41-12: APPLICATION FOR PERMIT TO CONDUCT FLEA MARKET OPERATION: Any person, firm or corporation desiring to conduct a flea market operation shall file a written application with the Village Clerk on a form to be furnished by the Chief of Police. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided, and shall, in addition, furnish the following:

a. the type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise;

b. the name, style and designation under which the flea market operation is to be conducted;

c. the business address and all telephone numbers where the business is to be conducted;

d. the following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent (10%) of the stock of the corporation, each officer and direct, if the application is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:

1. name, complete residence address and residence telephone numbers;
2. the two (2) previous addresses immediately prior to the present address of the applicant;

3. written proof of age;
4. the business experience of the individual, including, but not limited to, whether or not such person has ever had a business permit or license denied, revoked or suspended, and the reason therefor;
5. all criminal convictions other than traffic violations, fully disclosing the jurisdiction in which convicted, and the offense for which conviction and the circumstances thereof.

e. such other information as shall be deemed necessary by the Chief of Police to discover the truth of the matters hereinbefore required to be set forth in the application;

f. authorization for the Village of Bridgeview, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;

g. the application shall be accompanied by two (2) sets of the building plans, drawn to scale, which shall indicate clearly:

1. the type of construction;
2. the arrangement of stalls;
3. the aisles;
4. the structural details;
5. the location of all electrical wiring;
6. the location of all exits;
7. the location of all fire equipment within the structure and the specifications of such equipment;
8. the location of the parking lot, showing the number of usable spaces;
9. the location, insofar as feasible, of adjacent structures and obstructions which might hinder the free egress of persons from exits;
10. the formula of the solution which is to be used to flame-proof structures;

11. the location and number of sanitary facilities for persons using the premises where the activity is to be conducted;
12. such other relevant information as the Fire Department and the Police Department may require.

h. written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the Village of Bridgeview.

10-41-13: APPLICATION REVIEW - EXAMINATION OF APPLICANT: Copies of permit applications shall be submitted to the Police Department and the Fire Department. These departments shall review applications for a permit to conduct a flea market operation and shall submit specific findings and recommendations to the President and Board of Trustees of the Village on the question of whether issuance of a permit to the applicant to conduct a flea market operation at the proposed location would be injurious to the public health, safety, morals and welfare. The Fire Department and the Police Department may suggest that the President and Board of Trustees of the Village impose certain conditions and restrictions upon the grant of a permit to conduct a flea market operation to safeguard the public health, safety, morals and welfare.

The President and Board of Trustees of the Village may examine any applicant for a permit to conduct a flea market operation.

10-41-14: ISSUANCE OF PERMIT: The President and Board of Trustees of the Village shall not issue a permit to a flea market operator to conduct a flea market operation unless the President and Board of Trustees are satisfied from the permit application, the review of reports of the Police Department and Fire Department, and from examination of the flea market operator that the proposed flea market operation will be conducted in such a manner that it will not injure the public health, safety, morals and welfare.

10-41-15: PAYMENT OF FEES: Every person, firm or corporation conducting a flea market operation in the Village of Bridgeview shall pay an annual fee. The annual fee for such permit shall be Six Hundred Dollars (\$600.00). The permit fee shall be paid to the Village Clerk at the time application is made and shall be forthwith turned over to the Treasurer. In the event the permit applied for is denied, the fee shall be returned to the applicant; if the permit is granted, then the fee shall be deposited in the general corporate fund, or in such other fund as shall have been designated by the Village President and Board of Trustees for proper action.

In addition to the annual permit fee, every vendor shall pay to the flea market operator the sum of Fifty Cents (\$.50) per day for each space occupied by such vendor. The operator shall forward to the

Village Clerk on the 10th of every month all fees collected from each vendor for the previous month.

10-41-16: FLEA MARKET VENDOR - RECORD OF INVENTORY AND EMPLOYEES:

Every flea market vendor in the Village of Bridgeview shall provide the flea market operator with a record of inventory of articles (other than used wearing apparel) to be offered for sale or exchanged prior to offering them for sale or exchange at the flea market operation. Said record of inventory shall be legibly written in the English language, either in ink or typewritten, and shall include a description of such tangible articles making up the inventory that can be specifically described by serial number, model number, brand name, personalized initials, or personalized inscription, or which bear evidence of having had a serial number, model number, brand name, personalized initials, or personalized inscription. If any such articles have been acquired by the flea market vendor within a period of sixty (60) days prior to the date of proposed sale, the inventory shall also include the identity by name and address of the person, firm or corporation from whom such articles were received, and the date such articles were received. Every vendor shall also complete a form indicating the real name of the person, firm or corporation conducting the activity, any fictitious name under which the activity is being conducted, and the name of all employees, whether paid or not. The record forms required by this section will be those furnished by the Police Department of the Village of Bridgeview.

10-41-17: INSPECTION: The Police Department shall have the right to thoroughly inspect all items offered for sale or exchange on the premises where the activity is being conducted at any time during normal business hours. All persons in charge of such premises shall render to the Police Department such assistance as may be reasonably necessary to enable it to complete such inspection.

10-41-18: FLEA MARKET OPERATOR - DUTIES AND RESPONSIBILITIES: It shall be the duty of every flea market operator to see that all vendors using the flea market operation are advised of all provisions of this Article. The operator shall not allow any vendor to sell or exchange articles unless such vendor has obtained the necessary permit from the ordinance officer of the Police Department or his duly authorized representative. Failure to perform the above stated duties and responsibilities by the flea market operator will be grounds for permit revocation or suspension.

10-41-19: FLEA MARKET VENDOR - MERCHANDISE TO BE HELD OR IMPOUNDED: Articles which the Police Department has reasonable grounds to believe were stolen may be impounded or left with the vendor under a hold order at the discretion of any member of the Bridgeview Police Department. An article may be impounded or held under a hold order by the Bridgeview Police Department for a period

of thirty (30) days pending investigation as to ownership of the article. It shall be unlawful for any flea market vendor to dispose of any property contrary to any hold order issued by a member of the Police Department.

10-41-20: FLEA MARKET VENDOR - RECEIPT OF GOODS FROM MINORS: It shall be unlawful for any person operating as a flea market vendor, or for any employee or agent thereof, to receive any articles by purchase or otherwise from any minor with the intent to sell or exchange said articles at a flea market operation.

10-41-21: CHARACTER OF PRODUCE: The sale of general merchandise of all kinds and the sale of food shall be permitted; provided, however, that all persons selling foodstuffs or merchandise of any kind which requires an occupation license, shall be licensed in accordance with the provisions of this Code and the laws of the State of Illinois.

10-41-22: UNWHOLESOME FOODS: No diseased, contaminated or unwholesome meats, poultry or produce shall be brought into or offered for sale at the flea market operation.

10-41-23: SANITATION: The flea market operation shall be kept in a sanitary condition, and no person shall deposit or leave any matter, remnants, refuse or debris upon the premises where the activity is being conducted. The flea market operator and flea market vendors shall be jointly liable for the cleanliness of the flea market operation. The flea market operator shall make adequate and sufficient provisions for sanitary facilities on the premises where the activity is being conducted. Such sanitary facilities must be approved by the Health Department of the Village.

10-41-24: ANIMALS NOT PERMITTED: No animals except "seeing eye" dogs are permitted upon the premises where the activity is being conducted.

10-41-25: PARKING - SNOW REMOVAL - TRAFFIC CONTROL: No flea market operation may be conducted without a parking facility within one hundred (100) yards of the flea market operation. The parking facility shall be paved and maintained in a safe and sanitary condition, and shall contain at least one hundred (100) usable spaces for cars.

If the flea market operation continues to operate between December 1 and March 1, adequate provision shall be made for the removal of snow and ice from the surface of the parking facility and from all sidewalks adjacent to the parking facility, leading from the parking facility to the flea market operation and adjacent to the flea market operation.

The flea market operator shall develop and submit to the President and Board of Trustees of the Village a plan for the control of traffic generated by the flea market operation adequate and sufficient to facilitate the movement of motor vehicle traffic, and for the protection and conservation of life and property on the streets proximate to the flea market operation and the parking facility used in conjunction therewith.

10-41-26: GENERAL INSPECTION: In addition to the property inspection pursuant to Section 10-41-17 of this Article, the Police Department, the Fire Department, the Building Department and the Health Department shall have the right to thoroughly inspect the flea market operation at any time during normal business hours to check for the presence of any violations of this Code or of the laws of the State of Illinois.

10-41-27: EVIDENCE OF INSURANCE: Before the issuance of a permit, the flea market operator shall furnish the President and Board of Trustees of the Village evidence of insurance of a character and amount and in such form as may be determined by the President and Board of Trustees to provide for the payment of any claims for personal injuries, including death, property damage or other suits arising out of or connected with the flea market operation.

10-41-28: PERSONS AND SALES EXCEPTED: The provisions of this Article relating to flea markets shall not apply to or affect the following persons or sales:

a. persons selling goods pursuant to an order or process of a court of competent jurisdiction;

b. persons acting in accordance with their powers and duties as public officials;

c. religious, benevolent, charitable and civic organizations operating as non-profit flea market vendors shall be exempted from the provisions of this Article; provided all articles presented for sale or exchange have been donated.

10-41-29: REVOCATION: The President and Board of Trustees of the Village shall have the authority to revoke or suspend a permit issued hereunder when it finds that:

a. the flea market operation is being conducted in violation of this Article or of this Code or of the laws of the State of Illinois;

b. the flea market operation is operating so as to constitute a nuisance to the community.