

CHAPTER 7
LICENSES AND PERMITS

7.01 BUSINESS REGISTRATION

- A. Purpose and Jurisdiction: Because each business establishment in the Village is a basic part of and affects the physical and economic well-being of the Village, this section is designed to keep a current listing of businesses operating in the Village, aid the Police Department in its responsibilities and provide a cross check for sales tax collections.
- B. Registration, Fee: All businesses with buildings, premises or operating from a residence in the Village shall register with the Village Clerk no later than April 30th of each year. Registration questionnaires shall be made available by the Village. An annual registration fee of \$25.00 shall be submitted to the Village Clerk along with the completed Registration questionnaire by April 30th. The fee shall be waived for all not for profit businesses.
- C. Any salon or barber shop that employs people who practice barbering, cosmetology, esthetics, hair braiding or nail technology are required to be registered with the Illinois Department of Financial and Professional Regulation. Additionally, the individual practitioner needs to maintain an active license to practice in the State of Illinois. At the time of registering the business with the Village, proof of an active registration with the State of Illinois is required to be submitted to the Village for the business and each individual practitioner employed by such business. If the business or any of its professional staff does not comply with these requirements, a Class H penalty will be assessed for each offense.
- D. Registration Certificates: It shall be the duty of any person conducting a registered business in the Village to keep his registration posted in a prominent place on the premises used for such business at all times.
- E. Penalties: Failure to register a business by April 30th constitutes a Class A violation as prescribed in Chapter 1.07-E.

7.02 RAFFLES

- A. Purpose. The purpose of this section is to regulate and control the conduct of raffles within the borders of the Village of Johnsburg. Nothing in this section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles as provided herein.
- B. Definitions. Terms used in this Chapter mean as follows:

Board of Trustees: The President and Board of Trustees of the Village of Johnsburg.

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

Net Proceeds - means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

Raffle - means a form of lottery, as defined in Chapter 38, Section 28-2(b), Illinois Revised Statutes, of the "Criminal Code of 1961" conducted by an organization licensed under this Ordinance in which:

1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
2. The winning chance is to be determined through a drawing or by some other method on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Non-Profit - means an organization or institution organized and conducted on a not-for-profit basis with no personal profit incurring to anyone as a result of the operation.

Charitable - means an organization or institution organized and operated to benefit an indefinite number of the public. The services rendered to those eligible for benefits must also confer some benefit to the public.

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

Religious - means any church, congregation, society or organization founded for the purpose of religious worship.

Fraternal - means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Veterans - means an organization or association comprised of members, which are substantially veterans and spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its membership and to provide assistance to the general public in such a way as to confer a public benefit.

Labor - means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit. Such pursuit and the development of a higher degree of efficiency in their respective occupations.

Licensee: An organization, person or firm, which has been issued a license, such as to operate a raffle.

Municipality: The Village of Johnsburg.

On-Going Raffle: A raffle in which there is one sale of chances before an initial drawing date; thereafter, the chances shall be valid at subsequent drawings in the same raffle.

Person: Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof; as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural and the plural includes the singular. The masculine gender includes the feminine and neutral genders.

- C. License Required. It shall be unlawful for any person to conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle where the value of prizes exceeds \$500.00, unless conducted pursuant to a license duly issued by the Village and in accordance with the provisions of this section. (*Amended by Ord. 94-95-1*)

Raffle licenses shall be issued only to any licensed and registered not for profit organization or to any bona fide service, religious, charitable, labor, fraternal, education or veteran organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have been during that entire five-year period, a bona fide membership engaged in carrying out their objectives, or to a non-profit fund raising organization that the Village Clerk determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident or disaster. The fee for said license shall be \$10.00 unless waived by the Board of Trustees.

- D. Application. Applications for such licenses shall be made to the President and Board of Trustees, signed by the applicant or its duly authorized representative and verified by oath or affidavit, and shall contain the following information and statements:

1. The name, address and type of organization;
2. The length of existence of the organization and, if incorporated, the date and state of incorporation and EIN number;

3. The name, address, telephone number, social security number and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
4. The location and description of the premises or place of business upon which the raffle will be held.
5. The area or areas within the Village in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the method by which the winning chance will be determined.
6. The aggregate retail value of all prizes to be awarded in the raffle;
7. The maximum retail value of each prize to be awarded in the raffle;
8. The maximum price charged for each raffle chance issued or sold;
9. The maximum number of raffle chances to be issued;
10. A statement attesting to the not-for-profit character of the respective licensee organization signed by the presiding officer and secretary of that organization.
11. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, other Ordinances of this Village, laws of the State of Illinois or of the United States of America.
12. Whether a previous license by any State or subdivision thereof or by the Federal Government has been revoked and the reasons therefore.
13. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinances of this Village in the conduct of the raffle.
14. A statement that the applicant will not allow gambling devices or gambling on the premises where the drawing will be held.
15. A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.
16. No cash prize in excess of \$1,500,000.00 may be awarded.
17. No real property, including land and any buildings thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.

18. A fee of \$5.00 shall be charged by the Village and paid to the Village Clerk at the time of application for a raffle license. Said application fees are non-refundable should the application be rejected by the Village Clerk.

E. Restrictions of Licenses. No such license shall be issued to:

1. A person who is not a citizen of the United States;
2. A person who has been convicted of a felony under any Federal or State law;
3. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
4. A person whose license issued under this Ordinance has been revoked for cause;
5. A person who, at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
6. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate, more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than residence within the Village;
7. Any law enforcing public official, any Village Manager, any President, Trustee, or member of the Village Board or Commission, or any President or member of a County Board and no such official shall be interested in any way.
8. A person who has been convicted of a gambling offense as proscribed by any part of subsection (a)(3) through (a)(10) of Section 28-1, or as proscribed by Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended as contained in Illinois Revised Statutes 1961, Chapter 38, Section 38-1, 28-3 or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
9. A person to whom a federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period;
10. Any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period.

F. Conduct of Raffles. The conducting of raffles is subject to the following restrictions:

1. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game;

2. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;
3. No person may receive any remuneration or profit for participating in the management or operation of the raffle;
4. Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license;
5. No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian;
6. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this section;
7. Each raffle chance shall have printed thereon the following:
 - a. The cost of said chance;
 - b. The aggregate retail value of all prizes to be awarded in said raffle;
 - c. The maximum retail value of all prizes to be awarded in said raffle;
 - d. The maximum number of raffle chances to be issued; and
 - e. The number of days during which the chances are to be sold;
 - f. The date(s), time(s) and location(s) on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain such information.

8. No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of 18 years without the permission of his parent or guardian.

Notwithstanding the foregoing, any person may make a gift of a chance to any person of any age.

G. Limitations on Licenses.

1. A license authorizes the licensee to conduct raffles as defined in this Chapter. Each such license is valid for one raffle; however, multiple licenses may be issued for multiple raffles to a licensee.
2. The license shall contain information including the aggregate retail value of all prizes or merchandise awarded by the licensee in a single raffle, the maximum retail value of each prize awarded by the licensee in a single raffle, the maximum price which may be charged for each raffle chance issued or sold by the licensee and the number of days during which the chances are to be sold. The aggregate retail value of all prizes to be awarded, the retail value of each prize, the price which may be charged for each raffle chance and the number of days during which said chances may be sold is subject to the approval of the Village Board.
3. Except as is provided in Section B above, the Village President, with the advice and consent of the Board of Trustees, shall have thirty (30) days in which to approve or disapprove the license applied for.
4. The Village President or his designated representative may revoke any licenses issued by the Village if it is determined that the licensee has violated any provision of this Chapter.

H. Raffles - Manager - Bond. Operation and conduct of raffles shall be under the supervision of a single raffles manager designated by the person or organization making application for a license. The manager shall give a fidelity bond in an amount not less than the anticipated gross receipts for each raffle. The bond shall be in favor of the Village. The bond shall also provide that notice be given in writing to the Village of Johnsbury not less than thirty (30) days prior to its cancellation. The Village President or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

I. Records.

1. Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
2. Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also

conducted by the same non-profit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

3. Each organization licensed to conduct raffles shall report at the conclusion of the raffle, to its membership and to the Village of Johnsburg, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.
4. Records required by this section shall be preserved for three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

7.03 VENDING MACHINES *(Amended by Ord. 98-99-13)*

- A. License Required: It shall be unlawful for any person to own, use, possess or place or permit to be used or placed on the premises owned or controlled by him any merchandise vending machine anywhere in the Village without having first obtained a license from the Village to do so.
- B. Application: Application for such licenses shall be made in writing to the Village Clerk. Such application shall contain the name of the applicant, address at which such sales are to be made, the number of vending machines and shall be filed with the Village Clerk together with the license fee hereinafter required.
- C. Annual Fee: The annual fee for license as herein required shall be \$25.00 for each machine, except that the annual fee for any machine dispensing tobacco shall be \$125.00.

The license fee for any not-for-profit organization shall be \$10.00 for the first five machines except that the annual fee for any machine dispensing tobacco shall be \$125.00. For each machine over five, the license fee shall be \$25.00 for each machine except that the annual fee for any machine dispensing tobacco shall be \$125.00.

The annual fee shall be due and payable by the first day of May each year and all issued licenses shall expire on the 30th day of April of said year.

- D. Replacement of License: Whenever a licensed vending machine is replaced during the fiscal year a replacement license shall be purchased. The replacement license fee shall be \$10.00 per each vending machine.
- E. Vending Machines Shall Be Kept in Plain View: All such vending machines shall at all times be kept and placed in plain view of any person or persons who may frequent the place of business where such vending machines are kept or used.

7.04 ELECTRONIC DEVICES

A. The term "electronic device" or "mechanical amusement device" is defined as follows:
(Amended by Ord. 94-95-13)

1. Each machine which, upon the insertion of a coin, trade token or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money, trade token or slug, or which makes no provision whatever for the return of money to the player.
2. Any machine, apparatus or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine.
3. Each machine vending recorded music or a period of radio or television entertainment in return for insertion or deposit therein of a coin, trade token or slug; however, this does not include coin-operated radios or television sets in private quarters.
4. All amusement and/or electronic devices, whether purporting to be games of skill or otherwise, for which a fee or charge is made for the privilege of playing or operating the same.

B. License Required: No person shall have or keep in any place of public resort in the Village any electronic or mechanical amusement devices without a license to do so from the Village. Applications for said licenses shall be made in writing to the Village Clerk. Such applications shall contain the name of the applicant, address at which such electronic or mechanical amusement devices are to be kept, the number of such devices, and shall be filed with the Village Clerk together with the license fee hereinafter required.

C. Annual Fee: The annual fee for a license as herein required shall be \$75.00 for each device. The annual fee for any not-for-profit organization shall be \$10.00 for the first five devices. For each device over five, the license fee shall be \$75.00 for each device.

The annual fee shall be due and payable on the first day of May of each year and all issued licenses shall expire on the 30th day of April of said year.

D. Issuance: No license shall be issued except upon approval by the Clerk. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Chapter. Upon approval of the application and the

payment of the license fee, the Village Clerk shall issue a stamp bearing a notation "Village of Johnsbury License for Fiscal Year ____." One license shall be issued for each device and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another.

- E. Replacement of License: Whenever a licensed device is replaced during the fiscal year a replacement license shall be purchased. The replacement license fee shall be \$10.00 per each device.
- F. Electronic or Mechanical Amusement Devices Shall Be Kept in Plain View: All such devices shall at all times be kept and placed in plain view of any person or persons who may frequent the place of business where such devices are kept or used.
- G. Gambling Devices Prohibited: This section shall not be construed to authorize, permit or license gambling devices except those video gaming terminals licensed by the Village and State.
- H. Inspection: The Chief of Police shall inspect or cause the inspection of any place of business in which any such device or devices are operated or set up for operation, and to inspect, investigate and test such devices.
- I. Curfew: Any device licensed under this section shall not be operated between the hours of 12:01 a.m. Saturday and 6 a.m. Saturday; and between 12:01 a.m. Sunday and 6 a.m. Sunday; and between the hours of 11 p.m. and 6 a.m. on any other day of the week unless it is located in an establishment selling alcoholic liquor.
- J. Adult Supervision: The use and operation of any device licensed under this section shall at all times be supervised by at least one person over the age of 21 years.
- K. Revocation: In addition to any penalty imposed, the President and Board of Trustees may revoke such license for any violation of this section or of any ordinance pertaining to the conduct of such business.

7.05 ITINERANT MERCHANTS.

- A. Permit Required. It shall be unlawful to do business in the Village of Johnsbury as an itinerant merchant from a fixed location without having first secured a permit as is herein provided. For the purpose of this Chapter any merchant engaging or intending to engage in business as a merchant in the Village for a period of time not to exceed thirty (30) days shall be considered itinerant merchant.
- B. Application. Every application for such permit shall set forth the commodities to be sold, and the place intended to be occupied or used for the business.
- C. Fees. The fees for permits shall be \$25.00 for one month or \$5.00 for one day.

7.06 TAG DAYS - SOLICITING FUNDS.

- A. Permit Required. It shall be unlawful for any person, firm or corporation to go from house to house soliciting funds or subscriptions or to publicly solicit, either in person or by agent, upon the public streets, sidewalks or any other public place in the Village, subscriptions for charitable or religious or educational or other organizations or purpose, whether present gifts of money or promises are sought, without having first secured a permit therefore.
- B. Pedestrians Soliciting Rides or Business.
1. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.
 2. No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.
 3. No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance. The local municipality, city, village, or other local governmental entity in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists. The decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices. The soliciting agency shall be:
 - (a) registered with the Attorney General as a charitable organization as provided by “An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefore”, approved July 26, 1963, as amended;
 - (b) engaged in a Statewide fund raising activity; and
 - (c) liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent. Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high visibility vest.
 4. Applications. Applications for such permits shall be made to the Village Clerk.

7.07 FIREWORKS

- A. **DEFINITIONS:** In addition to those definitions elsewhere in this code, terms used in this Section 7.08 are defined as follows:

Act: The Pyrotechnic Distributor and Operator Licensing Act, 225 ILCS 227/1 *et seq.*

BATFE: The federal Bureau of Alcohol, Tobacco and Firearms Enforcement.

Consumer fireworks display (or consumer display): The detonation, ignition or deflagration or consumer fireworks to produce a visual or audible effect.

Consumer fireworks: Those fireworks that must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and classified as fireworks UN0336 or UN0337 by the U.S. Department of Transportation under 49 C.F.R. 172.101. Consumer fireworks do not include snake or glow work pellets; smoke devices; trick noisemakers known as “party poppers,” “booby traps,” “snappers,” “trick matches” and “cigarette loads;” auto burglar alarms; sparklers; toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the same and use of which shall be permitted at all times.

Lead pyrotechnic operator: The individual with overall responsibility for the safety, setup, discharge and supervision of a pyrotechnic display.

Pyrotechnic display: the detonation, ignition or deflagration of display fireworks or flame effects to produce the visual or audible effect of an exhibitional nature before the public, invitees or licensees, regardless of whether admission is charged.

B. PYROTECHNIC DISPLAYS: No pyrotechnic display shall be conducted in the Village without a pyrotechnic display permit issued by the Board of Trustees. Such permit shall not be issued to any person who is not licensed under the Act as a lead pyrotechnic operator supervising the display. Such pyrotechnic display shall be conducted in accordance with the Act and its administrative rules (41 Ill. Admin Code 235).

All pyrotechnic displays permitted in the Village shall be performed in compliance with the rules and regulations adopted by the Office of the State Fire Marshall and in accordance with the Act and the Fireworks Use Act (425 ILCS 35/1 *et seq.*).

C. APPLICATION: At least 15 business days prior to the pyrotechnic display being conducted, the lead pyrotechnic operator shall apply for a permit from the Village, which shall be in writing and signed by the applicant. The application and the following documents shall be submitted to the Village for approval by the Board of Trustees:

1. A current BATFE license for distribution of display fireworks;
2. Proof of \$1,000,000 in product liability insurance;

3. Proof of \$1,000,000 in general liability insurance;
4. Proof of Illinois Worker's Compensation Insurance;
5. Proof of a current United States Department of Transportation (USDOT) Identification Number;
6. Proof of a current USDOT Hazardous Materials Registration Number;
7. Application fee of \$250; and
8. Proof of approval of such proposed display by the chief of the fire protection district that has jurisdiction where the display will be conducted.

The Board of Trustees may waive the permit fee for not-for-profit entities.

D. PROHIBITION: No person shall sell, offer for sale, possess, use or explode any illegal fireworks as defined in the State Fire Marshal Code. In addition, consumer displays are prohibited.

E. PENALTY:

1. Any person, firm or corporation violating any provision of this Section 7.08 shall be subject to a fine of not less than \$1,500 and Village's cost of prosecution, including reasonable attorney fees. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.
2. In addition to any other applicable penalty, any person, firm, co-partnership or corporation who violates any pyrotechnic display permit shall not be entitled to apply for a pyrotechnic display permit during the remainder of the year in which the violation occurred and during the ensuing calendar year.

F. NOISE: Notwithstanding the issuance of a permit for a pyrotechnic display, the lead pyrotechnic operator must comply with all noise restrictions of the Village.

7.08 VIDEO GAMING TERMINALS

A. Registration Required: No person shall have or keep a video gaming terminal that is not registered by the Village and licensed by the State, through the Illinois Gaming Board, and pursuant to the Illinois Video Gaming Act and the rules and regulations implemented thereto.

B. Annual Fee: The annual fee payable to the Village shall be \$150.00 for each video gaming terminal. Beginning January 1, 2023, said fee shall increase to \$250.00 for each video gaming terminal. Upon payment of this fee, the Village shall issue a registration certificate. The annual fee shall be due and payable on the first day of May of each year.

All issued registration certificates shall expire on the 30th day of April of the following year. This fee is not in lieu of any fee or payment payable to the State or the Illinois Gaming Board.

C. Registration Renewal: Not less than six weeks before a registration is scheduled to expire and after a renewal notice is provided by the Village to the registrant, the registrant may submit an application for renewal provided the applicant is then qualified to receive a registration certificate.

D. Replacement of Registration Certificate: Whenever a registered video gaming terminal is replaced during the fiscal year a replacement registration certificate must be purchased for \$2.00.

E. Issuance: No registration certificate shall be issued except upon approval by the President and Board of Trustees. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses prior to the issuance of a Village registration certificate pursuant to this Section. Upon approval of the application and payment of the registration fee, the Village shall issue a registration stamp, which must be placed in a conspicuous place and so affixed that it cannot be transferred from one terminal to another.

F. Placement of Video Gaming Terminals: At all times video gaming terminals shall be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such terminals are kept or used. No licensee shall cause or permit any person under the age of 21 years to use or play a video gaming terminal. Any licensee who knowingly permits a person under the age of 21 years to use or play a video gaming terminal is guilty of a business offense and shall be fined an amount not to exceed \$5,000. Video gaming terminals must be located in an area restricted to persons over 21 years of age the entrance to which is within the view of at least one employee, who is over 21 years of age, of the establishment in which they are located.

. G. Inspection: The Chief of Police shall inspect or cause the inspection of any place or building in which any such video gaming device or terminal is operated or set up for operation and to inspect, investigate and test such video gaming terminals.

. H. Revocation: In addition, to any penalty imposed, the President and Board of Trustees may revoke such license for any violation of this Section 7.09 or of any ordinance pertaining to the conduct of such business.

I. Offensive Graphics: No offensive or obscene graphics, including profanity, nudity or pornography are allowed on video gaming terminals. All video gaming terminals must be approved by the Illinois Gaming Board.

7.09 AMUSEMENT – GENERAL PROVISIONS.

A. Application of Provisions. The provisions of this Chapter, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the municipality, whether specifically licensed in another section of this Chapter or not

- B. Licenses. It shall be unlawful to conduct or operate any amusement which is open to the public and for admission to which a fee is charged without having first secured a license therefore, and providing a certificate of insurance naming the Village as additionally insured; provided that the provisions of this section shall not be held to apply to those amusements which are specifically licensed by any other section or Chapter of this Code, or by any other ordinance of the Village.

Application for such licenses shall be made to the Clerk and shall comply with the general provisions of the ordinances relating to such applications. For such licenses the following fees shall be paid:

Carnivals/Circuses	\$150.00
Other Amusements	\$ 20.00

- C. Street Shows. No permit for any carnival, circus, exhibition show or other amusement to be given on any public street or sidewalk or in such a place that the main accommodation for the public or the audience will be in a public place, except on order of the Village Board.
- D. None of the above shall operate for more than 30 days.

7.10 CIRCUSES.

- A. License Required. No person, firm or corporation shall conduct or operate a circus in the Village without having obtained a license as is provided in this Chapter.
- B. Application - Fee. The application for such license shall be made to the Village Clerk and shall specify the place in or on which the circus is to be conducted. The fee for circus licenses shall be \$150.00 for each day during which the circus is conducted or open to the public, and no license shall be issued without the payment of the fee.
- C. Side Shows and Concessions. The license fee for each side show and concession operated in connection with circuses shall be \$20.00 a day.
- D. Provisions to be Obeyed. It shall be the duty of every person licensed under this Chapter to obey the provisions of Section 7.10 of this Chapter and all other ordinance provisions relating to circuses or the premises occupied.
- E. Inspections. It shall be the duty of the Chief of Police and the Fire Marshal to see that inspections of ingress, egress and other public hazards as provided for in this Chapter are made of all circus performances and of the premises used.

7.11 PUBLIC EVENTS.

- A. License Required. It shall be unlawful to operate or conduct a public event in the Village without having first obtained a license therefore as is hereby provided. A public event is defined as a gathering of the public for a specific purpose including but not limited to dances, parades and concerts.
- B. Application - Investigation. Applications for such a license shall be made in conformance with the provisions of the ordinances relating to licenses, and shall specify the location of the proposed event and the person or organization sponsoring the same.

It shall be the duty of the Chief of Police to make or cause to be made an investigation into the character of each applicant and report the results of such investigation to the Village Clerk.

- C. Fee. The annual fee for public events to be held on one premise shall be \$25.00; and the fee for a single event on premises not covered by annual license shall be \$10.00.
- D. Premises. It shall be unlawful to conduct a public event in any hall or place which is not equipped with sufficient and adequate exits; and no hall or building which is not provided with at least two (2) exits of four (4) feet or more width shall be used for such purposes.
- E. Inspections. It shall be the duty of the Chief of Police and the Fire Marshal to see that inspections of ingress, egress and other public hazards as provided for in this Chapter are made of all public events and of the premises used.
- F. Exemptions – Official school gatherings such as dances, games and concerts are exempt from this Chapter.

7.12 MOBILE FOOD TRUCK AND/OR MOBILE VENDORS.

MOBILE FOOD TRUCK AND/OR MOBILE VENDORS: The operator or proprietor of a vehicle (or other temporary or portable equipment) intended or designed for the cooking or preparation of hot and cold ready-to-eat food, prepackaged foods and drink for sale or distribution on a temporary basis at locations that may change from time to time. The term “Mobile Food Truck Vendor” shall include, but not be limited to, vehicles and tents, tables, food carts and other material used for such temporary food and drink service.

A. Permitting and Exemptions.

1. No person shall do business as a Mobile Food Truck Vendor on either a.) Public Property, or b.) Private Property unless they have obtained a permit from the Village. This restriction shall not apply to special events otherwise approved by the Village for Special Event and/or Village lead Community Events.
2. Possession of a Mobile Food Truck and/or Mobile Vendors permit is a privilege, not a right;

and the Village reserves the right at the sole discretion of the Village Administrator, or his or her designee, to determine the number of Mobile Food Truck Vendor permit for registration to be issued and to refuse issuance of or to rescind said permit.

3. Any Mobile Food Truck Vendor who violates the terms or conditions of the registration is subject to revocation of the permit by the Village.

4. A Mobile Food Truck and/or Mobile Vendors permit is valid for one (1) vehicle only and shall not be transferable from person to person, business to business or from place to place without the approval of the Village Administrator or his or her designee.

B. General Provisions.

1. A mobile food truck shall not be located on any parcel zoned residential, unless approved by the Village Administrator, or his or her designee, as part of a approved special event and/or block party.

2. A mobile food truck shall be situated on a suitable surface, as determined by the Village Administrator, or his or her designee.

3. A mobile food truck shall not be located between an existing parking lot and the street and shall not interfere with fire lanes or with vehicular or pedestrian circulation. Any means of emergency ingress/egress to an existing principal use on a parcel shall not be blocked. The Village, at the Village Administrator's, or his or her designee's sole discretion, may require that permit applications be reviewed by the Police Chief, Public Works designee and the McHenry Township Fire Protection District (Fire Prevention Bureau) for public safety issues.

4. No mobile food truck shall use external signage, bollards, seating, or any other equipment not contained within the vehicle except for one, a-frame style sign, with a sign area no greater than 6 square feet, which must be located within 10 feet of the mobile food truck.

5. Portable lights, lights which flash, and similar attention-getting devices are not permitted. Outside amplifying equipment or noisemakers shall not be used, nor permitted.

6. Any power required for a mobile food truck located on public property shall be self-contained and shall not use utilities drawn from public property, unless otherwise approved by the Village.

7. Mobile food trucks must provide receptacles for refuse or use waste receptacles unless otherwise authorized by the Village Administrator, or his or her designee, and must properly dispose of all waste on a daily basis.

8. Mobile food trucks shall not provide seating or tables for their customers.

9. Overnight storage of Mobile Food Trucks shall be prohibited unless issued a permit in connection with a Village-Sponsored or Village-Approved Special Event.

10. Hours of operation for a Mobile Food Truck Vendor shall be limited to between 7:00 a.m. and 11:00 p.m.

11. No mobile food truck shall offer drive-through or drive-by service.

12. Unless the Mobile Food Truck is issued a permit in connection with a Village-Sponsored or Village-Approved Special Event permitting a longer duration, the operation of each Mobile Food Truck on a property shall be limited to three days in any seven-day period.

13. Mobile Food Trucks shall be prohibited from operating on public property unless issued a permit in connection with a Village-Sponsored or Village-Approved Special Event.

C. Applications.

1. Applications for a Mobile Food Truck and/or Mobile Vendors permit shall be made to the Village staff designee upon forms supplied by the Village, not less than fourteen (14) calendar days in advance of the date for which the permit is requested. No permit shall be issued unless the application is completed in full.

2. In addition to the completed application, applicant must supply the following.

- a. Mobile Food Truck and/or Mobile Vendors locating on private property shall provide written permission from the property owner and notarized.
- b. A site plan or map showing the location of the mobile food truck, with property lines, physical improvements, existing buildings and structures, parking areas and spaces, and similar features along with information regarding provisions for power, potable water, and sanitary disposal.
- c. Depiction of the appearance and design of the mobile food truck, including exterior dimensions, signage, and exterior lighting features.
- d. Proof of liability insurance for the activity to be permitted, naming the Village of Johnsburg, its officers, agents, and employees as additional insured, in an amount not less than one million dollars (\$1,000,000.00) combined single limit. Which shall be primary, noncontributory and shall not be cancelled without written notice to the Village.
- e. A valid copy of all necessary permits or permits required by the State, McHenry County Health Department (Food Protection), and McHenry Township Fire Protection District authorities for the operation of a mobile food truck.
- f. A valid copy of the driver's permits for all individuals operating from the mobile food truck.

- g. Execute an indemnification and hold harmless agreement with the Village of Johnsburg for any and all claims related to the activity to be permitted.
- h. The fee for a Mobile Food Truck and/or Mobile Vendors permit are twenty-five dollars (\$25.00) for each day or an annual calendar year permit for three hundred dollars (\$300.00). Provided, however, that this fee and permit requirement shall be waived for any applicant having a brick-and-mortar restaurant or other permitted food service establishment operating in the Village.
- i. Any and all Mobile Food Truck and/or Mobile Vendors permits shall be subject to any restrictions or conditions deemed necessary for the public health, safety and welfare by the Village Administrator, or his or her designee, and the permit may be revoked for good cause shown by the Village, including failure to comply with any provisions of the Village Code or any risk to public health, safety and welfare.
- j. For sales tax reporting purposes, the Village of Johnsburg shall be the point of sale for all sales from a mobile food truck occurring within the corporate limits.

7.13 SETTLEMENT OF OFFENSES. Any offense arising under this Chapter 7, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class C violation in Chapter 1.07-E.