

CHAPTER 7

BUSINESS

ARTICLE I – SOLICITORS

7-1-1 **DEFINITIONS.** For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid **Certificate of Registration** as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any **one (1)** or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever, or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-1-2 **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this municipality which have been in existence for **six (6) months** or longer shall be exempt from the provisions of this Article.

7-1-3 **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past **three (3) years** if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

(D) Physical description of the applicant.

(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past **three (3) years** if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.

(J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application in this municipality and the address from which such business was conducted in those municipalities.

(N) Also, such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within **five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-1-4 **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U.S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-1-5 **POLICY ON SOLICITING.** It is declared to be the policy of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

7-1-6 **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B) A weatherproof card, approximately **three inches by four inches (3" x 4")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by and occupant and containing the applicable words, as follows:

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

(C) The letters shall be at least **one-third inch (1/3")** in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same, at the cost thereof.

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

7-1-7 COMPLIANCE BY SOLICITORS. It is the duty of every solicitor upon going onto any premises in this municipality upon which a residence as herein defined is located to first examine the notice provided in **Section 7-1-6** if any is attached and be governed by the statement contained on the notice.

If the notice states "**ONLY REGISTERED SOLICITORS INVITED**", then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, "**NO SOLICITORS INVITED**", then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

7-1-8 UNINVITED SOLICITING PROHIBITED. It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-1-6**.

7-1-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.**, of any weekday or at any time on a Sunday or on a State or National holiday.

7-1-10 SOLICITATIONS ON PUBLIC HIGHWAYS. Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois 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 Therefor,**" approved July 26, 1963, as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund-raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least **sixteen (16) years of age** and shall wear a high visibility vest.

7-1-11 **FEES.** Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

(A) **Daily License:**

**\$25.00 Per Person, Up to Four
(4) Persons; \$50.00
\$50.00 for a Group.**

(B) **Annual License:**

\$200.00 Per Person Per Year.

(See 65 ILCS Sec. 5/11-5-2)

ARTICLE II - PEDDLERS

7-2-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

7-2-2 **DEFINITION. "Peddle"** shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this municipality or from house-to-house, whether at one place thereof or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall "**peddle**" be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-2-3 **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Clerk and providing the following information:

- (A) Name and physical description of applicant.
- (B) Permanent home and address and local address if operating from such an address.
- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant's criminal record other than a traffic record.
- (H) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application to this municipality and the address from which such business was conducted in those municipalities.

7-2-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

7-2-5 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **10:00 A.M.** or after **5:00 P.M.**, of any weekday or at any time on a Sunday or on a State or National holiday.

7-2-6 **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

7-2-7 **PHOTOGRAPHS.** **Two (2) photographs** of the applicant and such of its employees as will be used in the peddling or merchandising, taken within **sixty (60) days immediately** prior to the filing of the application, which pictures shall be **two inches by two inches (2" x 2")**, showing the head and shoulders of the applicant or its agent(s) and/or employees in a clear and distinguishing manner.

7-2-8 **UNWANTED PEDDLING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

7-2-9 **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the municipality by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purposes of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

7-2-10 **DUTY OF POLICE TO ABATE.** The Police Department of this Municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in **Section 7-2-9.**

7-2-11 **EXCLUSIONARY PROVISION.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the municipality or anyone duly licensed.

ARTICLE IV - JUNK DEALERS

7-4-1 DEFINITIONS.

"JUNK" as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than **one (1) gross**, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than **ninety (90) days**, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

"JUNK DEALERS" as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this Section defined as "junk".

"JUNK YARD" as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in any by this Section defined as "junk".

(Also, see Chapter 24, Article IV and Chapter 25.)

7-4-2 PHYSICAL REQUIREMENTS.

The minimum physical requirements at all times for each junk yard shall be as follows:

(A) The premises where the junk yard is located shall not have more than **two (2) entrances** thereto and **two (2) exits** therefrom, each of which shall not exceed **fifteen (15) feet** in width at the perimeter of the premises.

(B) The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of **seven (7) feet** measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

(C) The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting **one (1) sign** of the licensee thereon not exceeding **one hundred (100) square feet** in size.

(D) The public streets and alleys adjacent to the junk yards shall not have junk thereon.

(E) The premises where the junk yard is located meets all of the restrictions of the Zoning Code.

7-4-3 **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the City without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

7-4-4 **APPLICATION.** Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this City shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, nontransparent wall or fence of a minimum height of **seven (7) feet**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. if the applicant is a firm or partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

7-4-5 **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A) Not a person of good character.
- (B) Falsification of an application for a license hereunder.
- (C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D) Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-4-2** hereof.

7-4-6 **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is nonassignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of **thirty (30) days**; that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this Section and all amendments thereto.

7-4-7 **LICENSE FEE.** The annual license fee for each junk yard shall be **One Thousand Dollars (\$1,000.00)** payable in advance with the filing of the application for license, and shall not be subject to prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1) annual license fee** shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the City, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the City, the annual fee shall be **One Thousand Dollars (\$1,000.00)** for each junk dealer. The fee payable as provided in this Code.

7-4-8 **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

ARTICLE V – RAFFLES AND POKER RUNS

7-5-1 **DEFINITIONS.** The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

(B) **"Charitable Organization":** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) **"Educational Organization":** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) **"Fraternal Organization":** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) **"Hardship":** A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) **"Key Location":** The location where the poker run concludes and the prize or prizes are awarded.

(G) **"Labor Organization":** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(H) **"Licensee":** An organization which has been issued a license to operate a raffle.

(I) **"Net Proceeds":** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

(J) **"Non-Profit":** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) **"Poker Run":** An event organized by an organization licensed under this Chapter in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(L) **"Raffle":** A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by as 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 based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(M) **"Religious Organization"**: Any church, congregation, society, or organization founded for the purpose of religious worship.

(N) **"Veterans' Organization"**: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

7-5-2 REQUIREMENT OF LICENSE.

(A) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

(B) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

7-5-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the City Clerk on the forms provided by the City Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
- (5) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (6) The maximum retail value of each prize awarded by a licensee in a single raffle;
- (7) The maximum price which may be charged for each raffle chance issued or sold;
- (8) The maximum number of days during which chances may be issued or sold;
- (9) The area in which raffle chances will be sold or issued;
- (10) The time period during which raffle chances will be sold or issued;
- (11) The date, time, and name and address of the location or locations at which winning chances will be determined;
- (12) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (13) 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.

(C) The following limitations shall be placed on all raffles conducted within the City:

- (1) the maximum aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall be **Two Hundred Fifty Thousand Dollars (\$250,000.00)**;
- (2) the maximum retail value of each prize awarded by a licensee in a single raffle shall be **One Hundred Fifty Thousand Dollars (\$150,000.00)**;
- (3) the maximum price which may be charged for each raffle chance issued or sold in a licensed raffle shall be **Five Hundred Dollars (\$500.00)**; and

- (4) the maximum number of days during which chances may be issued or sold for a single raffle shall be **three hundred sixty-five (365) days**.

(D) An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable filing fee. Such fee shall be paid by cash, credit card or cashier's check. The City Clerk shall refer the application to the Mayor.

(Ord. No. 1383; 12-19-17)

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold.

7-5-4

APPLICATION FOR A LICENSE FOR A POKER RUN.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the City Clerk on the forms provided by the City Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;
- (5) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (6) The time period during which the poker run will be conducted;
- (7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9) 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.

(C) An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable **Twenty-Five Dollar (\$25.00)** filing fee. Such fee shall be paid by cash, cashier's check, or credit card. The City Clerk shall refer the application to the Mayor.

7-5-5

LICENSEE QUALIFICATIONS.

(A) Raffle licenses and poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the Mayor determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The Mayor may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any raffle or poker run license;

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;

- (4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

7-5-6 LICENSE ISSUANCE.

(A) The Mayor shall review all raffle license applications and all poker run license applications. The Mayor shall, within **thirty (30) days** from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Mayor shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

- (1) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
- (2) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
- (3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) Any license issued under this Article shall be non-transferable.

(D) A license shall be valid for one raffle event or one poker run only, unless the Mayor specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed **one (1) year**.

(E) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(F) **Prominent Display of License.**

- (1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
- (2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(G) **Miscellaneous Provision for Poker Run License.** Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

7-5-7 CONDUCT OF RAFFLES AND POKER RUNS.

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

- (1) The entire net proceeds of any raffle or poker run 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 or poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

- (4) 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 Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.
- (6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the City.

7-5-8 MANAGER - BOND.

(A) All operations of and conduct of raffles and poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle or poker run must be a bona fide member of the organization holding the license for such a raffle or poker run and may not receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the City not less than **thirty (30) days** prior to its cancellation.

(C) The Mayor is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

7-5-9 RECORDS.

(A) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts from the operation of raffles or poker runs 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 therefor 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 or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles or poker runs shall report monthly to its membership, and to the City Clerk, its gross receipts, expenses and net proceeds from raffles or poker runs, and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(E) The City shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

7-5-10 **LIMITED CONSTRUCTION.** Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

ARTICLE VI - OIL WELLS

7-6-1 UNLAWFUL ACTIVITY. It shall be unlawful and an offense for any person, firm or corporation, or any individual, either for himself or acting as an agent, employee or servant of any other person, firm or corporation, to engage in any work or to erect any structures, tanks, machinery, pipe lines or other appurtenances, incident to the drilling for or production of petroleum or natural gas or to operate, maintain or permit to exist any equipment, structures or appurtenances incident to such production or to use or maintain any property or premises in violation of the terms of this Chapter.

7-6-2 PERMIT REQUIRED. It shall be unlawful and an offense for any person, firm or corporation to drill or put down any petroleum or gas well within the corporate limits of the City without first having secured a permit to do so as hereinafter provided.

7-6-3 WELL DRILLING. It shall be unlawful to drill more than **one (1) well** on any **one (1) block**. The term "block" within the meaning of this Chapter shall mean a tract of land, either platted or unplatted or a park or public grounds which is bounded by public streets, avenues, railroads, rights-of-way, sections, **half (1/2)** sections, or **one-fourth (1/4)** section lines and all measurements shall extend the middle of the streets and avenues.

7-6-4 APPLICATION. Before any permit for the drilling or putting down of any petroleum or gas well is issued, a written application therefor, signed by the applicant or some person in his or its behalf, duly authorized, shall be filed with the City Clerk. The application shall state the block and exact lot and location thereon, where the proposed well will be drilled and there shall be attached thereto either certified or photostatic copies of all leases or contracts with the owners of the property in such block or blocks, which are controlled or owned by the applicant, and in addition thereto, a statement showing the number of lots in the block or tract, which applicant holds under lease or contract from the owners. In addition thereto, there shall be attached to the application, a map or plat showing all correct dimensions and exact location of the proposed well or wells, together with tanks, pits, pipe lines, embankments, fences and other details of the proposed use of such property necessary or incident to drilling of the well, together with correct measurements of the location from outside boundaries of the block.

The application, with the certificate aforesaid attached thereto shall be duly verified before an official authorized to administer oaths in the State of Illinois. If the application, together with exhibits attached thereto shows that the applicant is owner of or has under contract or lease all of the property within the block or tract, the City Clerk shall grant a permit therefor, provided that the application shows that the applicant has complied with all requirements of the City in relation to drilling. In the event it appears from the application that the applicant does not have the entire block or tract, and has more than **fifty-one percent (51%)** thereof, the application shall be referred by the Clerk to the City Council. The Council shall fix the time and place of a public hearing thereon and enter the same of record and the applicant shall cause **five (5) days'** notice thereof to be given by posting notice of the time, place and purpose of the application and hearing, in **five (5)** of the most public places of the City, **two (2)** of which said notices shall be posted within the block or tract, and by publication in a newspaper of general circulation, published in the City. The Council shall conduct the hearing upon the application for permit at such time and place. At such hearing, all persons interested may be heard. Upon such hearing, all witnesses shall be examined under oath and applicant shall cause a transcript of the evidence to be taken at his expense and filed with the Clerk of the City for public use. No application shall be filed or permit issued for the drilling or putting down of any petroleum or gas well within the fire limits of the City.

All leases in the block or tract shall be consolidated by requiring that the holder of any lease or leases less than **fifty-one percent (51%)** shall pay his proportionate part of expense of drilling, permit, bond and actual cost of drilling such well, or by making good and sufficient bond to do so and thereupon, he shall be permitted to participate in the **seven-eighths (7/8)** working interest to the extent that his lease shall bear to the entire block or tract.

In the event there is any unleased part of the block or tract, the owner of the fee title shall have the same right as if he were the owner of the lease. This is applicable only to the **seven-eighths (7/8)** working interest. The **one-eighth (1/8)** royalty interest shall be and remain in the owner of the fee title independent of any requirements of this Chapter. The owners of unleased property and the owners of leases, so consolidated, who do not elect to participate in the **seven-eighths (7/8)** working interest shall be paid by the operators of the consolidated lease, the reasonable value of such leases or owner's lease to be ascertained and fixed by the City Council.

7-6-5 **CONTRACTORS.** Before work shall commence under any permit, the holder thereof shall file with the City Clerk, a written statement of all contractors and sub-contractors connected with the work erecting the rig or drilling of the well, and shall promptly notify the City Clerk of any change or contractors or sub-contractors.

7-6-6 **EXCAVATIONS.** It shall be unlawful, and an offense for any person, firm or corporation, either as principal or agent, to make any excavation in any part of the streets, alleys, highways, parking sidewalk area, or other public property for the purpose of laying or installing or to lay or install any pipe lines in or upon any such property without first having obtained a permit from the City Council to do so. The applicant for such permit shall file with the City Clerk a plan showing in detail the exact location of such proposed excavation of pipe lines, the depth thereof, and the location with particular reference to all structures or lines of the City or any public utility company, and the sidewalk, pavement or other improvements, and shall pay as a fee therefor, the sum of **Twenty-Five Cents (\$0.25)** per lineal rod for each rod of excavation with a minimum of **Five Dollars Ten Cents (\$5.10)** per rod annually.

7-6-7 **BOND - LIABILITY.** No permit for the drilling or putting down of any such well shall be issued until the applicant shall have filed with the City Clerk, a good and sufficient bond executed by a Bond or Indemnity Company authorized to do business in the State of Illinois, running in the name of the People of the State of Illinois, for the use of any person interested and conditioned, the applicant shall pay and discharge any liability imposed by law or damages on account of injury to property, either private or public, or bodily injury, including death, received or suffered by any person or persons, firm or corporation and resulting from drilling, operation or maintenance of such well or on structure machinery, equipment or tanks, connected therewith, and that he shall abide by and comply with all the provisions of this Chapter. The Bond shall be approved by Council and shall be in the sum of **Fifty Thousand Dollars (\$50,000.00)**, shall be for **one (1) year** and at the expiration thereof, a new bond shall be furnished with the same terms and conditions. Any permit shall expire with the expiration of the bond covering the same.

7-6-8 **PERMIT FEE.** No permit shall be granted for putting down of any well until applicant shall have paid the City by paying to the Clerk the sum of **Ten Thousand Dollars (\$10,000.00)** which shall be the fee for each permit granted. When any permit expires by failure to renew bond, or if well ceases to produce, the holder of the permit shall remove all property from lease and restore the surface to normal within **ninety (90) days** of the expiration of the permit or date of non-production of well.

7-6-9 **BOUNDARY.** In case a producing well is drilled without the City, but within **six hundred sixty (660) feet** or less of the corporate limits of the City, permits shall be granted to drill all necessary off-set wells within the City. No alley or street of less than **twenty-five (25) feet** in width shall be considered as a boundary line of any block or tract.

7-6-10 **REGULATIONS ENFORCED.** In the drilling or putting down of any such well or wells, within the corporate limits of the City all ordinances and laws of the City in respect thereto shall be followed and complied with and for the purpose of enforcing the provisions of this Chapter, and for prevention of fires and other dangerous hazards, full authority is hereby vested in the Mayor, Council and Police Department of the City.

ARTICLE VII – FIREWORKS CODE

7-7-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

- (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
- (2) Smoke devices;
- (3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a "common firework".

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

7-7-2 SALE OF FIREWORKS UNLAWFUL. It is unlawful for any person to sell any fireworks within the City other than those fireworks designated in **Section 7-7-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-7-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL. It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the City; provided that this prohibition shall not apply to duly authorized public displays.

7-7-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS. It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the City without first having obtained a valid permit issued pursuant to the provisions of this Article.

7-7-5 TIME LIMIT SET ON SALE AND USE. No permit holder shall offer for retail sale or sell any fireworks within the City except from **12:00 Noon** on the **28th of June** to **12:00 Noon** on the **6th of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

7-7-6 PERMIT FEES. The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the City Council.

7-7-7 ISSUANCE – NONTRANSFERABLE VOIDING.
(A) **Sellers.** Each seller’s permit issued under this Article shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in **Section 7-7-11** of this Article. Each seller’s permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

7-7-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-7-12** of this Article.

7-7-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE. Applications for seller’s permits shall be made to the City Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall close on **April 15th** of such year unless extended by action of the City Council. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to **Section 7-7-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(See 425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the City is to be an additional named insured and the policy shall provide for the immediate notification of the City by the insurer of any cancellation of any policy.

(E) The permit holder’s location or place of business shall be only in those areas or zones within the City where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-7-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the City a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the City. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10th) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-7-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the City Clerk shall be controlling.

7-7-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-7-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-7-11 STANDARDS FOR TEMPORARY STANDS. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the City Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7th) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

7-7-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the City and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the City for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

7-7-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the City, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-7-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-7-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and

(4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1st** of each year fro use on **July 4th** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the City Council by any citizen of the City. The decision of the City Council shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the City Council to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

7-7-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City in accordance with **Sections 7-7-7** and **7-7-8** of this Code.

7-7-15 **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-7-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-7-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-7-18 **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-7-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

ARTICLE VIII – HOME KITCHEN OPERATIONS

7-8-1 **DEFINITION.** “Home Kitchen Operation” means a person who produces or packages non-potentially hazardous baked food (as defined in **410 ILCS 625/4**) in a kitchen of that person’s primary domestic residence for direct sale by the owner or a family member. A “Home Kitchen Operation” does not include a person who produces or packages non-potentially hazardous baked foods for sale by a religious, charitable or non-profit organization for fund-raising purposes; the production or packaging of non-potentially hazardous baked goods for these purposes is exempt from these requirements.

7-8-2 **REQUIREMENTS.** The following conditions must be met in order to qualify as a Home Kitchen Operation:

- (A) The monthly gross sales do not exceed **One Thousand Dollars (\$1,000.00)**;
- (B) The food is not a potentially hazardous baked food, as defined in Section 4 of the Act (**410 ILCS 625/4**);
- (C) A Notice is provided to the purchaser that the product was produced in a home kitchen;
- (D) The food package is affixed with a label or other written notice and provided to the purchaser that would include:
 - (1) The common or usual name of the food product; and
 - (2) Allergen labeling as specified in Federal labeling requirements by the United States Food and Drug Administration.
- (E) The food is sold directly to the consumer;
- (F) The food is stored in the residence where it is produced and packaged.

7-8-3 **INSPECTIONS.** Upon receipt by the home kitchen operator or the City of a complaint involving products produced in a home kitchen operation, or upon the outbreak of a disease that may be connected to a home kitchen operation, the Clinton County Health Department shall be notified of such complaint on or before the next business day. Further, the Clinton County Health Department shall have authority to inspect the Home Kitchen Operation involved following any complaint.

(Ord. No. 1369; 03-07-17)

ARTICLE IX – RESIDENTIAL RENTAL PROPERTIES

DIVISION - GENERALLY

7-9-1 **DEFINITION.** A residential rental structure for the purpose of this Article is any apartment, residence, rooming house, dwelling, or multi-family dwelling structure, located within the corporate limits of the City that the owner thereof rents, either entirely or in part, to another person for occupancy of a residence.

7-9-2 **REGISTRATION.** It shall be unlawful for an owner of a residential rental structure to rent that residential rental structure, entirely or in part, to another person for occupancy as a residence, unless the owner shall have registered the residential rental structure with the City on or before **January 1, 2020**.

7-9-3 **APPLICATION FOR REGISTRATION.** The owner of a residential rental property shall register the residential rental structure with the City (on forms provided by the City a copy of which is attached hereto), by a written application for registration, and filing the application for registration with the City Building Inspector. The application for registration requires the following information:

- (A) the address of the structure;
- (B) brief description of the structure;
- (C) the number of rental units in the structure;
- (D) the name, mailing address and telephone number of the owner of the rental structure;
- (E) the identity of any management company which may be responsible for managing the rental structure, including the contact person from said management company responsible for that property; and
- (F) whether leases for the structure are short term (less than **thirty (30) days** or more).

If the owner of the residential rental structure is a business entity rather than a natural person, the application shall provide the identity of the business entity, the name, address and telephone number of the person in control of the entity.

7-9-4 **RE-REGISTRATION.** Registration shall only be required for any property one time, unless the following occurs:

- (A) all or part of the ownership of the residential rental structure changes;
- (B) the number of rental units in the residential structure changed.

Upon the change of ownership of any registered rental structure, the new owner shall, within **thirty (30) days** of taking ownership of the structure, register the property with the City Building Inspector and provide all of the information stated in **Section 7-9-3**. Any owner of registered residential rental property who sells said structure shall notify the City Building Inspector within **thirty (30) days** of closing of said sale. Any structure which was not previously a residential rental structure but is converted to a residential rental structure shall also be registered within **thirty (30) days** of said structure being converted to a residential rental structure.

7-9-5 **FEE.** There shall be no fee for registration of residential rental property if the registration is completed on or before **January 1, 2020**, or if registration is completed within **thirty (30) days** of a landlord acquiring ownership of the residential rental property or converting previously non-rental property to residential rental property after **January 1, 2020**.

There shall be a fee of **Twenty-Five Dollars (\$25.00)** per residential rental unit to register said properties after **January 1, 2020**, or if registered more than **thirty (30) days** after acquiring ownership of residential rental property after **January 1, 2020** or converting previously non-rental residential property to rental residential property.

7-9-6 **FINES/PENALTIES.** Failure to register residential rental properties as provided in this Division shall result in Citation for City Ordinance Violation and a fine of **Fifty Dollars (\$50.00)** per day for each day that the residential real estate is not registered

(Ord. No. 1420; 08-06-19)

DIVISION II – INSPECTIONS

7-9-7 **INSPECTION OF RENTAL PROPERTIES.** This Division applies to residential rental real estate, which includes Short Term rentals of less than **one (1) year**. When a change in tenancy occurs in residential rental property, including short term rentals (commencement of each lease), the Residential Rental Inspector will inspect all residential rental properties in accordance with standards established in the 2015 International Property Maintenance Code (or any future additions adopted by the City). A copy of the inspection materials (including the Inspection Report Form) can be obtained at City Hall. A property that meets the criteria set out in the Inspection Report shall be issued a Health Safety Inspection Certificate of Compliance by the City.

7-9-8 **PROHIBITED CONDUCT.**

(A) It shall be unlawful for any person or business entity to lease, let or rent to another for use or occupancy as a residence without a current and valid City-issued Health Safety Inspection Certificate of Compliance demonstrating that the property meets the criteria designated in the Safety Inspection Report. A valid City-issued Health Safety Inspection Certificate of Compliance shall be required for each new tenancy in a residential rental property subsequent to **January 1, 2020**.

(B) It shall be unlawful for any person or business entity to purchase any part of, or obtain fee simple interest in, any residential rental property with an existing residential lease without a current and valid City-issued Health Safety Inspection Certificate of Compliance.

(C) After a Health Safety Inspection has been conducted on the residential rental property, it shall be unlawful for any person to occupy a residential rental property that does not have a current and valid City-issued Health Safety Inspection Certificate of Compliance.

7-9-9 **HEALTH SAFETY INSPECTIONS.**

(A) Unless otherwise provided herein, at each change in tenancy, a Health Safety Inspection Certificate of Compliance must be obtained by every owner and/or landlord, or the agency or representative of the owner and/or landlord of residential rental property. A change of tenant(s) requires all residential rental property be brought into compliance with City Code. If the residential rental structure or residential rental property is found to be in violation of the Code, the deficiencies must be corrected, and the property reinspected and approved, prior to being let for occupancy. If the residential rental real estate has a Health Safety Inspection Certificate of Compliance that has been issued less than **one (1) year** earlier, the owner and/or landlord will not require another inspection until he or she enters into a new lease with residential tenant.

(B) A change in ownership of residential rental property requires that all rental units be brought into compliance with the City Code and that the owner/landlord shall have obtained a Health Safety Inspection Certificate of Compliance prior to entering into any residential lease. If the residential rental structure or residential rental property is found to be in violation of the Code, the deficiencies must

be corrected, and the property reinspected and approved prior to being let for occupancy. If the acquired real estate has a Health Safety Inspection Certificate of Compliance that has been issued less than **one (1) year** earlier, the new owner will not require another inspection until he or she enters into a new lease with residential tenant.

(C) Before any residential rental property can be let for occupancy, the owner or the agent or representative of the owner must submit the required application for a Health Safety Inspection and pay an inspection fee of **Eighty Dollars (\$80.00)**. The inspection fee shall be applicable to each residential unit.

(D) The required inspection fee of **Eighty Dollars (\$80.00)** allows for the initial inspection and one follow-up inspection for each residential rental property that has failed the initial inspection.

(E) The application and fee for the Health Safety Inspection can be submitted to the City as soon as the residential property is available for a new tenant. The City shall make every effort to have the inspection completed within **forty-eight (48) hours** (exclusive of weekends and holidays).

(F) The owner and/or landlord, or the agent or representative of the owner and/or landlord shall make an appointment at City Hall with the Residential Rental Inspector for an inspection of the residential rental property to determine compliance with the City Code.

(G) When the residential rental property inspection process is completed, the Residential Rental Inspector will notify the owner and/or landlord, or the agent or representative of the owner and/or landlord.

(H) If the Residential Rental Inspector determines that the residential rental property that is subject to the inspection complies with the City Code, a Health and Safety Inspection Certificate of Compliance will be issued from the City.

(I) If, however, the residential rental property is not in compliance with the City Code, it will not be approved for a Health Safety Inspection Certificate of Compliance and the owner and/or landlord, or the agent or representative of the owner and/or landlord, will receive a violation notice describing the violations and the corrections to be made.

(J) A Health Safety Inspection Certificate of Compliance shall remain valid until the sooner of any of the following:

- (1) The City revokes or suspends the Health Safety Inspection Certificate of Compliance due to a violation of the City Code related to the residential rental structure or residential rental property at issue;
- (2) Change in tenancy at the residential rental property, unless the change in tenancy occurs within **one (1) year** of the issuance of the previous Certificate of Compliance;
- (3) Change in tenancy after change in ownership of residential rental property or short-term rental property, unless a Certificate of Compliance was issued less than **one (1) year** prior;
- (4) The residential rental property is damaged or destroyed to the extent it is no longer habitable.

(K) A Health Safety Inspection Certificate of Compliance may not be transferred from one residential rental property to another.

(L) In the event an owner and/or landlord, or representative of the owner and/or landlord or the tenant/occupant of a residential rental property refuses to allow the Residential Rental Inspector to inspect a residential rental property, schedule a time to inspect the residential rental property or otherwise fails to comply with the City Code, the City reserves all remedies to secure compliance with this Section including, without limitation, issuing continuing fines, seeking a search warrant to conduct an inspection, seeking all available fines and penalties, or suspending or revoking a Health Safety Inspection Certificate of Compliance for the real estate at issue.

(M) Residential Rental Inspector shall complete as many re-inspections as are necessary to ensure that appropriate corrective action has been taken to bring the residential rental property into compliance with the City Code.

(N) The owner and/or landlord, or the agent or representative of the owner and/or landlord, shall be charged **Eighty Dollars (\$80.00)** for the initial inspection and one follow-up

inspection of the residential rental property to ensure compliance with this Section. After the initial inspection and follow-up inspection, the owner and/or landlord or the agent, or representative of the owner and/or landlord, shall be charged **Eighty Dollars (\$80.00)** for each inspection deemed necessary by the City to bring the residential rental property into compliance with the City Code.

7-9-10 APPLICATION.

(A) Owner and/or landlord, or the agent or representative of the owner and/or landlord, shall complete a Health Safety Inspection Certificate of Compliance application on a form provided by the City and provide all other information requested by the City. At a minimum, owner and/or landlord, or the agent or representative of the owner and/or landlord, shall provide the following information for each residential rental property:

- (1) Owner and/or landlord's legal name, home and business address, home, business and mobile telephone numbers, and email addresses;
- (2) Property agent or representative's legal name, business address, business and mobile phone numbers and email address;
- (3) The address of the residential rental property;
- (4) The number of bathrooms and bedrooms in each residential rental property;
- (5) The maximum occupancy of the residential rental property;
- (6) The residential rental property's square footage; and
- (7) The **Eighty Dollar (\$80.00)** fee.

(B) The owner and/or landlord, or the agent or representative of the owner and/or landlord, shall submit a revised application to the City within **forty-five (45) days** of any modifications to the information previously provided on the Health Safety Inspection application.

7-9-11 APPEALS.

(A) Any person receiving a violation notice pursuant to this Section, and any person denied a Health Safety Inspection Certificate of Compliance, or any person whose Health Safety Inspection Certificate of Compliance has been suspended or revoked, shall have the right to appeal to the Mayor.

(B) Such an appeal shall be in writing and filed with the City Building Inspector within **fourteen (14) days** of the Health Safety Inspection Officer's action. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal. If no appeal is filed, as stated herein, within the **fourteen (14) day** period after the date of the Residential Rental Inspector action, then the right to appeal the decision shall be waived.

(C) The Mayor shall schedule a meeting to consider the appeal within **thirty (30) days** of receiving the appeal notice. The Mayor may consider all facts, evidence, and testimony presented by the appellant and the Health Safety Inspection Officer, and all other information determined to be relevant to the appeal.

(D) The Mayor shall send written notice of the decision to the owner within **thirty (30) days** of hearing the appeal.

(E) If the owner and/or landlord disagrees with the determination of the Mayor in the appeal, the owner and/or landlord shall have the right to ask for a review before the City Council by making a written request for review and delivering it to the City Clerk's office.

(F) The residential rental property shall not be let for occupancy while the appeal is pending.

7-9-12 OTHER INSPECTIONS. Nothing in this Section shall restrict, limit or alter the City's authority to inspect any property or impose penalties for violations of the City Code.

7-9-13 **PENALTIES.** Should an occupant be permitted by the owner and/or landlord, or the agent or representative of the owner and/or landlord, to occupy any rental residential real estate without first obtaining a Health Safety Inspection Certification, the owner and/or landlord shall be subject to a fine of **Fifty Dollars (\$50.00)**. Each day of unlawful occupancy shall be considered a new violation and subject to an additional fine in the amounts stated herein. Failure to obtain a Health Safety Inspection Certification prior to an occupancy moving into and the City conducting an inspection of the rental property shall not waive the right of the City to enter onto and conduct an inspection of the rental property and to prohibit further occupancy of the rental property until the owner and/or landlord is in compliance with the Division and the Code.

(Ord. No. 1424; 12-17-19)

ARTICLE X – INSPECTION OF BED AND BREAKFAST ESTABLISHMENTS

7-10-1 DEFINITIONS.

(A) **"Bed and Breakfast Establishment"** means an owner or operator occupied residence providing accommodation for a charge to the public with no more than **five (5)** guest rooms for rent and must be in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast only may be served and only to overnight guests. "Bed and breakfast" may not include hotel, motel, boarding house or food service establishment (except as otherwise provided herein).

(B) **"Operator"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment, or on contiguous property.

(C) **"Guest Room"** shall mean a sleeping room intended to serve no more than **two (2)** transient guests per night.

7-10-2 MINIMUM STANDARDS FOR OPERATION. Bed and breakfast establishment which serve breakfast shall comply with the following minimum standards:

(A) Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(B) Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of **forty-five degrees (45°) F** or below, or **one hundred forty degrees (140°) F** or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the local Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffing, poultry, and pork products shall be cooked to heat all parts of the food at least **one hundred sixty-five degrees (165°) F** before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

(C) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(D) If the bed and breakfast operator suspect that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the local Health Department immediately.

(E) All operators shall be certified. Certification shall be achieved by successfully completing an examination offered by the local Health Department as described in the current edition of the State of Illinois Food Service Sanitation Rules and Regulations.

(F) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.

(G) No one, while preparing or serving food, may use tobacco in any form.

(H) Utensils shall be kept clean and in good repair.

(I) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(J) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(K) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.

(L) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse.

(M) The reuse of single-service utensils is prohibited.

7-10-3 GUEST SOAP, TOWELS AND LINENS. Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

7-10-4 STATE FIRE MARSHAL STANDARDS. Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings. In addition, the following standards shall be required:

(A) Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 – Standards for the Installation of Portable Fire Extinguishers.

(B) All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.

(C) All trash containers shall be metal.

(D) No cooking facilities shall be permitted in guest rooms.

(E) All hallways and stairways shall be adequately lighted.

(F) No portable heating devices shall be permitted in guest rooms.

(G) The operator shall submit a floor plan of the bed and breakfast establishment to the local Fire Department.

(H) Smoke detectors shall be provided in each guest room.

7-10-5 PROOF OF LIABILITY INSURANCE. The bed and breakfast establishment shall provide proof of adequate liability insurance as required by the licensing agency.

7-10-6 INSPECTIONS. The City, through the City Inspector's office, shall require that all bed and breakfast establishments successfully pass an inspection prior to commencing operations. The City shall then perform annual inspections of bed and breakfast establishments. The City shall issue a Certificate of Inspection with the initial inspection upon completion of and passing of the inspection requirements. The City shall also issue a Certificate of Inspection with each annual inspection provided the bed and breakfast establishment meets all inspection requirements. Any deficits found in the inspections shall be corrected before the bed and breakfast establishment can commence or continue operations. Inspections shall also be performed in response to complaints and if the City received information that would indicate that further inspections are necessary.

7-10-7 **PENALTIES.** Should an owner or operator of a bed and breakfast establishment operator or conduct business at such establishment without first obtaining an Inspection as described in this Section, the owner and/or operator shall be subject to a fine of **Fifty Dollars (\$50.00)** for each day of operation without complying with this Article. Each day of unlawful occupancy shall be considered a new violation and subject to an additional fine in the amounts stated herein. Failure to obtain an Inspection under this Article prior to commencement of business of a bed and breakfast establishment or failure to obtain an annual inspection as provided herein shall not waive the right of the City to enter onto and conduct an inspection of the rental property and to prohibit further operation of the bed and breakfast business until the owner and/or operator is in compliance with the Article and the Code.

(Ord. No. 1477; 02-16-21)

EXHIBIT "A"

APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT

PART A – DISPLAY SPONSOR INFORMATION

Display Sponsor's Name	Telephone Number
Address	Cell Phone

PART B – PYROTECHNIC DISTRIBUTOR INFORMATION

Pyrotechnic Distributor's Name	OSFM License	
Address	Telephone Number	
Location Where Fireworks Stored	Storage Dates	
Lead Pyrotechnic Operator's Name	OSFM License	
Assistant's Names	Date of Birth	License No. (if any)
Liability Insurance: (not less than \$1,000,000.00)		
Name and Address of Insurer	Telephone Number	
Policy Number	Coverage Dates	
Type of Coverage		
List Type, Size and Approximate Number of Fireworks to be Displayed: (if you need more space, please attach a separate sheet of paper.)		

PART C – DISPLAY INFORMATION

Display Location	
Property Owner's Name	Telephone Number
Owner's Address (if different than Display Location)	
Date of Display	Time of Display
Alternative Date	Time of Alternative Display
By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property.	
Signature:	

PART D – SITE INSPECTION INFORMATION

Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display site?		
Have provisions been made for on-site fire protection during the display?		
Has a diagram of the display site been attached to this application?		
Identify the largest mortar size (in inches) you intend to use.		
Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.		

**PART E – FIRE DEPARTMENT AUTHORIZATION
(Completed by Fire Department)**

Department Name	Telephone Number	
Department Address		
Based on review of the Display Site, the provided Diagram,		
And this application:	Yes	No
Have you verified the answers the applicant has given to Part D of This application?		
Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?		
By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site:		
Signature:		
Print Name:	Date	

EXHIBIT "B"

OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST

PART A – DISPLAY INFORMATION

Name of Company: _____ License No. _____

Name of Lead Operator: _____ License No. _____

Location of Display: _____

Venue Contact: (Name, Address and Telephone Number)

Date of Display: _____ Alternative Display Date: _____

<u>Assistants Names</u>	<u>Date of Birth</u>	<u>License No. (If Any)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES

- Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.
- Identify the largest mortar size in inches: ()
- The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

Table 1

Mortar Size (in inches)	Minimum Secured Diameter of the Site (in feet)
<3	280
3	420
4	560
5	700
6	840
7	980
8	1120
10	1400
12	1680

Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

- Spectators and spectator parking areas must be located outside of the display site.

- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.
- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.
- Review sample Display Site Plan at end of this document.

PART C – LOCATION OF DISPLAY

- Mortars shall be placed at the approximate center of the display site.
- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.
- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.
 - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

PART D - MORTARS

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.
- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

PART E – GROUND DISPLAY

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.
 - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.
- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.
- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

PART F – DISPLAY SITE SAFETY

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.
- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.
- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.

- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

PART G – DISCHARGE AREA SAFETY

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.
- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.
- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.
 - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.
- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

PART H – HALTING DISPLAY

- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:
 - The lack of crowd control,
 - If high winds, precipitation, or other adverse weather conditions prevail, or
 - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.
- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

PART I – POST DISPLAY INSPECTION

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.
- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

EXHIBIT "D"

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

OUTDOOR PYROTECHNIC DISPLAY PERMIT

Date _____ Permit No. _____

PERMITTEES:

Display Sponsor _____

Pyrotechnic Distributor _____

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on _____,

(Month, Day, Year)

at _____ in _____, Illinois.

(Time)

(City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on _____,

at _____.

(Month, Day, Year)

(Time)

The Lead Pyrotechnic Operator, _____, is hereby

(Name)

designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.