

TITLE XI: BUSINESS REGULATIONS

Chapter

110.GENERAL PROVISIONS

111.ALCOHOLIC BEVERAGES

**112.TELECOMMUNICATIONS INFRASTRUCTURE
MAINTENANCE FEE**

113.AMUSEMENT DEVICES

114.OIL WELLS

CHAPTER 110: GENERAL PROVISIONS

Section

General Provisions

110.01 Outdoor merchandise displays

Door-To-Door Sales

110.15 License required

110.16 Application

110.17 Peddling food

110.18 Fees

110.19 Hawking prohibited

110.20 Uninvited solicitation

110.21 Hours of solicitation

110.99 Penalty

Statutory reference:

Power of municipalities to regulate peddlers and itinerant merchants, see ILCS Ch. 65, Act 5, § 11-42-5

GENERAL PROVISIONS

§ 110.01 OUTDOOR MERCHANDISE DISPLAYS.

(A) Except as provided in division (B) below, no outdoor merchandise displays or advertising may be placed:

- (1) In designated parking spaces or on sidewalks whether public or private;
- (2) In fire lanes as designated by the Hickory Point Fire Protection District; or

(3) In the minimum setback from public streets, highways, roads, and lot lines.

(B) (1) Vendors may apply to the Board of Trustees for a special event license to display merchandise in designated parking spaces.

(2) No license shall be granted if the display may adversely affect the public safety.

(C) Any vendors who violate the provisions of this section shall be subject to the penalty as provided in § 10.99.

(D) This section shall take effect on 1-1-2001 and shall be published in pamphlet form.
(Ord. 534, passed 9-18-2000) Penalty, see § 110.99

DOOR-TO-DOOR SALES

§ 110.15 LICENSE REQUIRED.

No person, firm, or corporation for himself, herself, itself, or as an agent for another, shall sell, or offer for sale, barter, or exchange, any produce used or intended to be used for food for human consumption, except farm and garden produce offered for sale by the producer thereof, and except manufactured foodstuffs offered for sale by the manufacturer thereof, or any other article or thing, traveling from place to place, on, along, or upon the streets of the village by peddling, without a license therefor.

(Prior Code, § 111.01) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001) Penalty, see § 110.99

§ 110.16 APPLICATION.

Each applicant for license as a door-to-door salesperson shall make application as provided in this subchapter stating in what commodity he or she desires to or intends to deal, and in what way sales are to be made, from a wagon or automobile, or from a push cart, hand cart, pack, basket, or similar container.

(Prior Code, § 111.02) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001)

§ 110.17 PEDDLING FOOD.

The provisions of the regulations of the County Health Department concerning Care of Foods shall apply to any licensee hereunder peddling food.

(Prior Code, § 111.03) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001)

§ 110.18 FEES.

The fees for selling foodstuffs door-to-door shall be \$25 per day; and for selling imperishables door-to-door shall be as follows: for selling jewelry, \$25 per day; for selling salve, liniment, drugs, medicines, cloths, silks, cashmere, dress goods, or tablecloths, \$10 per day, or \$50 per week; for selling statuary and pictures, \$5 per day; for selling books or publications other than newspapers or magazines, \$2.50 per day; for selling eyeglasses or spectacles, \$25 per day; and for selling any and all articles of whatsoever kind not enumerated herein other than articles of food and drink, the sum of \$2 per day.

(Prior Code, § 111.04) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001)

§ 110.19 HAWKING PROHIBITED.

Hawking, or calling attention to the goods the door-to-door salesperson has for sale, by any device, noise, horn, bell, or other instrument, is prohibited.

(Prior Code, § 111.05) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001) Penalty, see § 110.99

§ 110.20 UNINVITED SOLICITATION.

No door-to-door salesperson shall enter any private house in the village without being admitted by some occupant thereof, nor insist upon showing his or her goods or wares to any person, after being told by the person that he or she does not wish to see or purchase the same, nor otherwise vex, annoy, or harass any persons.

(Prior Code, § 111.06) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001) Penalty, see § 110.99

§ 110.21 HOURS OF SOLICITATION.

(A) Door-to-door solicitation shall be limited to the hours of 10:00 a.m. to 6:00 p.m. on weekdays, 12:00 p.m. to 4:00 p.m. on Saturdays, and no solicitation shall be allowed on Sundays.

(B) Not-for-profit organizations shall be exempt from the limitations of this section.
(Ord. 551, passed 8-20-2001)

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm, or corporation who shall violate any of the provisions of §§ 110.15 *et seq.* shall, upon conviction, be fined \$100 for each offense. Each day on which a violation occurs or continues shall be considered as a separate offense.

(Prior Code, § 111.99) (Ord. 182, passed 10-3-1977; Am. Ord. 551, passed 8-20-2001)

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Definitions
- 111.02 License required
- 111.03 Application for license
- 111.04 Restriction of licenses
- 111.05 License classifications; number; fees
- 111.06 License term; conditions
- 111.07 Disposition of fees; record of licenses
- 111.08 License displayed
- 111.09 License renewal
- 111.10 Compensation of Local Liquor Control Commissioner
- 111.11 Sale on premises only
- 111.12 Sales to minors, certain persons
- 111.13 Employee restrictions
- 111.14 Prohibited acts
- 111.15 Sanitary requirements
- 111.16 Site limitations
- 111.17 Revocation of license
- 111.18 Sales without license
- 111.19 Sale or delivery to minor prohibited; exceptions
- 111.20 Identification required
- 111.21 Misrepresentation of age
- 111.22 Parental responsibility
- 111.23 Consumption upon premises of owner or occupant prohibited

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOLIC LIQUOR. Alcohol, spirits, wine, beer, and every liquid containing alcohol and capable of being consumed as a beverage by a human being.

BEER. A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops and water and including among other things beer, ale, stout, lager beer, and the like.

LICENSEE. Any person, firm, corporation, or partnership holding a license under the provisions of this chapter.

MINOR. A person under the age of 21 years.

ORIGINAL PACKAGE. Any bottle, flask, jug, can, or other receptacle or container sealed and labeled by the manufacturer of alcoholic liquors to contain and to convey any alcoholic liquors.

SALE. Any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. (Prior Code, § 90.01) (Ord. 381, passed 4-9-1992)

§ 111.02 LICENSE REQUIRED.

It shall be unlawful to sell at retail, or offer to sell, or to solicit or to receive an order for, to keep or expose for sale or to keep with the intention of selling any alcoholic liquors without first having obtained a license therefor.

(Prior Code, § 90.02) Penalty, see § 111.99

§ 111.03 APPLICATION FOR LICENSE.

(A) (1) Applications for the licenses shall be made to the Village Mayor in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a corporation, verified by oath or affidavit.

(2) Application forms shall be available from the Village Clerk.

(B) The application shall contain the following statements and information.

(1) As to an individual and all partners in a co-partnership:

(a) Name, age, residence, address, citizenship, place of birth, if a naturalized citizen, the date and place of the naturalization;

(b) Character of business and length of time the individual and each co-partner has been engaged in the business;

(c) A statement as to whether the individual and each co-partner has made application for license, other than the instant license application, in the village for the premises desired to be used and the disposition had on the application;

(d) A statement that the individual and each co-partner has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of this state or the ordinances of this village;

(e) In the event that the individual or any co-partner has previously held a liquor license of any type issued by any state or subdivision thereof or by the federal government, a statement shall be made to that effect giving all pertinent data, including that as to the termination, and if revoked, the reason therefor;

(f) A statement that the individual and each partner of the co-partnership will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the village in the conduct of his or her place of business;

(g) The location and description of the premises or place of business which is to be operated under the license;

(h) The percentile interest of each co-partner in the business; and

(i) A statement whether the applicant has made similar application for a similar alcoholic liquor license on premises other than those described in this application and the disposition of the application.

(2) As to corporations, the following information is required of each officer, director, and manager, together with each stockholder holding more than 10% of that stock in the corporation, and in the event that a corporation holds 10% or more of the stock of the applicant corporation, the same information must be furnished of the corporation as required of the applicant corporation:

(a) Name, residence address, place of birth, and, if a naturalized citizen, the date and place of the naturalization;

(b) Length of time, if any, each named individual has been engaged in the retail liquor business;

(c) A statement as to whether each named individual has made application for license other than the instant license application for the premises desired to be used and the disposition had on the application;

(d) A statement that each named individual has never been convicted of a felony. Further, that if each named individual had applied in his or her individual name, that no disqualification existed for that person receiving a license by reason of any matter or thing contained in this chapter, the laws of this state or the ordinances of this village;

(e) In the event that any of the individuals named in this corporate application have previously held liquor licenses of any type issued by any state or subdivision thereof or by the federal government, a statement shall be made to that effect giving pertinent data as to the termination, and if revoked, the reasons therefor;

(f) A statement that the corporation and the officers and directors and manager will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the village in the conduct of the place of business;

(g) The location and description of the premises or place of business which is to be operated under the license; and

(h) In the event a manager described in division(B)(2) is replaced, the new manager must qualify and shall file a statement with the Village Mayor providing the information and affirmation set forth in divisions (B)(2)(a) through (B)(2)(f) above.

(3) Upon application for renewal of license, each individual, co-partnership, and corporation shall prepare and file between December 1 and December 15, of each calendar year, application forms containing the same information as shown above.

(4) Each and every applicant for a license, or renewal thereof, shall, simultaneously with the application therefor and prior to the issuance thereof; execute and deliver a bond in the penal sum of \$2,000 to the Village of Forsyth as the obligee. The bond shall be conditional for the faithful performance of all provisions of this chapter and all amendments thereto and the payment of all fines and penalties by reason of the violation thereof with security to be approved by the Village Mayor. The maximum liability of any and all sureties on the bonds shall be limited to the penalty thereof; to wit, the sum of \$2,000.

(5) Each applicant for a license shall furnish, contemporaneously with the application and bond, evidence of insurance coverage against dram shop liability under ILCS Ch. 235, Act 5, § 6-21, covering the proposed licensee and the owner of the premises for a full 12-month period from the date of the application. Evidence of similar coverage shall be furnished as a condition for each and every annual renewal of any license hereunder.

(Prior Code, § 90.03)

§ 111.04 RESTRICTION OF LICENSES.

No license shall be issued to:

- (A) A person who is not of good character and reputation in the community in which that person resides;
- (B) A person who is not a citizen of the United States;
- (C) A person who has been convicted of (or placed on supervision) a felony under the laws of any state;
- (D) A person who has been convicted of (or placed on supervision) being the keeper of or is keeping a house of ill fame;
- (E) A person who has been convicted of (or placed on supervision) pandering, or other crime or misdemeanor opposed to decency and morality;
- (F) A person whose license under this chapter has been revoked for cause;
- (G) A person who at the time of application for renewal of any license issued heretofore would not be eligible for the license on first application;
- (H) A co-partnership unless all of the members of the co-partnership shall be qualified to obtain a license;
- (I) A corporation, if any officer, manager, or director thereof or any stockholder or stockholders owning in the aggregate more than 10% of the stock in the corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within this political subdivision;
- (J) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee;
- (K) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited his or her bond to appear in court to answer charges for any such violation;
- (L) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;
- (M) Any law enforcing public official, Village Mayor, or any member of the Board of Trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor;
- (N) Any person, firm, or corporation not eligible for a state retail liquor dealer's license;
- (O) Any person for the sale of alcoholic liquor at a store or other place of business where the majority of customers are minors, or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for those minors; and/or

(P) Except in the case of hotels and motels, no alcoholic liquors shall be sold at retail upon any premises which has any access which leads from the premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between the premises and the other portion of the same building or structure which is used only by the licensee, his or her family, and personal guests.
(Prior Code, § 90.04)

§ 111.05 LICENSE CLASSIFICATIONS; NUMBER; FEES.

(A) The classification of licenses shall be as follows.

(1) *Class A; restaurant.*

(a) *Classification.* Class A licenses shall authorize the retail sale of alcoholic liquors at a restaurant for consumption only on the premises where sold. A Class A license shall not be issued to any licensee whose gross receipts from the sale of alcoholic liquor will constitute 25% or more of its gross receipts from all sales. A restaurant shall comply with the following regulations.

1. Alcoholic liquors shall be sold, served, and consumed only between the hours of 11:00 a.m. and 12:00 a.m. (midnight) of each and every day excepting Sunday, and between the hours of 12:00 p.m. (noon) and 11:00 p.m. on Sunday.

2. Alcoholic liquors shall be sold, served, and consumed only with and in conjunction with the sale of food for consumption in the public dining room on the premises, except that alcoholic liquors may also be sold, served, and consumed in adjacent rooms used to accommodate persons waiting to be seated in the public dining room.

3. Alcoholic liquors shall be sold and served only in individual orders and in proper containers for immediate consumption on the premises and not in bottles, casks, kegs, or any container suitable for the transportation of the alcoholic liquor from the dining rooms of the premises in which any liquor is served.

4. Alcoholic liquors shall not be prepared, poured, or mixed for sale or service in any dining room, nor shall there be any bar or display of alcoholic liquors in any dining room.

5. Alcoholic liquors shall not be advertised for sale by means of any signpost or billboard or other means of advertisement located on the exterior of the premises. Advertisements for the sale of alcoholic liquors located on the interior of the premises shall not be visible from the exterior of the premises.

(b) *Number.* Seven; and
(Am. Ord. 555, passed 11-19-2001)

(c) *Fee.* \$3,000.

(2) *Class B; wine and beer.*

(a) *Classification.* Class B licenses shall authorize the sale of wine and beer for consumption on the premises to be served only at a sit-down meal and specifically not a bar or other such facility and on the premises specified between the hours of 11:00 am. and 12:00 a.m. (midnight) of each and every day excepting Sunday, and between the hours of 12:00 p.m. (noon) and 11:00 p.m. on Sunday. Alcoholic liquors shall be sold and served only in individual orders and in proper containers for immediate consumption on the premises and not in bottles, casks, kegs, or any container suitable for the transportation of the liquor from the dining rooms of the premises in which any alcoholic liquor is served.

(b) *Number.* Three; and

(c) *Fee.* \$3,000.

(3) *Class C; package liquor.*

(a) *Classification.* Class C licenses shall authorize the retail sale of alcoholic liquors which may be sold only in original package for consumption off the licensed premises. A Class C license shall not be issued for any premises from which gasoline is sold and dispensed into motor vehicles, or to any licensee whose gross receipts from the sale of alcoholic liquor will constitute 25% or more of its gross receipts from all sales; and a Class C licensee may not sell alcoholic liquor from what is commonly referred to as a drive up window. A Class C license shall authorize the sale of alcoholic liquor only between the hours of 8:00 a.m. and 10:00 p.m. of each and every day excepting Sunday, and between the hours of 12:00 p.m. (noon) and 10:00 p.m. on Sunday.

(b) *Number.* Three; and

(c) *Fee.* \$3,000.

(B) No license issued under this chapter, except for the Class C license, shall authorize the retail sale of alcoholic liquors in the original package as herein defined.

(Prior Code, § 90.05) Penalty, see § 111.99

§ 111.06 LICENSE TERM; CONDITIONS.

(A) Licenses herein provided shall be applicable for annual periods of 12 months each, the first period commencing on January 1 and ending on December 31. The license fee shall be paid on the first day of each annual period. No rebate shall be due to any applicant and each applicant must be qualified under the terms of this chapter and all applicable ordinances and statutes on each renewal date. A licensee must be open for

business and operating as such on a regular basis within 6 months of receiving a license.

(B) A license issued hereunder shall be purely a personal privilege, good for not to exceed 12 months after issuance unless sooner revoked by the Village Mayor. The license hereunder shall not be subject to attachment, garnishment, or execution and shall not be subject to assignment or transferable and shall not descend upon the death of the licensee but shall automatically cease upon the death of the licensee or upon the licensee being declared a bankrupt.

(Prior Code, § 90.06) Penalty, see § 111.99

§ 111.07 DISPOSITION OF FEES; RECORD OF LICENSES.

Upon the collection of all license fees by the Village Mayor, the same shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. The Village Mayor shall keep or cause to be kept a complete record of all licenses issued.

(Prior Code, § 90.07)

§ 111.08 LICENSE DISPLAYED.

Each licensee shall cause his or her license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Prior Code, § 90.08) Penalty, see § 111.99

§ 111.09 LICENSE RENEWAL.

Any licensee may renew his or her license at the expiration thereof if he or she is then qualified to receive a license under the terms of this chapter; provided, however, that the renewal privilege herein granted shall not be construed as a vested right or as a prohibition in the deduction in the number of liquor licenses to be issued in the village.

(Prior Code, § 90.09)

§ 111.10 COMPENSATION OF LOCAL LIQUOR CONTROL COMMISSIONER.

Pursuant to the provisions of ILCS Ch. 235, Act 5, § 4-3, the compensation of the Local Liquor Control Commissioner is hereby set at \$50 per hour and the Local Liquor Control Commissioner shall be reimbursed for all costs and travel expenses incurred by the officer.

(Prior Code, § 90.10)

§ 111.11 SALE ON PREMISES ONLY.

A license issued hereunder shall permit the sale of alcoholic liquors only upon the premises described in the application and license. The location may be changed only upon the written permission of the Village Mayor

and no change in location shall be permitted unless the proposed new location complies with all ordinances and statutes and is a proper location for the sale of alcoholic liquors.

(Prior Code, § 90.11) Penalty, see § 111.99

§ 111.12 SALES TO MINORS, CERTAIN PERSONS.

It shall be unlawful to sell, give, or deliver alcoholic liquors to any minor or to any intoxicated person.

(Prior Code, § 90.12) Penalty, see § 111.99

§ 111.13 EMPLOYEE RESTRICTIONS.

(A) *Minors.* It shall be unlawful for any minor, or for any person to permit any minor, to draw, pour, mix, or serve any alcoholic liquors; provided that persons 19 years of age and over who have completed the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program approved by the Educational Foundation of the National Restaurant Association may serve alcoholic beverages to patrons who are dining at the licensed premises if the service of the beverages is only incidental to their primary job function of serving food.

(B) *Diseased persons.* It shall be unlawful to employ in the premises any person who is afflicted with or who is a carrier of any contagious or infectious disease.

(Prior Code, § 90.13) (Am. Ord. 659, passed 7-18-2005) Penalty, see § 111.99

§ 111.14 PROHIBITED ACTS.

(A) *Gambling.* There shall be no gambling of any kind allowed on the premises licensed to sell alcoholic liquors. For the purpose of this division (A), the sale of Illinois lottery tickets duly authorized by the State of Illinois shall not be considered gambling.

(B) *Peddling liquor.* It shall be unlawful to peddle alcoholic liquors in the village.

(C) *Obscene conduct on premises.* The following kinds of conduct on premises in this village licensed to sell alcoholic liquor are prohibited:

(1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts;

(2) The actual or simulated exhibition, touching, caressing, or fondling on the breast, buttocks, anus, or genitals;

(3) The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(4) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva, or anus; and

(5) The displaying of films, video recordings, or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.
(Prior Code, § 90.14) Penalty, see § 111.99

§ 111.15 SANITARY REQUIREMENTS.

All premises used for the retail sale of alcoholic liquors, or for the storage of the liquors for sale, shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions regulating conditions of the premises used for the storage or sale of food for human consumption as regulated by the Macon County Health Department.
(Prior Code, § 90.15) Penalty, see § 111.99

§ 111.16 SITE LIMITATIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet from any church, school, day-care center, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station. The 100-foot measurement provided in this section is measured from the outside perimeter of the establishment in which alcoholic liquor is permitted to be sold (although not necessarily the outside perimeter of the property in which the building is placed) and the perimeter of the lot on which a church, school, day-care center, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station is located.
(Prior Code, § 90.16)

§ 111.17 REVOCATION OF LICENSE.

The Village Mayor may suspend or revoke any license issued hereunder for a period of time up to 30 days for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquors.
(Prior Code, § 90.17)

§ 111.18 SALES WITHOUT LICENSE.

(A) (1) No person, partnership, fiduciary, firm, or corporation shall operate an establishment for the public use which allows the possession, sale, distribution ,or consumption of alcoholic beverages within the village limits unless authorized by and licensed by the village under this chapter.

(2) This section shall not affect the private possession of alcoholic beverages in a private residence within the village limits.

(3) However, the sale of alcoholic beverages from a private residence within the village limits, is hereby expressly prohibited.

(B) Nothing in this section shall excuse or relieve any person, partnership, fiduciary, firm, or corporation from restrictions and requirements of any other applicable ordinances of the village or the state statutes. (ILCS Ch. 235, Act 5, § 9-2) (Prior Code, § 90.18) (Ord. 148A, passed 3-17-1975) Penalty, see § 111.99

§ 111.19 SALE OR DELIVERY TO MINOR PROHIBITED; EXCEPTIONS.

(A) (1) No person, firm, or corporation shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.

(2) No person, firm, or corporation after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver the alcoholic liquor to any person under the age of 21 years, except in the performance of a religious ceremony or service.

(B) No person under the age of 21 years shall consume, accept delivery of, or possess alcoholic liquors; provided, possession, dispensing, or consumption of alcoholic liquor by the person in the performance of a religious service or ceremony, the consumption of alcoholic liquor by such a person in the privacy of, under the direct supervision of, and with the approval of a parent or guardian of the person are not prohibited. (Prior Code, § 90.19) (Ord. 284, passed 7-16-1984) Penalty, see § 111.99

Statutory reference:

Sales to minors or the like, see ILCS Ch. 235, Act 5, § 6-16

§ 111.20 IDENTIFICATION REQUIRED.

(A) For the purpose of preventing a violation of § 111.19(A), any person, firm, or corporation may refuse to give or deliver alcoholic beverages to any person who is unable to produce adequate written evidence of identity, and of the fact that he or she is of the attained age of 21 years or over.

(B) Adequate written evidence of age and identity of a person in the village, is no less than 2 documents, each of which is issued by a federal, state, county, or municipal government, subdivision, or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, 1 of which documents incorporate a photograph of the person, along with a statement of the month, day, and year of the person's birth.

(Prior Code, § 90.20) (Ord. 284, passed 7-16-1984) Penalty, see § 111.99

Statutory reference:

Identification, see ILCS Ch. 235, Act 5, § 6-16

§ 111.21 MISREPRESENTATION OF AGE.

(A) No person shall sell, give, or furnish to any person under the age of 21 years any false or fraudulent written or printed photostatic evidence of the age or identity of the person, or shall sell, give, or furnish to any person under the age of 21 years evidence of age and identification of any other person.

(B) No person under the age of 21 years shall present or offer to any person, firm, or corporation in the village, for the purpose of securing alcoholic liquor, any written, printed, or photostatic evidence of age or identity, which is false, fraudulent, or not actually the person's own, or have in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

(Prior Code, § 90.21) (Ord. 284, passed 7-16-1984) Penalty, see § 111.99

Statutory reference:

Misrepresentation, see ILCS Ch. 235, Act 5, § 6-16

§ 111.22 PARENTAL RESPONSIBILITY.

It shall be unlawful for any parent, guardian, or person in loco parentis to knowingly suffer or permit any person under the age of 21 years of which he or she may be the parent, guardian, or person in loco parentis to violate any provisions of this chapter, unless under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of the person under 21 years of age in the privacy of a home.

(ILCS Ch. 235, Act 5, § 6-20) (Prior Code, § 90.22) (Ord. 284, passed 7-16-1984) Penalty, see § 111.99

§ 111.23 CONSUMPTION UPON PREMISES OF OWNER OR OCCUPANT PROHIBITED.

(A) It shall be a petty offense for any owner or occupant of any premises within the village, to knowingly permit a gathering of 2 or more persons where any 1 or more of the persons is under 18 years of age and the following factors also apply:

(1) The person occupying the residence knows that a person under the age of 18 is in possession of or is consuming any alcoholic beverage;

(2) The possession or consumption of the alcohol by the person under 18 is not otherwise permitted by this chapter; and

(3) The person occupying the residence knows that the person under the age of 18 leaves the residence in an intoxicated condition.

(B) For the purposes of this section, where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.
(ILCS Ch. 235, Act 5, § 6-16) (Prior Code, § 90.23) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter shall be fined a sum not less than \$150 nor more than \$1,000 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) For the purpose of this chapter, a *PERSON* shall include any individual, partnership, corporation, or other legal entity.
(Prior Code, § 90.99)

CHAPTER 112: TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

Section

- 112.01 Recitals
- 112.02 Definitions
- 112.03 Registration of telecommunications providers
- 112.04 Municipal telecommunications infrastructure maintenance fee
- 112.05 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees
- 112.06 Compliance with other laws
- 112.07 Existing franchises and licenses
- 112.08 Enforcement
- 112.09 Waiver and fee implementation
- 112.10 Effective date

§ 112.01 RECITALS.

The facts and statements contained in the preamble to this chapter are found to be true and correct and are hereby adopted as part of this chapter.

(Ord. 498, passed 11-17-1997)

§ 112.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROSS CHARGES. The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of the telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. **GROSS CHARGES** for private line service shall include charges imposed at each channel point

within the village, charges for the channel mileage between each channel point within the village, and charges for that portion of the interstate inter-office channel provided within the village. However, **GROSS CHARGES** shall not include:

- (1) Any amounts added to a purchaser's bill because of a charge made under:
 - (a) The fee imposed by this chapter;
 - (b) Additional charges added to a purchaser's bill under ILCS Ch. 220, Act 5, §§ 9-221 or 9-222 of the Public Utilities Act;
 - (c) The tax imposed by the Telecommunications Excise Tax Act;
 - (d) 911 surcharges; or
 - (e) The tax imposed by § 4251 of the Internal Revenue Code.
- (2) Charges for a sent collect telecommunication received outside the village;
- (3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. The equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- (4) Charges for customer equipment, including the equipment that is leased or rented by the customer from any source, wherein the charges are disaggregated and separately identified from other charges;
- (5) Charges to business enterprises certified under ILCS Ch. 220, Act 5, § 9-222.1 of the Public Utilities Act to the extent of the exemption and during the period of time specified by the village;
- (6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly-owned subsidiaries or between wholly-owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly-owned subsidiaries or between wholly-owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering the services;
- (7) Bad debts (**BAD DEBT** means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

- (8) Charges paid by inserting coins in coin-operated telecommunications devices; or
- (9) Charges for telecommunications and all services and equipment provided to the village.

PUBLIC RIGHT-OF-WAY.

(1) Any municipal street, alley, water, or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities.

(2) ***PUBLIC RIGHT-OF-WAY*** shall not include any real or personal village property that is not specifically described in the previous sentence and shall not include village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. Or any like term, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether the place of business or agent or other representative is located here permanently or temporarily, or whether the retailer or subsidiary is licensed to do business in this state.

SALE OF TELECOMMUNICATIONS AT RETAIL. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly-owned subsidiaries or between wholly-owned subsidiaries, when the gross charge made by 1 corporation to another corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, ***SERVICE ADDRESS*** shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

TELECOMMUNICATIONS.

(1) Includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities.

(2) Unless the context clearly requires otherwise, **TELECOMMUNICATIONS** shall also include wireless telecommunications as hereinafter defined.

(3) **TELECOMMUNICATIONS** shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission.

(4) **TELECOMMUNICATIONS** shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications.

(5) Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale.

(6) **TELECOMMUNICATIONS** shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. §§ 521 *et seq.*) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER.

(1) Any telecommunications retailer; and

(2) Any person that is not a telecommunications retailer that installs, owns, operates, or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER or RETAILER or CARRIER. Includes every person engaged in the business of making sales of telecommunications at retail as defined in this section. The village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of the retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the village.

WIRELESS TELECOMMUNICATIONS. Includes cellular mobile telephone services, personal wireless services as defined in § 704(C) of the Telecommunications Act of 1996 (Pub. L. No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services. (Ord. 498, passed 11-17-1997)

§ 112.03 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.

(A) Every telecommunications provider as defined by this chapter shall register with the village within 30 days after the effective date of this chapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the village, provided, however, that any telecommunications retailer that has filed a return pursuant to § 112.05(C) shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the village pursuant to division (A) above has an affirmative duty to submit an amended registration form or current return as required by § 112.05(C), as the case may be, to the village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the village.

(Ord. 498, passed 11-17-1997) Penalty, see § 10.99

§ 112.04 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.

(A) A village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1% of all gross charges charged by the telecommunications retailer to service addresses within the village for telecommunications originating or received in the village.

(B) (1) Upon the effective date of the infrastructure maintenance fee authorized in this chapter, the village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the village by telecommunications retailers.

(2) Imposition of the infrastructure maintenance fee provided under this chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The village telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in § 112.05.

(Ord. 498, passed 11-17-1997)

§ 112.05 COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the village infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the Village Administrator, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the village infrastructure maintenance fee collected by it to reimburse

itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the village shall be accompanied by a return, in a form to be prescribed by the Village Administrator, which shall contain the information as the Village Administrator may reasonably require.

(D) (1) Any infrastructure maintenance fee required to be collected pursuant to this chapter and any such infrastructure maintenance fee collected by the telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the village.

(2) The charge imposed under division (A) above by the telecommunications retailer pursuant to this chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides the services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for the services.

(E) (1) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this chapter, whether as a result of a mistake of fact or an error of law, then the amount shall be credited against any infrastructure maintenance fee due, or to become due, under this chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Administrator may request, and telecommunications retailer shall provide, written substantiation for the credit.

(2) However, no claim for the credit may be made more than 3 years after the date of the erroneous payment unless, the credit is used only to offset a claim of underpayment made by the village within the applicable statutory period of limitations, and the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) Gross charges for purposes of the Telecommunications Excise Tax Act;

(2) Gross receipts for purposes of the municipal utility tax as prescribed in ILCS Ch. 65, Act 5, § 8-11-2;

(3) Gross charges for purposes of the municipal telecommunications tax; and/or

(4) Gross revenue for purposes of the tax on annual gross revenue of public utilities prescribed in ILCS Ch. 220, Act 5, § 2-202 of the Public Utilities Act.

(G) (1) The village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this chapter to determine whether the telecommunications retailer has properly accounted to the village for the village infrastructure maintenance fee.

(2) Any underpayment of the amount of the village infrastructure maintenance fee due to the village

by the telecommunications retailer shall be paid to the village plus 5% of the total amount of the underpayment determined in an audit, plus any costs incurred by the village in conducting the audit, in an amount not to exceed 5% of the total amount of the underpayment determined in an audit.

(3) The sum shall be paid to the village within 21 days after the date of issuance of an invoice for same.

(H) The Village Administrator, or his or her designee, may promulgate the further or additional regulations concerning the administration and enforcement of this chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 112.03 of the regulations.

(Ord. 498, passed 11-17-1997) Penalty, see § 10.99

§ 112.06 COMPLIANCE WITH OTHER LAWS.

Nothing in this chapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) Generally applicable taxes;

(B) Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided;

(C) Any liability imposed for the failure to comply with the generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this code concerning uses or structures not located on, over, or within the right-of-way.

(Ord. 498, passed 11-17-1997)

Cross-reference:

Streets and Sidewalks, see Ch. 90

§ 112.07 EXISTING FRANCHISES AND LICENSES.

Any franchise, license, or similar agreements between telecommunications retailers and the village entered into before the effective date of this chapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

(Ord. 498, passed 11-17-1997)

§ 112.08 ENFORCEMENT.

(A) Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with

any of the provisions of this chapter shall be subject to fine in accordance with the general penalty provisions of this code.

(B) Nothing in this chapter shall be construed as limiting any additional or further remedies that the village may have for enforcement of this chapter.

(Ord. 498, passed 11-17-1997) Penalty, see § 10.99

§ 112.09 WAIVER AND FEE IMPLEMENTATION.

(A) (1) The village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the village by a telecommunications retailer pursuant to any existing village franchise, license, or similar agreement with a telecommunications retailer during the time the village imposes the telecommunications infrastructure maintenance fee.

(2) This waiver shall only be effective during the time the infrastructure maintenance fee provided for in this chapter is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(B) The Village Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the village has a franchise.

(C) (1) The village infrastructure maintenance fee provided for in this chapter shall become effective and imposed on the first day of the month not less than 90 days after the village provides written notice by certified mail to each telecommunications retailer with whom the village has an existing franchise, license, or similar agreement that the village waives all compensation under the existing franchise, license, or similar agreement during the time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the village.

(2) The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

(Ord. 498, passed 11-17-1997)

§ 112.10 EFFECTIVE DATE.

This chapter shall take effect immediately upon its passage, approval, and publication in pamphlet form.

(Ord. 498, passed 11-17-1997)

CHAPTER 113: AMUSEMENT DEVICES

Section

- 113.01 License required
- 113.02 Application
- 113.03 Expiration
- 113.04 License fee
- 113.05 Restricted hours
- 113.06 Gambling forbidden
- 113.07 Pinball and gambling devices
- 113.08 Payoffs and free games forbidden
- 113.09 Minors
- 113.10 Revocation

- 113.99 Penalty

Statutory reference:

Power of municipalities to regulate billiard tables, pinball machines, see ILCS Ch. 65, Act 5, § 11-42-2

Power of municipalities to regulate coin-operated amusement devices, see ILCS Ch. 65, Act 5, § 11-55-1

§ 113.01 LICENSE REQUIRED.

No person, firm, or corporation shall operate, maintain, or conduct a shuffle board, shuffle alley, bank board, coin-operated pool table, coin-operated bowling machine, coin-operated baseball machine, gun or target type mechanical amusement device, or any other mechanical amusement devices open to the public for hire or gain without first having obtained a license therefor.

(Prior Code, § 110.01) (Ord. 179, passed 8-15-1977) Penalty, see § 113.99

§ 113.02 APPLICATION.

An application for license under this chapter shall be filed with the Village Clerk and shall state the location and place of business and the number and kind of the devices to be used therein. The Village Clerk shall submit the applications to the Village Board, who shall authorize the issuance of the licenses or refuse the issuance of the licenses.

(Prior Code, § 110.02) (Ord. 179, passed 8-15-1977)

§ 113.03 EXPIRATION.

All licenses issued under this chapter shall be for the calendar year, that is, from January 1 to December 31 of each year. A license shall expire on December 31 next after issuance.

(Prior Code, § 110.03) (Ord. 179, passed 8-15-1977)

§ 113.04 LICENSE FEE.

The fees for the license shall be \$15 for each machine or device licensed for each calendar year or fraction thereof.

(Prior Code, § 110.04) (Ord. 179, passed 8-15-1977)

§ 113.05 RESTRICTED HOURS.

If the amusement devices are operated in a place of business where the hours of the business are restricted, the operation of the devices therein is restricted to the same hours.

(Prior Code, § 110.05) (Ord. 179, passed 8-15-1977) Penalty, see § 113.99

§ 113.06 GAMBLING FORBIDDEN.

No gambling shall be permitted in any place of business where the amusement devices are operated and maintained.

(Prior Code, § 110.06) (Ord. 179, passed 8-15-1977) Penalty, see § 113.99

§ 113.07 PINBALL AND GAMBLING DEVICES.

(A) The licensing of slot machines, or any device or mechanism that has been or may be judicially determined to be a gambling device, is specifically prohibited.

(B) If a gambling device is inadvertently licensed hereunder, the license shall not be construed as legalizing the gambling device.

(Prior Code, § 110.07) (Ord. 179, passed 8-15-1977) Penalty, see § 113.99

§ 113.08 PAYOFFS AND FREE GAMES FORBIDDEN.

There shall be no payoffs or free games of any kind by the licensee of the amusement devices.

(Prior Code, § 110.08) (Ord. 179, passed 8-15-1977) Penalty, see § 113.99

§ 113.09 MINORS.

No person, firm, or corporation who operates the amusement devices shall permit any person under the age

of 18 years to play, use, or operate the amusement devices during regular school hours or after hours of any curfew imposed by law.

(Prior Code, § 110.09) (Ord. 179, passed 8-15-1977; Am. Ord. 188, passed 4-17-1978) Penalty, see § 113.99

§ 113.10 REVOCATION.

Any license granted under the provisions hereof may be revoked for violating the terms of this chapter. Any person, firm, or corporation applying for and receiving a license hereunder shall be deemed to have consented to the conditions herein named, and that the same shall be a part of any license issued to him or her.

(Prior Code, § 110.10) (Ord. 179, passed 8-15-1977)

§ 113.99 PENALTY.

Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be fined not less than \$10 nor more than \$200 for each offense. Each day upon which a violation occurs or continues shall be considered as a separate offense.

(Prior Code, § 110.99) (Ord. 179, passed 8-15-1977)

CHAPTER 114: OIL WELLS

Section

- 114.01 Permit or written consent required
- 114.02 Application to be filed; fee
- 114.03 Information required on application
- 114.04 Bond to accompany application
- 114.05 Location of drilling restricted
- 114.06 Promulgation of rules and regulations

- 114.98 Violations
- 114.99 Penalty

Statutory reference:

Power of municipalities to regulate oil wells, see ILCS Ch. 65, Act 5, § 11-56-1

§ 114.01 PERMIT OR WRITTEN CONSENT REQUIRED.

No person, firm, or corporation shall drill or explore for oil or other minerals within the village limits, without a permit therefor issued by the appropriate agency of the state or without a written consent therefor issued by the Village Board.

(Prior Code, § 112.01) (Ord. 234, passed 1-19-1981) Penalty, see § 114.99

§ 114.02 APPLICATION TO BE FILED; FEE.

Any person, firm, or corporation who shall require a consent of the Village Board, for a permit to drill or explore for other minerals within the village limits, shall make and file with the Village Clerk, a written application for consent to drill within the village limits, signed by the person, firm, or corporation who will apply for the state drilling permit. The written application shall be accompanied by a fee of \$500.

(Prior Code, § 112.02) (Ord. 234, passed 1-19-1981)

§ 114.03 INFORMATION REQUIRED ON APPLICATION.

(A) *Generally.* Each written application for a consent by the village, for drilling or exploring for oil or other minerals within the village limits, shall contain the following.

(B) *Required information.*

(1) The legal description of the tract on which the operation is proposed and a map showing the location of the proposed drilling or exploration site on the tract;

(2) An agreement by the applicant to fence the drilling or exploration area with a child-tight fence and to maintain the child-tight fence for so long as any drilling, exploring, or pumping or other removal operations shall be carried on, on the site;

(3) A description of the size, width, and weight of all equipment to be used in drilling or exploration;

(4) A statement of the method by which equipment to be used in drilling will be delivered to the site;

(5) A description of the route and village streets to be used in delivering equipment to be used in drilling to the site and to be used in removing equipment to be used in drilling from the site;

(6) An estimate of possible damage to village streets and an agreement to restore the village streets to their existing condition immediately after any damage occurs, both in delivering and removing the equipment, and including any mud or other debris deposited on any village street surface in the course of operations;

(7) A description of the size, width, and weight of equipment to be used if exploration is successful;

(8) A statement of the method by which equipment to be used if exploration is successful will be delivered to site;

(9) A description of the route and village streets to be used in delivering equipment to be used if exploration is successful to site and to be used in removing equipment to be used if exploration is successful from the site;

(10) An estimate of possible damage to village streets and an agreement to restore the village streets to their existing condition immediately after any damage occurs, both in delivering and removing the equipment to be used if exploration is successful, and including any mud or other debris deposited on any village street surface in the course of operations;

(11) Proposed screening for installation, both during drilling or exploration, and later operations if exploration is successful;

(12) Location of any storage tanks, bins, and the like; and

(13) An agreement to clean up site and restore same to original condition when operations in connection with the exploration or pumping or other recovery methods are concluded.

(Prior Code, § 112.03) (Ord. 234, passed 1-19-1981)

§ 114.04 BOND TO ACCOMPANY APPLICATION.

Each application shall be accompanied by a bond acceptable to the Village Board, in an amount of not less than \$10,000, conditioned upon compliance by the applicant with all regulations contained in this chapter, and all agreements of applicant in the written application. The bond requirement may be increased or decreased by the Village Board in order to fully ensure compliance with this chapter.
(Prior Code, § 112.04) (Ord. 234, passed 1-19-1981)

§ 114.05 LOCATION OF DRILLING RESTRICTED.

No oil well shall be drilled or pumped, and no storage tanks for oil shall be installed nearer than 50 feet to any village street right-of-way or nearer than 200 feet to any residence, garage, barn, or other outbuilding.
(Prior Code, § 112.05) (Ord. 234, passed 1-19-1981) Penalty, see § 114.99

§ 114.06 PROMULGATION OF RULES AND REGULATIONS.

The Village Administrator is authorized and directed to promulgate the rules and regulations and take the actions as may be deemed by him or her to be reasonable and desirable to carry out the intent and purpose hereof.
(Prior Code, § 112.06) (Ord. 234, passed 1-19-1981)

§ 114.98 VIOLATIONS.

Whenever any violation of any provision hereof is charged, any person, firm, or corporation who has applied for the consent of the Village Board, as herein provided, shall be prima facie responsible for the violation and subject to the penalty therefor.
(Prior Code, § 112.98) (Ord. 234, passed 1-19-1981)

§ 114.99 PENALTY.

Any person, firm, or corporation found guilty of violation of any provisions of this chapter shall, upon conviction, be fined not to exceed \$200. Each day a violation continues shall be considered a new violation.
(Prior Code, § 112.99) (Ord. 234, passed 1-19-1981)