

CHAPTER 4 – COMMERCIAL OCCUPANCY AND ACTIVITY REGULATIONS

Article I: GENERAL PROVISIONS.

Sec. 4.101. **PURPOSE:** Because the conduct of non-residential activities within the city is a basic part of and affects the physical and economic well-being of the city necessitating special services from the City in the form of fire, health, police inspections and services, such commercial activities shall in all respects be in full compliance with the provisions hereinafter contained in this Chapter. This Chapter is designed to provide for the means whereby the City may render the necessary inspections and services in order to promote, protect and safeguard the public safety, health and welfare of the citizens of the City and to enable the effecting of an accurate record of all non-residential activities located and conducted within the City.

Sec. 4.102. **APPLICABILITY:** All persons occupying non-residential property and/or engaged in commercial and non-profit activities are subject to the regulations contained within this Chapter.

Sec. 4.103. **SEVERABILITY:** In the event that any provision of this Chapter, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any remaining provisions of this Chapter, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Chapter would have been adopted had such unconstitutional, invalid or ineffective provisions not been included herein.

Sec. 4.104. **NONTRANSFERABILITY:** The certificates, licenses and registrations required by this Chapter are not transferable from one person, entity, device, vehicle or location to another, unless otherwise specified.

Sec. 4.105. **RULES:** The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural number, and the plural the singular.
2. The word "shall" is mandatory; the word "may" is permissive.
3. The masculine gender includes the feminine and neuter.

Sec. 4.106. **DEFINITIONS:** Whenever in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section, except when the context otherwise indicates or an alternate definition is provided or referenced. Words and terms not defined herein shall be defined as specified in the latest published edition of "Webster's New Collegiate Dictionary".

ADULT BOOTH: Any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play,

or otherwise demonstrate Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

ADULT ENTERTAINMENT ESTABLISHMENT: Any of the following Commercial Establishments, as defined herein:

- a. **ADULT CABARET.** Any Commercial Establishment including, but not limited to a lounge, theater, concert hall, men's or women's club, auditorium, or similar commercial establishment, regardless of its seating capacity that as a substantial or significant portion of its business features or provides any of the following:
 1. Persons who appear Nude or Semi-Nude.
 2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
 3. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 4. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
 5. The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
 6. The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.
 7. A role playing interaction, including but not limited to servers, hosts, hostesses, dancers, singers, models or other performance artists, or an establishment which offers customers role playing interaction.
- b. **ADULT STORE:** Any Commercial Establishment (a) that contains one or more Adult Booths or; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials.
- c. **ADULT THEATER:** Any Commercial Establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representation or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

ADULT MATERIAL: Any of the following, whether new or used:

- a. The following materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; (1) Books, magazines, periodicals, or other printed matter, or digitally-stored materials; or (2) Films, motion pictures, video or audio

cassettes, slides, computer displays, or other visual representations or recordings of any kind,

- b. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

AMUSEMENT ARCADE: A commercial establishment that has or maintains ten (10) or more amusement devices on the premises.

AMUSEMENT DEVICE: Any coin-operated device that operates or may be operated as a game, entertainment, amusement or test of skill, either mental or physical, including but not limited to music machines, photo booth, pool tables, pinball machines, arcade type video games and foosball tables. "Amusement Device" shall not include video gaming terminals or vending machines.

APPROVED MASSAGE SCHOOL: A school which has received certification from the Illinois State Board of Education as a massage therapy school and has presented evidence of such certification to the City.

ASSET: A business, organization or property.

ATTENDANT: An owner, agent or employee of a licensee; provided such owner, agent or employee is over the age of eighteen (18) years.

AUCTIONEER: An individual person employed to sell or put up material goods, chattel, or real estate at auction or any individual person employed to assist one or more auctioneers or to assist in the proceedings of auctions.

BUILDING: A roofed structure designed or intended for the enclosure, shelter or protection of persons, animals or other property. All forms of vehicles, even if immobilized, are excluded from this definition.

BUILDING OFFICIAL: The Building Official of the City of Wood Dale, as defined by Chapter 12 of this Code, or designee.

BUSINESS: An occupation, employment or enterprise which occupies time, attention, labor and materials in order to conduct commercial activities.

BUSINESS VEHICLE: An automobile, truck, or other motor vehicle used primarily to conduct or support the commercial or non-profit activities of an entity located within the City.

CANVASSER: A person, whether resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes

for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

CARNIVAL: An entertainment or place of amusement with rides, games of skill, and/or refreshments, but without sideshows; which entertainment is usually operated as a commercial enterprise but sometimes by a social organization or non-profit establishment.

CARTER: Any person that transports goods using a cart or truck.

CHANCE: The absence of explainable or noncontrollable causation; a risk; an unforeseen consequence of an act.

CHATTEL: An item of personal property other than real estate.

CIRCUS: An entertainment or place of amusement with side shows, rides, games of skill, and/or refreshments, usually including an arena enclosed within a tent for the showing of acrobats, wild animals, and clowns.

CITY: The City of Wood Dale, DuPage County, Illinois.

CITY CLERK: The City Clerk of the City of Wood Dale, or his or her designee.

CITY MANAGER: The City Manager of the City of Wood Dale.

CODE: The Municipal Code of the City of Wood Dale, Illinois.

COIN-OPERATED: Of or relating to a self-service machine that requires money (cash or electronic card), token, voucher or similar means to be inserted before use.

COMMERCIAL ACTIVITIES: Engaging in or supporting activities where compensation is intended to be received in exchange for goods and/or services.

COMMERCIAL ESTABLISHMENT: A place where commercial activities are conducted; a place wherein professions, businesses, and occupations may be carried on.

COMMERCIAL OCCUPANCY CERTIFICATE (COC): Document issued by the City, upon verification, that the applicable provisions of this and Chapters 12 and 17 have been met in order to occupy a non-residential building or any space therein to conduct specified activities.

COMMERCIAL LAND LEASING: Rental, whether short- or long-term, of all or part of a property to a tenant where the use involves vehicles and/or trailers that are movable or portable and is not associated with a commercial occupancy certificate for the premises. The term includes but is not limited to commercial parking lots and mobile home parks.

COMMUNITY DEVELOPMENT DEPARTMENT: The office of the Development Administrator.

CONTRACTOR: Any person who enters into a contract and for a fixed price undertakes the performance or to cause the performance of works. This term shall include but shall not be limited to such persons engaging in masonry, electrical, heating, ventilation and air conditioning businesses.

COUNTY: The County of DuPage, a body politic and corporate.

DEVELOPMENT ADMINISTRATOR: The individual or duly appointed assistant as defined in Chapter 17 of this Code.

ELECTRONIC CIGARETTE OR E-CIGARETTE: An electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provides a gas derived from liquid nicotine and/or other substances which is inhaled by a user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name, generally manufactured to resemble cigarettes, cigars, pipes, or other smoking devices.

ENTITY: An organization (as a business, non-profit or governmental unit) that has an identity separate from those of its members.

ESTABLISHMENT EMPLOYEE: Any individual, including entertainers, who work in or at, or render any services directly related to the operation of a Licensed Establishment; provided, however, that this definition shall not include persons delivering goods, materials, food and beverages, or performing maintenance or repairs, to the Licensed Premises.

ESTABLISHMENT OPERATOR: Any person who owns or operates a licensed establishment.

HOME-BASED BUSINESS: A business, profession, occupation or trade as defined by, and conducted in accordance with, Chapter 17 of this Code.

INDIVIDUAL THERAPIST MASSAGE ESTABLISHMENT: A Massage Establishment which is operated as a separate and distinct business and which includes as an employee, independent contractor, joint venture, affiliate, partner or in any other fashion, not more than one Massage Therapist.

JUNK DEALER: Any person dealing in the gathering, buying, and/or selling in worn out and discarded articles and materials that have outlived their usefulness and which may be turned or converted into another product or put to some other use, either of the same or a different kind.

LICENSED ESTABLISHMENT: Any establishment licensed under this Chapter.

LICENSED PREMISES: The premises on which any licensed establishment is located.

LICENSEE: A person holding a license pursuant to the terms of this Chapter.

LIQUID NICOTINE: Any liquid product composed either in whole or part of nicotine, propylene glycol and/or other similar substances and manufactured for use with an e-cigarette to be converted into a vapor for inhaling.

MASSAGE: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with aid of any mechanical electrical apparatus or appliances with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such persons behalf, will pay money or give other consideration or any gratuity therefor.

MASSAGE ESTABLISHMENT: Any business entity having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person engages in or carries on any of such activities.

MASSAGE THERAPIST: Any person who, for any consideration whatsoever, engages in the practice of massage.

MOBILE FOOD VENDOR: A licensed motorized vehicle or mobile food unit that is used for selling food items to the general public. Vehicles used for this purpose are typically equipped with on board power, refrigeration and food preparation facilities.

MOBILE HOME: A movable or portable structure designed and intended for permanent habitation and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include: (a) units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; (b) units composed of two (2) or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing; and (c) units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles.

MONEY SERVICES: A business or any portion thereof that includes commercial activities related to transmitting or converting money conducted by non-bank financial institutions. Examples of Money Services consist of but are not limited to services related to check cashing, money orders, traveler's checks, money transfers, foreign currency exchange, consumer loans and secondhand dealers.

NON-PROFIT ACTIVITIES: Engaging in or supporting activities, including but not limited to the sale of goods and provision of services, conducted without the intention of making a profit.

NON-PROFIT ESTABLISHMENT: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

NON-RESIDENTIAL USE: The intended use of a property or a portion thereof that is not intended, or zoned, to be used as a place for persons to live.

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

NUISANCE: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

NUISANCE IN FACT: An act, occupation, or structure which is not a nuisance per se but may become a nuisance by reason of the circumstances or the location and surroundings.

OCCUPANCY: The use of land, buildings and/or structures.

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

PAWNBROKER: Any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledger or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same. This term shall also be considered a secondhand dealer.

PERSON: Any legal entity, including but not limited to, an individual, firm, partnership, association, trust, joint stock company, corporation or successor of any of the foregoing. Whenever the word "person" is used in any section prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and as applied to corporations, the word shall include officers, agents or employees thereof who are responsible for any violation of the section.

PERSON WITH SIGNIFICANT INTEREST OR CONTROL: Any of the following:

- a. Each person in whose name a city license is maintained for the licensed premises;

- b. Each person who has the ability to influence or control the activities of an establishment operator, or elect a majority of its board of directors, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business; or
- c. Persons having the power to exercise significant influence or control over decisions concerning any part of an establishment operator's operation.

PROPERTY: Any realty, including improvements thereon and tangible personalty.

PUBLIC: The community at large.

PUBLIC PASSENGER VEHICLE: A motor vehicle, as defined in the motor vehicle law of the state of Illinois, which is used for the transportation of passengers including the sick or wounded, for hire; excepting those devoted exclusively for funeral use or in operation of a metropolitan transit authority or public utility under the laws of the state of Illinois.

PUBLIC PLACE: Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

RAFFLE: A form of lottery, as defined in section 28-2(b) of the "criminal code of 1961", conducted by an organization registered under Section 4.507 of this Chapter, in which:

- a. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- b. 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.

REFLEXOLOGY: The application of steady, deep and light pressure over the human feet for the purpose of producing healing and relaxation in all parts of the body.

REFUSE: All putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, and solid market and industrial wastes, including, but not limited to:

- a. High Density Polyethylene (HDPE) #2 Blow Molded Containers: Plastic milk and water jugs, laundry detergent, shampoo, personal care, and other similar blow molded containers used inside the home.
- b. Other High Density Polyethylene (HDPE) #2 Containers: Margarine tubs, baby wipe containers, and other similar molded containers used inside the home.
- c. Juice Boxes: Aseptic cartons consisting of a high grade paperboard coated with polyethylene plastic and aluminum foil, excluding milk cartons.

- d. Polyethylene Terephthalate (PET #1) Blow Molded Containers: Soft drink, liquor, cooking oil, personal care, and other similar blow molded containers used inside the home.
- e. Other Polyethylene Terephthalate (PET #1) Containers: Plastic plates, trays, cups, and other similar injection molded containers used inside the home.
- f. Polypropylene (PP#5): Yogurt, cottage cheese and sour cream tubs, syrup bottles, etc.
- g. Polystyrene (PS#6) Plastic Containers: Foam packaging peanuts, drinking cups, plates, carryout containers, egg cartons, meat and produce trays, and other similar foam materials.
- h. Polystyrene (PS#6) Plastic Packaging Materials: White and clear packing grade.
- i. Polyvinyl/Chloride (PVC #3): Health and beauty aid bottles.
- j. Recyclables (Also Referred To As Recyclable Materials): Materials which have a useful second life in the economic cycle if they are successfully collected, separated, processed, and marketed for return to the economic mainstream. Recyclable materials shall include aluminum cans, tin/steel/bimetal cans, colored and clear glass bottles, HDPE, PET and PS, plastic containers #1, #2 and #6, newspaper, magazines, catalogs, telephone directories, corrugated cardboard, chipboard, 6-pack rings, and any other items the city and the contractor agree to recycle in the future.

REGISTER OR REGISTRY: A book containing a record of facts as they occur.

REGISTERED SOLICITOR: 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: Every separate dwelling unit occupied as a permanent place of residency by one or more persons, contained within any type of building or structure. This term does not include lodging accommodations.

RETAIL SALE: A sale in small quantities or in broken lots or parcels, not in bulk, and directly to the consumer.

RETAIL SERVICE: A service made directly to the consumer.

ROLE PLAYING INTERACTION: An arrangement, service or program where a server, host, hostess, dancer, singer, model or Massage Establishment Employee, engages a customer in a meeting or conversation involving, depicting, simulating or participating in any "specified sexual activities".

SCAVENGER: Any person licensed by the city that collects refuse and hauls same away to locations outside of the corporate limits of the city.

SECONDHAND DEALER: Any person engaged in the business of buying and/or selling articles which have passed through the hands of one or more owners which owners were retailers or

consumers rather than wholesalers. The term shall be deemed to include, but shall not be limited to, pawnbrokers, dealers in precious metals and/or gems and antique, coin and junk dealers.

SEMI-NUDE: A state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices by other minor accessory apparel such as hats, gloves and socks.

SHORT-TERM SALES, COMMERCIAL: Any commercial activity conducted outside but immediately adjacent to the licensed establishment on a seasonal basis, including the display of goods and outdoor cafés.

SHORT-TERM SALES, RESIDENTIAL: Commercial activity conducted on residential property for a limited duration relating to the sale of household and personal items, such as garage and yard sales, estate sales and house auctions or similar activities.

SOLICITING: Any of the following:

- a. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs and/or 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.

SOLICITOR: Any individual, whether a resident of the city of Wood Dale or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payment on such sales or not; provided, that such definition shall include any person, who for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the City of Wood Dale for the sole purpose of exhibiting samples and taking orders for future delivery.

SPECIFIED ANATOMICAL AREAS: Any of the following:

- a. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

SPECIFIED CRIMINAL ACT: Any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes:

- a. Article II of the Illinois Criminal Code (sex offenses).
- b. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping).
- c. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile).
- d. The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.
- e. The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.
- f. The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.
- g. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.
- h. The Cannabis Control Act, 720 ILCS 550/1 et seq.
- i. The Illinois Controlled Substance Act, 720 ILCS 570/100 et seq.
- j. Section 14.518 of the Wood Dale Municipal Code entitled "Public Indecency".
- k. Section 14.519 of the Wood Dale Municipal Code entitled "Obscenity".

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

- a. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- c. Masturbation, actual or simulated.
- d. Human genitals in a state of sexual stimulation, arousal, or tumescence.
- e. Excretory functions as part of or in connection with any of the activities set forth in paragraphs A, B, C, or D of this definition.

STRADDLE DANCE: The use by any person, including specifically, but without limitation, an Establishment Employee of an Adult Entertainment Establishment, of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any Patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any Patron. Conduct shall be a "Straddle Dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any Specified Anatomical Area.

Conduct shall also be a "Straddle Dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance", "table dance", and "face dance" shall be included within this definition of Straddle Dance.

TOBACCO PRODUCTS: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

TRANSFER OF OWNERSHIP: Any of the following:

- a. The sale, lease, or sublease of an asset; or
- b. The transfer of securities which constitute a controlling interest in the asset, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the asset; or
- d. Any person not previously listed as an applicant that acquires an ownership interest in the asset of twenty percent or more.

TRANSIENT MERCHANT: Any person who engages in a temporary business of buying or selling and delivering to any person, goods, wares or tangible personal property for retail sale or retail services within the City who does not maintain in the City an established office, distribution house, sales house, warehouse, service center or residence from which the commercial activities are conducted. This definition does not apply to the following:

- a. Persons using motor vehicles primarily for activities related to public passenger vehicles or transporters.
- b. Persons selling vegetables, fruits or perishable farm products at booths on or adjacent to the property owned or occupied by them.
- c. Persons conducting judicial or other sales under legal proceedings.
- d. Food trucks.
- e. Persons selling at circuses, carnivals or other public events, provided they are otherwise registered by the City.

TRANSPORTER: Any person primarily engaging in the business of transporting goods, wares or merchandise. This term includes but is not limited to any person whose business is trucking goods; a truck driver who delivers containers to and from the airport, seaport or rail yard; any person that transports goods on regular routes at set rates; or any person engaged in the business of transporting parcels or other movable property.

UNIFIED DEVELOPMENT ORDINANCE (UDO): Chapter 17 of this Code.

VENDING MACHINE: Any coin-operated device that dispenses anything of value including food, beverage, goods, wares, merchandise or services. Examples of vending machines include vacuum and air machines, movie and game rental (such as Redbox), musical devices (such as jukeboxes), newspaper dispensing machines, laundromat washers and dryers, spare change collection devices (such as Coinstar), stamping/engraving machines, etc.

ZONING: The division of property within the City into districts as depicted in the official zoning map and subject to the applicable regulations contained in Chapter 17 of this Code.

Sec. 4.107. GENERAL OPERATING REQUIREMENTS: The following general operating requirements shall apply to all commercial and non-profit establishments and commercial and non-profit activities in accordance with this Chapter:

- A. COMPLIANCE WITH OTHER CODES: Comply with all federal, state and local laws and regulations. Nothing in this Chapter shall be construed so as to be in conflict with the Unified Development Ordinance.
- B. GENERAL WELFARE: Conduct commercial and non-profit activities in a manner that does not pose a threat to the public health, safety, good order or general welfare of the City.
- C. SANITATION: All establishments shall be kept in a clean and sanitary condition. No refuse of any kind shall be permitted to accumulate on such premises, and the premises must be kept free from flies, rodents and vermin. All food storage, preparation and distribution of food and drink within a building or vehicle must meet applicable Illinois Department of Public Health and DuPage County Health Department standards and requirements.
- D. STORAGE AND DISPOSAL OF WASTE: All waste liquids, garbage, litter and refuse generated by the approved activities shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and disposed of properly. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, public trash receptacles, or any other public place.
- E. EQUIPMENT SAFETY: All equipment used in the operation of the establishment's activities shall be maintained in good operating condition.
- F. NUISANCES PROHIBITED: No establishment shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot or premises, or part thereof, shall be used, kept, maintained or operated in connection with any commercial or non-profit activity so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.
- G. GAMBLING: It shall be unlawful for any person to gamble, bet or permit any form of gambling or betting in or upon any premises, unless specifically authorized herein or by Chapter 14, Article V of this Code.
- H. BUSINESS VEHICLES: When a vehicle is registered to a non-residential address or to a residential address when the vehicle is used in connection with a home-based business, the owner of the vehicle shall obtain a vehicle sticker in accordance with Chapter 8, Article VIII of this Code.

Sec. 4.108. APPLICATION PROCESSING:

- A. INCOMPLETE APPLICATIONS: Any application for occupancy, license or registration required by this Chapter that does not include all of the information and documents required, shall be deemed to be incomplete and shall not be acted on or processed by the City. The City shall, within five (5) days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.
- B. DECISION FINAL: The action taken by the Development Administrator to issue or deny an occupancy, license or registration pursuant, respectively, to Articles II, III, IV and V of this Chapter shall be final and shall be subject to judicial review.
- C. CHANGE IN INFORMATION: During the pendency of any application for, or during the term of, any occupancy, license or registration, the applicant or Licensee shall promptly notify the Development Administrator in writing (i) of any change in any material information given by the applicant or Licensee in the application or registration; or (ii) if any of the events constituting grounds for suspension or revocation pursuant to Section 4.109 of this Chapter occur.
- D. ADMINISTRATIVE RECORD: The Development Administrator shall cause to be kept in the Community Development office an accurate record of every occupancy, license and registration application received and acted on, together with all relevant information and material pertaining to such application, any occupancy, license and registration issued pursuant thereto, and any commercial or non-profit activities conducted pursuant to such occupancy, license or registration.

Sec. 4.109. REVOCATION, SUSPENSION OR REFUSAL:

- A. DETERMINATION: Any occupancy, license or registration contemplated under this Chapter may be revoked or suspended by the City Manager or an application for issuance or renewal of such occupancy, license or registration may be refused if it is determined:
 - 1. MISLEADING STATEMENTS: That the application of the applicant or licensee contains any fraudulent or intentionally false or misleading material statements; or
 - 2. GENERAL WELFARE: That the applicant or licensee has conducted any activities directly related to his commercial or non-profit activities in the City in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public; or
 - 3. OFFENSES: The applicant is of good character and adequate fitness so that he might conduct such business or activity in full compliance with all ordinances of the City including the Unified Development Ordinance and applicable law. Such good character and adequate fitness is demonstrated, for purposes of this Section, by the applicant not having been:
 - a. Convicted of a felony by a court of competent jurisdiction, based upon his/her conduct or involvement in such business or activity or related or similar business or activity, within the past ten years; or

- b. Convicted of a felony by a court of competent jurisdiction, unrelated to his/her conduct or involvement in such business or activity or related or similar business or activity, but which felony involved the use of a deadly weapon, traffic in narcotic drugs, or violence against another person, including rape, within the past five years; or
 - c. Convicted of a misdemeanor or licensing ordinance violation, based upon his/her conduct or involvement in such business or activity or related or similar business or activity, within the past two years.
- B. HEARING: Upon notice and hearing under administrative adjudication set forth in [Chapter 18](#) of this Code, the occupancy, license or registration may be revoked or suspended. No occupancy, license or registration shall be granted to the licensee for the period of up to one year thereafter for the specified activities on the premises described in the revocation.

Sec. 4.110. VIOLATIONS. Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Chapter shall be subject to enforcement as defined in Chapter 1, Article IV of this Code, unless otherwise specified. Property owners shall be jointly and severally liable where the provisions of this Chapter apply. The City reserves the right to seek injunctive relief, where appropriate, to compel compliance with this Chapter.

Article II: COMMERCIAL OCCUPANCY.

Sec. 4.201. APPLICABILITY: The requirements of this Article shall apply to all non-residential buildings or structures, or any space therein, within the City. Certain activities may also be subject to the provisions of Articles III, IV and V of this Chapter and Chapter 5 of this Code.

Sec. 4.202. COMMERCIAL OCCUPANCY CERTIFICATE REQUIRED: Unless a Commercial Occupancy Certificate (COC) shall have first been obtained from the Development Administrator, it shall be unlawful for any person to occupy or use in whole or in part for any purpose any non-residential building or structure within the City. Each commercial and non-profit establishment in the City shall obtain a Commercial Occupancy Certificate in the following instances:

- A. NEW CONSTRUCTION: Prior to occupying a newly constructed non-residential building or structure;
- B. NEW COMMERCIAL OCCUPANCY: Prior to occupying an existing non-residential structure;
- C. CHANGE OF BUSINESS NAME: Within thirty (30) days of a change in name of the business or non-profit establishment;
- D. TRANSFER OF OWNERSHIP, BUSINESS OR PROPERTY: Within seven (7) days of a change in business or property ownership;
- E. CHANGE IN ACTIVITIES: Prior to making any change in the approved commercial or non-profit activities; and
- F. CONTINUATION (RENEWAL) OF EXISTING COMMERCIAL OCCUPANCY: Prior to the expiration of the Commercial Occupancy Certificate.

Sec. 4.203. TERM: A Commercial Occupancy Certificate is valid for one (1) year with an expiration date as identified on the certificate. It is the responsibility of the certificate holder to renew the COC prior to

its expiration each year. The expiration of a COC shall be based on the geographic location of the premises, wherein a map of the geographic areas to be used in the administration of this Article will be published and retained by the Development Administrator.

Sec. 4.204. APPLICATION FOR COMMERCIAL OCCUPANCY: A Commercial Occupancy Certificate (COC) is required before occupancy or use by a tenant or owner of a building or unit therein.

- A. CONCURRENT APPLICATION: The filing of an application for commercial occupancy will also serve as the application required in Article III of this Chapter, where applicable.

- B. INFORMATION REQUIRED: The form, prescribed by the Development Administrator, on which any application for such Commercial Occupancy designated herein is made shall be signed by the applicant if an individual or partnership, or by a duly authorized agent thereof if a non-profit or corporation and shall contain, but shall not be limited to containing, the following information:
 - 1. Address and suite, if applicable, of the property to be occupied.
 - 2. Identity of each fee simple owner of the licensed premises, to include names and contact information of the property owner(s) and property manager(s).
 - 3. If the applicant is not the fee simple owner, a copy of the lease shall be provided.
 - 4. The specific name of the business that is to be operated on the premises.
 - 5. Name and contact information of applicant.
 - 6. Federal IRS Employer Identification Number of the occupant
 - 7. The number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or use Tax Act of the State of Illinois, if applicable.
 - 8. Area of space to be occupied (in square feet).
 - 9. A statement describing the activities to be conducted within or on the premises.
 - 10. NAICS Code – Identification of Business Type
 - 11. The names, addresses and phone numbers of no less than three (3) key holders (emergency contacts) who have authorized and immediate access to the premises.
 - 12. A statement disclosing whether any hazardous material, as defined in the U.S. Department of Transportation regulations (49 CFR section 173.1 et seq.), is located on the premises or any outbuilding in sufficient quantity so as to pose an imminent threat to the health and safety of emergency responders in the event of a fire or other disaster. A hazardous material shall include, but is not limited to:
 - a. Explosives (49 CFR section 173.50)
 - b. Compressed gases (49 CFR section 173.115)
 - c. Flammable liquids (49 CFR section 173.120)
 - d. Flammable solids (49 CFR section 173.124)
 - e. Oxidizers and organic peroxides (49 CFR section 173.127)
 - f. Poisonous agents (49 CFR section 173.132)
 - g. Radioactive material (49 CFR section 173.403)

- h. Corrosive material (49 CFR section 173.136)
 - i. Miscellaneous (49 CFR section 173.140)
- 13. A list of all, if any, business vehicles to be used by the commercial or non-profit establishment, to include the license plate numbers of each and an affidavit certifying that each vehicle has the required insurance coverage.
- 14. Any additional information as required by the Development Administrator.

Sec. 4.205. INSPECTIONS.

- A. **INSPECTIONS REQUIRED:** A passing inspection is required prior to the issuance of a COC for new construction, new occupancies, expansion of an existing use or occupancy, change in activities and renewal occupancies. The premises shall be inspected to determine compliance with zoning, health, fire and safety provisions of this Code. It shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any City officer or employee who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested. When applicable and in order to adequately conduct the inspection, the applicant may be given approval by the City to move equipment and furniture into the space prior to obtaining a COC. In some instances, the Development Administrator may require a site and/or floor plan prior to the inspection, which will be verified during the inspection.
- B. **EXEMPTIONS:** Inspections are not required prior to the issuance of a COC for transfer of ownership for the business, organization or property or a change of business name, provided that the approved use, activities or building layout are not proposed to change.
- C. **ANALYSES:** Whenever an analysis of any commodity or materials is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to provide an analysis upon official request. Such an analysis shall be conducted at the expense of the licensee or permittee or the person desiring the COC.
- D. **REFUSAL TO ALLOW INSPECTIONS AND ANALYSES:** In addition to any other penalty which may be provided, the Development Administrator shall not issue a COC for any establishment whose owner or operator refuses to permit any duly authorized officer or employee to make such inspection or to provide requested analyses, or who interferes with such officer or employee while in the performance of his duties.

Sec. 4.206. **ISSUANCE OF COMMERCIAL OCCUPANCY CERTIFICATE:** The Development Administrator shall not issue a COC until receipt of a completed application, all required documentation, payment in full for all fees and liens imposed by the City and all noted violations of this Chapter and other applicable ordinances have been remedied. Each COC shall identify the current business/organization information and a description of approved commercial or non-profit activities conducted on the premises.

Sec. 4.207. FEES:

- A. **COMMERCIAL OCCUPANCY FEE:** All occupancies within the corporate limits of the City shall be assessed a fee to cover the cost of administration and enforcement of this Article in accordance with the following schedule:

Use/Occupancy Classification	Fee Based on the Floor Area of Total Tenant Space (in square feet)							
	0 -	5,000 -	10,000 -	50,000 -	100,000 -	200,000 -	300,000 -	
	4,999	9,999	49,999	99,999	199,999	299,999	399,999	400,000+
Restaurant/Bar/Entertainment	\$105	\$130	\$250	\$460	\$570	\$880	\$1,290	\$1,700
Retail/Services								
Professional Offices								
Day Care/Preschool								
Assembly								
Lodging								
Residential								
Manufacturing/Research	\$135	\$160	\$280	\$490	\$600	\$910	\$1,320	\$1,730
Warehousing/Freight Forwarding/Storage								
Gas Station or Other High Hazard Use	\$165	\$190	\$310	\$520	\$630	\$940	\$1,350	\$1,760

- B. **PRORATION PROHIBITED:** No refunds shall be made, and no fees shall be prorated; provided, however, that when an inspection is not required the fee may be reduced by the cost of the inspection. The current year fees will not apply for initial COC applications received within two (2) months of when the premises would be due to renew.
- C. **FEE WAIVER:** Fees that would apply to non-profit establishments recognized by the Internal Revenue Service and governmental entities are hereby waived. The Development Administrator shall maintain a record of all fees waived under this provision.
- D. **RE-INSPECTIONS:** The fee schedule allows one re-inspection. However, if more than one re-inspection is needed, the applicant shall pay re-inspection fees in accordance with Chapter 12 of this Code.
- E. **PENALTY:** In the event that a COC is not obtained prior to occupying a non-residential space or the certificate expiration date, the fees in 4.207.A of this Section shall be doubled.

Sec. 4.208. **POSTING OF CERTIFICATE:** The Commercial Occupancy Certificate shall be posted in a prominent place on the premises at all times.

Article III: ANNUAL BUSINESS LICENSES.

Sec. 4.301. APPLICABILITY: The requirements of this Article shall apply to specific businesses and uses as defined herein. Where a business subject to this Article is occupying a building, structure or space therein, the requirements of Article II of this Chapter shall also apply and will be administered concurrently with this Article. Certain activities may also be subject to the provisions of Articles IV and V of this Chapter and Chapter 5 of this Code.

Sec. 4.302. GENERAL BUSINESS LICENSING REQUIREMENTS.

- A. LICENSE REQUIRED: Except as otherwise provided in this Article, it shall be unlawful for any person engaging in the specific commercial activities as enumerated below, either individually or through an agent, employee or partner, for which a license is required by any provision of this Article, to do so without first having obtained a license from the Development Administrator for such use or activity. Each business subject to this Article shall obtain a Business License in the following instances, and in conjunction with Article II where applicable:
 - 1. NEW BUSINESS: Prior to operating a new commercial establishment in the City.
 - 2. NEW LOCATION: Each location at which the business activities are to be conducted must have a separate business license.
 - 3. CHANGE OF BUSINESS NAME: Within thirty (30) days of a change of business name.
 - 4. TRANSFER OF OWNERSHIP, BUSINESS OR PROPERTY: Within seven (7) days of a change in business or property ownership.
 - 5. SEPARATE LICENSE FOR EACH BUSINESS ACTIVITY: Except as otherwise provided, where a person conducts more than one activity for which a license is required, such person must obtain a separate license for each such activity in which such person is engaged.
 - 6. RENEWAL OF BUSINESS ACTIVITIES: Prior to the expiration of the business license and/or COC.

- B. TERM: Business licenses shall have the same term as specified in Section 4.203 of this Chapter, whether or not a COC is required.

- C. APPLICATION REQUIREMENTS:
 - 1. IN CONJUNCTION WITH A COC: When a COC and business license are both required, the business license and COC application shall be concurrent and in accordance with Section 4.204 of this Chapter.
 - 2. WHEN NO COC IS REQUIRED: When a COC is not required, the business license application shall be on a form prescribed by the Development Administrator and must be received and issued prior to operating the business activities.
 - 3. BACKGROUND INVESTIGATIONS: When a background investigation is required as part of the application process, each application shall also include the following:
 - a. The application must be signed (i) by the applicant, if the applicant is an individual; (ii) by at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the

organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization; (iii) by a duly authorized agent, if the applicant is a corporation; or (iv) by the trustee, if the applicant is a trust.

- b. Based on the ownership structure, the following will be required at the discretion of the Chief of Police:
 - (1) Individuals: The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.
 - (2) Corporations: The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and every person owning or controlling more than twenty percent (20%) of the voting shares of the corporation; the corporation's date and place of incorporation and the object for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.
 - (3) Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization: The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
 - (4) Trusts: The applicant trust's complete name; the legal name, all aliases, and the business address of the trustee of the trust; the legal name, all aliases, and the ages, businesses addresses, and social security numbers of each beneficiary of the trust and the specific interest of each such beneficiary in the trust; and the interest, if any, that the trust holds in the Licensed Premises.
- c. The name, address, date of birth, telephone number and social security number of the individual or individuals who shall be the day-to-day, on-site managers of the Establishment.
- d. The applicant shall see to it that for the individual or individuals executing the application, and the individual or individuals identified pursuant to Subsections C.3.ii and C.3.iii of this Section, submit themselves for fingerprinting by the

Wood Dale Police Department along with a fully executed waiver on a form prescribed by the City to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.

- e. Any license that requires a Background Investigation shall pay the fee pursuant to Subsection G of this Section.
- f. A statement whether the applicant has made an application for a similar or other license on premises other than those described in this application and the disposition of such application.
- g. A statement whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefor.
- h. The applicant shall furnish the city a surety bond in the amount of one thousand dollars (\$1,000.00) acceptable to the City. Such bond shall provide against any violation by the principal, his agents or employees of any of the terms of this Chapter as amended, or any ordinance, rules and regulations now in force or which may hereafter be in force in the City affecting the operation of his business.
- i. Upon issuance of a Business License, licensees shall maintain on-site an accurate register of all Employees. For each such Employee, the register shall include the following information:
 - (1) Legal name.
 - (2) Any and all aliases.
 - (3) Date of birth.
 - (4) Gender
 - (5) Social security number.
 - (6) Date of commencement of employment.
 - (7) Date of employment termination, if applicable.
 - (8) Specific job or employment duties.

The register shall be maintained for all current Employees and all Employees employed at any time during the preceding 36 months. The Licensee shall make the register available for inspection by the City immediately upon demand at all reasonable times, to check compliance with this section or for any other legitimate purpose.

- 4. **INCOMPLETE APPLICATIONS RETURNED:** Any application for a Business License that does not include all of the information and documents required, shall be deemed to be incomplete and shall not be acted on or processed by the City. The City shall, within ten days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

D. INSPECTIONS:

1. INSPECTIONS REQUIRED:

- a. IN CONJUNCTION WITH COC: Premises that have concurrent business license and COC applications shall be inspected prior to license issuance in accordance with Section 4.205 of this Chapter.
- b. WHEN NO COC IS REQUIRED: Businesses that do not require a COC shall pass an inspection prior to issuance of a license for new businesses, expansion of or change in business activities and renewal business licenses. The premises will be inspected jointly by the City and the Wood Dale Fire Protection District staff, who will determine compliance with zoning, health, fire and safety provisions of this Code. It shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any City officer or employee who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested. In some instances, the Development Administrator may require a site plan prior to the inspection, which will be verified during the inspection.

2. EXEMPTIONS: Inspections are not required prior to the issuance of a business license for transfer of ownership for the business, organization or property or a change of business name, provided that the approved activities are not proposed to change.

3. PERIODIC INSPECTIONS: In addition to the inspection required prior to issuance of a license, the City shall periodically inspect businesses as shall be necessary to determine compliance with the provisions of this Chapter and all other applicable law.

4. ANALYSES: Whenever an analysis of any commodity or materials is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to provide an analysis upon official request. Such an analysis shall be conducted at the expense of the licensee or permittee or the person desiring the COC.

5. REFUSAL TO ALLOW INSPECTIONS AND ANALYSES: In addition to any other penalty which may be provided, the Development Administrator shall not issue a COC for any establishment whose owner or operator refuses to permit any duly authorized officer or employee to make such inspection or to provide requested analyses, or who interferes with such officer or employee while in the performance of his duties.

E. ISSUANCE OF BUSINESS LICENSE: The Development Administrator shall not issue a business license for the businesses or activities listed in this Article, whether or not it is in conjunction with a COC, until payment has been received in full for all fees and liens imposed by the City and all noted violations of this Chapter and other applicable ordinances have been remedied. The Development Administrator shall issue a license when, from a consideration of the application and such other information as may be otherwise obtained, it is determined that:

1. The applicant has such experience in that business or activity, in business generally, or in other similar activities, so that he might conduct such business or activity in full compliance

with all ordinances of the City including the Unified Development Ordinance and applicable law.

2. The business or activity will not create an unreasonable danger of nuisance to the neighborhood in which it is located, nor will create a danger of substantial breach of the peace, riot or similar disorder.
3. The business or activity will not be conducted for an unlawful purpose.
4. The business or activity will not interfere with the safe and orderly movement of traffic and persons on the public ways of the City.
5. The business or activity will not create a hazard to the health or safety of the residents of the City, nor to the health of domestic or wild plants and animals in the City.

F. FEES:

1. **SCHEDULE OF ANNUAL LICENSE FEES:** All businesses regulated by this Article shall be assessed a fee to cover the cost of administering and enforcing this Article in accordance with the following schedule:

Business or Use	Annual Fee
General Business License	\$25.00
Business License with Background Investigation	\$150.00 for the initial license and \$100 investigation fee per additional individual
Coin-Operated Devices (Amusements, Vending Machines, etc.)	\$25.00 per device/machine
Tobacco	\$70.00
Commercial Land Leasing (excluding Mobile Home Parks)	In accordance with Sec. 4.207.A based on the area of the property leased
Mobile Home Parks	\$50.00
Electrical License	\$100.00

2. **PRORATION PROHIBITED:** No refunds shall be made, and no fees shall be prorated; provided, however, that when an inspection is not required, the fee may be reduced by the cost of the inspection. The current year fees will not apply for initial business license applications received within two (2) months of when the premises would be set to expire.
3. **RE-INSPECTIONS:** The fee schedule allows one re-inspection. However, if more than one re-inspection is needed, the applicant will be required to pay re-inspection fees in accordance with Chapter 12 of this Code.
4. **PENALTY:** In the event that a business license is not obtained prior to operating a business or the license expiration date, the fees in 4.301.F of this Section shall be doubled.

- G. **POSTING OF LICENSE:** It shall be the duty of every person conducting a licensed business or activity to keep the license posted in a prominent place on the premises used for such business, including applicable devices, machines and vehicles, at all times.

Sec. 4.303. AMUSEMENTS.

- A. LICENSE REQUIRED: No person shall install, operate or maintain for the use by the public any amusement device(s) prior to obtaining a license from the City in the manner provided in Section 4.302 of this Chapter.
- B. CONDUCT: The premises upon which is located any amusement licensed under the provisions of this Section shall be operated in accordance with the following regulations:
 - 1. All persons present upon the premises containing any amusement device shall conduct themselves in an orderly manner so as not to disturb the peace and quiet of those premises by disorderly conduct as defined in this Code.
 - 2. It shall be unlawful for any licensee or attendant hereunder to permit any noise, either by mechanical or electronic means, or noise on the part of the patrons, which shall cause a disturbance to uses adjacent and/or surrounding the licensed premises as would cause the normal use of said adjacent and/or surrounding uses to be damaged or unreasonably disturbed.
 - 3. All licensees and attendants hereunder shall have the affirmative duty to report to the Wood Dale police department any and all incidents or a disturbance of the peace which takes place within the licensed premises or outside the licensed premises within one hundred feet (100') from the entrance, whether personally observed or upon observation and notification by another.
- C. HOURS OF OPERATION: Unless pursuant to Chapter 5 of this Code, it shall be unlawful within the corporate limits of the City for any person to keep open, operate or use any premises for which a license is required under the terms of this Section:
 - 1. On Sundays, before the hour of nine o'clock (9:00) A.M. and after the hour of one o'clock (1:00) A.M.; and
 - 2. On Sundays through Thursdays, before the hour of six o'clock (6:00) A.M. and after the hour of one o'clock (1:00) A.M.; and
 - 3. On Fridays and Saturdays, before the hour of six o'clock (6:00) A.M. and after the hour of two o'clock (2:00) A.M.
- D. NOTICE POSTED: Every such amusement device shall have posted on its front a notice stating the name, address, and telephone number of the owner, or if not operated and maintained by the owner, then the name, address and telephone number of the person operating and maintaining it. Such notice shall also include a telephone number and instructions for reporting malfunctioning machines, problems with the services and products dispensed by the machine, and receipt of refunds.
- E. AMUSEMENT ARCADE:
 - 1. Any amusement arcade shall be contained within a completely enclosed building which shall have no openings other than self-closing doors and/or stationary insulated glass windows facing any adjacent residentially zoned property.

2. Any amusement arcade shall be insulated to prevent excessive lights, noise or any other offensive factors from penetration into or onto any property within one hundred feet (100') of said amusement arcade.
3. Any amusement arcade shall be physically separated from a business establishment of another character whenever such amusement arcade is located within, or in conjunction with, said business. Such physical separation shall be by way of partitions, doors, etc., which insulate said business from the noise of said amusement arcade.
4. During the hours that any amusement arcade licensed under the terms of this Section is in operation, each licensee shall provide one full time attendant for the first twenty (20) amusement devices and one attendant for every twenty (20) additional amusement devices, or fractional portion thereof, located upon the licensed premises.

Sec. 4.304. VIDEO GAMING. The regulations in this Chapter shall in no way be construed as applicable to video gaming as defined and exclusively provided in Chapter 5 of this City Code.

Sec. 4.305. VENDING MACHINES.

- A. LICENSE REQUIRED: No person or business shall have or operate a vending machine prior to obtaining a Vending License. Each vending machine shall have its own license and the license must be conspicuously affixed to it.
- B. APPLICATION:
 1. When applying for this license in conjunction with a COC, pursuant to Article II of this Chapter, the application must include the number of vending machines by location on the site.
 2. When applying for this license and the applicant does not occupy the subject premises according to the COC:
 - a. A separate application, on a form provided by the Development Administrator, shall be required for each location that identifies the number of vending machines by location on the site.
 - b. If being located on property owned by the City of Wood Dale, locations must be first approved by the Development Administrator.
 - c. If being located on private property, permission by property owner must be submitted to install/locate vending machines at that location.
- C. GENERAL REQUIREMENTS:
 1. All vending machines required to be licensed under this Section shall be maintained in a sanitary, safe, and operating condition.
 2. All food and drinks dispensed by such machines shall be wholesome and fresh, and no product shall be dispensed beyond any expiration date marked on it.
 3. Every such vending machine shall have posted on its front a notice stating the name, address, and telephone number of the owner, or if not operated and maintained by the owner, then the name, address and telephone number of the person operating and

maintaining it. Such notice shall also include a telephone number and instructions for reporting malfunctioning machines, problems with the services and products dispensed by the machine, and receipt of refunds.

Sec. 4.306. CIGARETTE AND TOBACCO DEALERS.

- A. LICENSE REQUIRED: No person shall engage in the sale of cigarettes, electronic cigarettes or their components, cigars or tobacco in any form at retail within the corporate limits of the City without having obtained a license from the City in the manner provided in section 4.302 of this Chapter.
- B. PROHIBITED SIGNS AND DELIVERY
1. Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products or electronic cigarettes or their components and on or upon every vending machine which offers tobacco products or electronic cigarettes or their components for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS OR ELECTRONIC CIGARETTES OR THEIR COMPONENTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background, said letters to be at least one inch (1") high.
 2. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products or electronic cigarettes or their components within one hundred feet (100') of any school, childcare facility or other building used for education or recreational programs for persons under the age of eighteen (18) years.
- C. MINIMUM AGE TO SELL TOBACCO PRODUCTS: It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products or electronic cigarettes or their components in any licensed premises.
- D. PURCHASE BY MINORS PROHIBITED: It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or electronic cigarettes or their components, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- E. CERTAIN FREE DISTRIBUTIONS PROHIBITED: It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products or electronic cigarettes or their components, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products or electronic cigarettes or their components free of charge to any person on

any right of way, park, playground, or other property owned by the city, any school district, any park district or any public library.

- F. RESPONSIBILITY FOR AGENTS AND EMPLOYEES: Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Section by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

Sec. 4.307. MONEY SERVICES.

- A. LICENSE REQUIRED: No person shall operate or carry on Money Services activities prior to obtaining a license from the City in the manner provided in section 4.302 of this Chapter.
- B. APPLICATION: A completed Business License Application for Money Services must be accompanied by a background investigation pursuant to Section 4.302.C.3 and associated fee(s) pursuant to Section 4.302.F of this Article.
- C. GENERAL OPERATING REQUIREMENTS FOR MONEY SERVICES BUSINESSES:
 - 1. Every Money Services Licensee that shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen shall, upon demand, produce such article or thing to any member of law enforcement for examination.
 - 2. Maintain an accurate and current register of items sold and purchased and the amount for, where applicable.
 - 3. Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon in legible characters, the name and address of the owner and proprietor thereof.
 - 4. No person shall operate or maintain a junk yard within the corporate limits of the City.

Sec. 4.308. ADULT ENTERTAINMENT ESTABLISHMENTS.

- A. PURPOSE: It is the purpose of this section to regulate adult use businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult use entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.
- B. LICENSE REQUIRED: No person shall establish, operate or maintain an Adult Entertainment Establishment prior to obtaining a license from the City in the manner pursuant to this Section and Section 4.302 of this Chapter.

- C. APPLICATION: A completed Business License Application for an Adult Entertainment Establishment must be accompanied by a background investigation pursuant to Section 4.302.C.3 and associated fee(s) pursuant to Section 4.302.F of this Article. In addition to the application requirements in Sections 4.204 and 4.302.C, the following information or documents must be provided:
1. The general character and nature of the business of the applicant.
 2. The length of time that the applicant has been in the business of the character specified in response to the paragraph above.
 3. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer' s or architect' s blueprint shall not be required; provided, however that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance with the provisions of this Chapter. The requirements of this paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certified that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other City approval otherwise required pursuant to applicable City ordinances and regulations.
 4. The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application, has received a license or other authorization to conduct or operate a business (i) substantially the same as an Adult Entertainment Establishment, and the names and addresses of each such business; (ii) requiring a federal, state, or local liquor license; or (iii) requiring a federal, state, or local gaming license.
 5. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate on the Licensed Premises.
 6. A copy of each Adult Entertainment Establishment License, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application.
 7. Whether the applicant or any of the individuals identified in the application has been, within five years immediately preceding the date of the application, convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.

8. Whether the applicant, or any of the individuals identified in the application, has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

D. STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE:

1. ISSUANCE: The Development Administrator shall issue an Adult Establishment License to an applicant if, but only if, he/she finds and determines all of the following, based on the reports, investigations, and inspections conducted and on any other credible information on which it is reasonable for the City to rely:
 - a. All information and documents required by Section 4.308.C of this Section for issuance of an Adult Establishment License have been properly provided and the material statements made in the application are true and correct.
 - b. For Adult Entertainment Establishments, all persons identified in the application pursuant to Sections 4.302.C.3 and 4.308.C of this Article are at least 18 years of age and not under any legal disability.
 - c. No person identified in the application pursuant to Sections 4.302.C.3 and 4.308.C of this Article has been convicted of, pleaded *nolo contendere* to, or been placed on supervision or conditional discharge for, any Specified Criminal Act within five years immediately preceding the date of the application.
 - d. No person identified in the application pursuant to Sections 4.302.C.3 and 4.308.C of this Article has been convicted of, pleaded *nolo contendere* to, or been placed on supervision or conditional discharge for, any violation of a provision of this Section within five years immediately preceding the date of the application.
 - e. No person identified in the application pursuant to Sections 4.302.C.3 and 4.308.C of this Article is residing with, or married to, a person (i) who has been denied an Adult Establishment License within 12 months immediately preceding the date of the application, (ii) whose Adult Establishment License has been revoked within 12 months immediately preceding the date of the application, or (iii) whose Adult Establishment License is under suspension at the time of application.
 - f. No Adult Entertainment Establishment License shall be issued to any person for the premises for which a Massage Business License or a liquor license has been issued as provided in the Wood Dale Municipal Code.
2. DENIAL: If the Development Administrator determines that the applicant has not met any one or more of the conditions set forth in Subsection D.1 of this Section, then the Development Administrator shall deny issuance of the Adult Establishment License and shall give the applicant a written notification and explanation of such denial.

E. GENERAL REGULATIONS FOR ALL ADULT ENTERTAINMENT ESTABLISHMENTS:

1. Hours of Operation:
 - a. No Adult Entertainment Establishment shall be open for business at any time on any State of Illinois or federal holiday.
 - b. No Adult Entertainment Establishment shall be open for business between the hours of 12:00 a.m. and 11:00 a.m. on any day.
2. Animals: No animals, except only for animals trained and used to assist a person with a disability shall be permitted at any time at or in any Adult Entertainment Establishment.
3. Restricted Areas: No Patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Establishment Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
4. Specific Prohibited Acts:
 - a. No person at any Adult Entertainment Establishment shall appear, be present, or perform while nude. No Patron shall appear, be present or perform while semi-nude.
 - b. No person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Patron or any other Employee or any other person. No person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Employee, Patron or any other person.
 - c. Straddle Dances shall be prohibited at all Adult Entertainment Establishments.
5. Exterior Display: No Adult Entertainment Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located. This Subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.
6. Noise: No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.
7. Alcohol Prohibition: No alcoholic liquor shall be delivered, received, sold, purchased provided or consumed by any person on the premises of an Adult Entertainment Establishment.
8. Adult Booths: Adult booths shall be prohibited in all Adult Entertainment Establishments.
9. No massage as regulated by Section 4.309 of this Chapter shall be provided at an Adult Entertainment Establishment.

10. Age Limitations:

- a. No Employee or Patron at a Licensed Adult Entertainment Establishment used shall be under the age of 18.
- b. No person under the age of 18 shall be allowed or permitted to purchase, receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Entertainment Establishment.

11. No Adult Establishment Licensee shall permit any person to remain in or upon the Licensed Premises who commits any Specified Criminal Act.

F. ADULT CABARETS:

1. Performance Area: The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least 18 inches from all areas of the premises to which Patrons have access. A continuous barrier at least two feet in height and located at least 18 inches from all points of each Cabaret Stage shall separate each Cabaret Stage from all seating areas. No Patron shall be allowed at any time on any Cabaret Stage.
2. Lighting: Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers shall be maintained at all times for all areas of the Adult Cabaret where Patrons are admitted.
3. Tipping: No Patron shall offer, and no Employee having performed on any Cabaret Stage shall accept, in any form of tip or gratuity offered directly or personally to the Employee by the Patron. Rather, all tips and gratuities to Employees performing on any Cabaret State shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Entertainment Establishment or shall be placed by the Patron on the Cabaret Stage on which the Employee is performing.
4. Notice of Select Rules: A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF WOOD DALE. ENTERTAINERS ARE:

- a. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
- b. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.
- c. NO ALCOHOLIC LIQUOR IS PERMITTED AT ANY TIME.

G. ADULT THEATERS:

1. Seating: Each Adult Theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.
2. Aisle: Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible at all times.
3. Sign: Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

Sec. 4.309. MASSAGE ESTABLISHMENTS.

A. LICENSE REQUIRED: A Massage Establishment License shall be required to establish, operate, or maintain a Massage Establishment within the City. No person shall engage in the business of operating a Massage Establishment in the City without a valid and current Massage Establishment License therefor issued by the City pursuant to the terms of this Chapter. A separate Massage Establishment License shall be required for each Massage Establishment location regardless of whether such multiple establishments are operated by the same person.

B. EXEMPTIONS:

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

C. APPLICATION REQUIREMENTS: A completed Business License Application for a Massage Establishment must be accompanied by a background investigation pursuant to Section 4.302.C.3 and associated fee(s) pursuant to Section 4.302.F of this Article. In addition to the

application requirements in Sections 4.204 and 4.302.C, the following information or documents must be provided:

1. A description of the manner in which the proposed Massage Establishment will be conducted.
2. The length of time that the applicant has been in the massage business.
3. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance with the provisions of this Ordinance. The requirements of this paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certifies that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other City approval otherwise required pursuant to applicable City ordinances and regulations.
4. The names of each governmental body which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article has applied for, received or been denied a license or other authorization to conduct or operate a business (i) substantially the same as a Massage Establishment, and the names and addresses of each such business; (ii) requiring a federal, state, or local liquor license; or (iii) requiring a federal, state, or local gaming license.
5. The specific type or types of Massage Establishment(s) that the applicant proposes to operate in the Licensed Premises.
6. A copy of each Massage Establishment License, liquor license, and gaming license from any governmental entity and currently held by the applicant, or any of the individuals identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article.
7. Whether the applicant, or any of the individuals identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article, has been, within five years immediately preceding the date of the application, convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.
8. Whether the applicant, or any of the individuals identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article, has had a license or other authorization to

conduct or operate a business substantially the same as a Massage Establishment or any business requiring either a liquor or gaming license, revoked or suspended by any governmental entity, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

D. STANDARDS FOR ISSUANCE OR DENIAL:

1. Issuance: The Development Administrator shall issue a Massage Establishment License to an applicant if, but only if, he/she finds and determines all of the following, based on the reports, investigations, and inspections conducted and on any other credible information on which it is reasonable for the City to rely:
 - a. All information and documents required by Section 4.309.C of this Article for issuance of a Massage Establishment License have been properly provided and the material statements made in the application are true and correct.
 - b. All persons identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article are at least 18 years of age.
 - c. No person identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article has been convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act within five years immediately preceding the date of the application.
 - d. No person identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article has been convicted of, or pleaded *nolo contendere* to, any violation of a provision of this Ordinance within five years immediately preceding the date of the application.
 - e. No person identified in the application pursuant to Sections 4.302.C.3 and 4.309.C of this Article is residing with, or married to, a person (i) who has been denied a Massage Establishment License within 12 months immediately preceding the date of the application, (ii) whose Massage Establishment License has been revoked within 12 months immediately preceding the date of the application, or (iii) whose Massage Establishment License is under suspension at the time of application.
 - f. No Massage Establishment License shall be issued to any person for premises for which a liquor license or Adult Establishment License has been issued as provided in the Wood Dale Municipal Code.
2. Denial: If the Development Administrator determines that the applicant has not met any one or more of the conditions set forth in Subsection 1 of this Section, then the Development Administrator shall deny issuance of the Massage Establishment License and shall give the applicant a written notification and explanation of such denial.

E. GENERAL REGULATIONS:

1. Except for Approved Massage Schools, no Massage Establishment Licensee shall employ as a Massage Therapist any person unless said person has obtained and has in effect a Massage Therapist Permit issued pursuant to State law.

2. Massage Establishment Employees must wear clean, non-transparent outer garments covering the sexual and genital areas which shall include the genitals, pubic area, buttocks, anus or perineum of any person or the vulva or breasts of a female.
3. The sexual or genital areas of Massage Establishment Patrons must be covered by towels, cloths or undergarments when in the presence of a Massage Establishment Employee.
4. No Massage Establishment Employee or any other person at any Massage Establishment, shall knowingly place his or her hand upon, or touch with any part of his or her body, with intent to fondle in any manner, a sexual or genital area of any other person.
5. No Massage Establishment Employee or any other person at any Massage Establishment, shall perform, offer or agree to perform any act which would require the touching of the Patron's genital or sexual area.
6. No Massage Establishment Employee or any other person at any Massage Establishment, shall administer a massage to any part of a Patron's body which exhibits any skin fungus, skin infection, skin inflammation or skin eruption, unless a physician duly licensed by the state determines that such persons may be safely massaged, prescribing the conditions thereof.
7. No Massage Establishment Employee or any other person at any Massage Establishment shall perform or conduct any Specified Sexual Activity with or for any Patron or any other Employee or any other person. No Massage Establishment Patron or any other person at any Massage Establishment shall perform or conduct any Specified Sexual Activity with or for any Employee, Patron or any other person.
8. At all times during the hours of operation of a Licensed Massage Establishment there shall be present a manager of the Licensed Massage Establishment Licensee who shall be not less than eighteen years of age.
9. No Massage Establishment Licensee shall permit any person to remain in or upon Massage Establishment Licensed premises who commits any Specified Criminal Act.
10. No alcoholic liquor shall be delivered, received, sold, purchased, provided or consumed by any Massage Establishment Employee at any Massage Establishment, unless under the restrictions of and after the issuance of a Class T liquor license in accordance with Chapter 5 of this Code.
11. No animals, except only for seeing-eye dogs to assist the blind, shall be permitted at any time at or in any Licensed Massage Establishment.
12. All restrooms in a Licensed Massage Establishment shall be equipped with standard toilets, sinks, and other traditional lavatory facilities.
13. No Massage Patron shall be permitted at any time to enter into any of the non-public portions of any Licensed Massage Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Massage Establishment Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-

public areas only for the purposes and to the extent and time necessary to perform their job duties.

14. No portion of a Licensed Massage Establishment shall be designed, modified, equipped or used as a residence or for residential purposes. No person shall reside, board or otherwise use a Licensed Massage Establishment as a residence.

Sec. 4.310. TRANSPORTERS.

- A. LICENSE REQUIRED. It shall be unlawful for a person located within the City to conduct the activities of a transporter unless such person has applied for and obtained a license in accordance with this Chapter.
- B. APPLICATION: In addition to the application requirements in Sections 4.204 and 4.302.C, the applicant must provide a list of all transport vehicles to be used by the business, to include the license plate numbers of each and an affidavit certifying that each has the required vehicle and insurance requirements in Subsections C, D and E of this Section. Additional information may be required by the Development Administrator.
- C. DRIVER REQUIREMENTS. No person shall drive a transport vehicle without a current driver's license.
- D. VEHICLE REQUIREMENTS. Every vehicle used in the transporter's business shall have printed thereon in a place easily visible from its side the name, address and phone number of the business in letters legible to a person of normal eyesight at a distance of twenty five feet (25').
- E. INSURANCE REQUIREMENTS:
 1. Every Transporter shall carry public liability and property damage insurance and workmen's compensation insurance for his employees with solvent and responsible insurers approved by the City, authorized to transact such insurance business in the State of Illinois and qualified under the laws of the State of Illinois to assume the risk for the amounts hereinafter set forth, to secure payment of any loss or damage resulting from any occurrence arising out of or caused by the operations or use of any of the transport vehicles.
 2. Every vehicle used in the transporter's business shall have a minimum public liability insurance policy that insures for the sum of at least one hundred thousand dollars (\$100,000.00) for property damage and at least three hundred thousand dollars (\$300,000.00) for injuries to or death in any one accident.
- F. RECEIVING STOLEN PROPERTY PROHIBITED. No transporter shall receive, move or conceal any goods or articles which he knows or has reason to suspect are stolen.

Sec. 4.311. COMMERCIAL LAND LEASING.

- A. LICENSE REQUIRED: No person shall conduct Commercial Land Leasing prior to obtaining a Business License in the manner provided in Section 4.302 of this Article.

B. APPLICATION: A completed Business License Application for Commercial Land Leasing must be submitted on a form prescribed by the Development Administrator and shall minimally include:

1. The address and legal description of the tract of land upon which Commercial Land Leasing occurs, either in whole or in part.
2. Name and contact information of the property owner and property manager.
3. Name and contact information of applicant.
4. Site plan of the premises indicating the name of the tenant for each leased space. The site plan shall also identify the expiration of the lease for each tenant.
5. Area of property to be leased (in square feet).
6. A statement describing the activities to be conducted on the premises.
7. The names, addresses and phone numbers of no less than three (3) key holders (emergency contacts) who have authorized and immediate access to the premises and the registries required in Sections 4.311.D and 4.311.E.9 of this Article.
8. Mobile Home Additional Application Requirements:
 - a. The proposed and existing facilities in the mobile home park for water supply, sewage, garbage and waste disposal, fire protection and for a sanitary community building, if required, which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers and drains and the proposed alterations therein and the maintenance thereof.
 - b. The proposed method of lighting the structures and land upon which the mobile home park is located.
9. Any additional information as required by the Development Administrator.

C. GENERAL REGULATIONS:

1. Every property used as Commercial Land Leasing shall be in the charge of a responsible attendant or caretaker whose duty it shall be to maintain the premises, its facilities and equipment in a clean, orderly and sanitary condition, and be answerable, with the licensee, for any violation of the provisions of this Chapter.
2. No vehicles or trailers shall be so located that the drainage of the subject area will endanger any water supply. All property used as Commercial Land Leasing shall be well drained. No wastewater shall be deposited on the surface of the ground.
3. The management of every property used for Commercial Land Leasing shall assume full responsibility for maintaining in good repair and condition all sanitary and safety appliances on the premises, and shall promptly bring such action as is necessary to prosecute or eject from the premises any person or persons who willfully or maliciously damages such appliances or any person or persons who fail to comply with the regulations of this Chapter, other ordinances of the City and/or the statutes of the State of Illinois.

D. COMMERCIAL PARKING LOTS: Upon issuance of a Business License, licensees shall maintain on-site an accurate register of all lessees. For each such lessee, the register shall include the following information:

1. Legal name, either business or individual.
2. Any and all aliases.
3. Contact information, including but not limited to home and mobile phone number and home address.
4. Driver's License Information.
5. List and location of hazardous material, as defined in the U.S. Department of Transportation regulations (49 CFR section 173.1 et seq.), located on the premises in sufficient quantity so as to pose an imminent threat to the health and safety of emergency responders in the event of a fire or other disaster. A hazardous material shall include, but is not limited to:
 - a. Explosives (49 CFR section 173.50)
 - b. Compressed gases (49 CFR section 173.115)
 - c. Flammable liquids (49 CFR section 173.120)
 - d. Flammable solids (49 CFR section 173.124)
 - e. Oxidizers and organic peroxides (49 CFR section 173.127)
 - f. Poisonous agents (49 CFR section 173.132)
 - g. Radioactive material (49 CFR section 173.403)
 - h. Corrosive material (49 CFR section 173.136)
 - i. Miscellaneous (49 CFR section 173.140)
6. The register shall be maintained for all current tenants and all tenants at any time during the preceding 36 months. The Licensee shall make the register available for inspection by the City immediately upon demand at all reasonable times, to check compliance with this Section or for any other legitimate purpose.

E. MOBILE HOME PARK REGULATIONS:

1. Dependent mobile homes are prohibited.
2. At least one city water supply outlet shall be provided within three hundred feet (300') of every dependent mobile home site. Each independent mobile home site shall be provided with a city water tap at least four inches (4") above the ground.
3. All sewage and other water carried wastes shall be deposited into the city's sewerage system.
 - a. When a water carriage system of sewage is used, each mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home.
 - b. The owner or operator of the mobile home park shall provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection, and shall make such connection and keep all occupied mobile homes connected to said sewer while located in a mobile home park.

- c. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies.
 - d. No water or waste shall be allowed to fall on the ground from the mobile home.
4. A sufficient number of adequate fly-proof and watertight containers shall be supplied for the storage of garbage except where an adequate incinerator is provided.
 - a. Garbage containers shall be emptied at least every three (3) days and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for flies.
 - b. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Health Inspector.
 - c. Adequate insect and rodent control measures shall be employed. All buildings shall be fly and rodent-proof and rodent harborages shall not be permitted to exist in the park.
5. Electrical service for each individual mobile home site shall be provided and the installation shall be in compliance with all State and local electrical codes and ordinances.
6. Fire extinguishers of a type approved by the Development Administrator for use at mobile home parks shall be placed at locations within one hundred feet (100') of each individual mobile home site. Each fire extinguisher shall be periodically examined and kept at all times in a condition for use.
7. Temporary porches, canvas-roofed canopies and skirts shall be permitted for mobile homes, and auxiliary rooms may also be authorized by the Development Administrator, if constructed of fire resistant materials and of such specifications as shall be necessary to meet the regulations of the Building Code.
8. All streets and driveways in every mobile home park must be maintained in a passable and reasonably dustproof condition at all times.
9. Each mobile home park shall be provided with a custodian's office where each mobile home entering such park shall be assigned to a lot location, given a copy of the mobile home park rules and registered according to the prescribed form.
 - a. Said registrations shall include the name and address of every occupant of said mobile home; the license number of all units; the state issuing such licenses; and a statement indicating the exact location at which such mobile home was last parked, including the state, city, town or village where such parking occurred.
 - b. The licensee shall keep a registry of all children of school age occupying mobile homes in the park.
 - c. The abovementioned register shall be signed by an occupant of the mobile home.
 - d. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor and punishable under the general statutes for such offense.

- e. The registration records shall be neatly and securely maintained, and no registration records shall be destroyed until six (6) years have elapsed following the date of registration.
- f. The Licensee shall make the register available for inspection by the City immediately upon demand at all reasonable times, to check compliance with this Section or for any other legitimate purpose.

G. INSPECTIONS: Inspections shall be conducted in accordance with Section 4.302.D of this Article.

Sec. 3.312. ELECTRICIAN LICENSE.

- A. LICENSE REQUIRED: It shall be unlawful for any person to engage in the business of electrical contracting without being licensed by the City or any other municipality in the State of Illinois. No new licenses will be issued in the City; however renewal applications for existing licenses will be in accordance with Subsection C of this Section. The license issued under this Section does not exempt compliance with Section 4.505 of this Chapter or any other applicable regulation.
- B. APPLICATION AND ISSUANCE: Application for an electrician's license shall be made in writing on a form provided by the City and submitted to the Community Development Department stating the name and place of business of the applicant who will be the subject of the license.
- C. RENEWAL: The license shall expire on December 31 of the year in which it is issued. The electrician may renew the license prior to expiration; however, upon expiration of the license, a notice will be sent informing the contractor he has fifteen (15) days to renew. Failure to renew will result in forfeiture of the license. Re-application and reinstatement shall be prohibited.

Article VI: TEMPORARY BUSINESS LICENSES.

Sec. 4.401. TEMPORARY BUSINESS LICENSE.

- A. TEMPORARY BUSINESS LICENSE REQUIRED: It shall be unlawful to conduct any commercial activity as specified herein or to solicit for any commercial purpose in or upon any public street, alley, sidewalk or other public place or on any private property within the City without having first secured a Temporary Business License therefor as provided in this Article.
- B. APPLICATION REQUIREMENTS: A completed application with all information as required by the Development Administrator for a temporary business license shall be submitted at least ten (10) business days before the intended commencement date of the activity, unless specified otherwise.
- C. SCHEDULE OF TEMPORARY LICENSE FEES:

TEMPORARY BUSINESS ACTIVITY	FEE
Circuses and Carnivals	\$500.00
Commercial Short-Term Sales	\$50.00
Transient Merchants (Per Vendor)	\$80.00

D. DURATION AND NUMBER:

1. No temporary business license shall be issued for a period in excess of thirty (30) consecutive days, unless specified otherwise. No person shall be issued more than two (2) such licenses in one calendar year.
2. The maximum number of temporary business licenses issued in the city in any calendar year shall not exceed ten (10).

E. APPLICATION: In addition to the information required by the Development Administrator, the application shall state the purpose for which the business is being conducted, the residential and business telephone number of the applicant and the inclusive dates on which permission to conduct the business is being requested. A copy of the applicant's lease or license therefor, evidencing the owner's permission to conduct the business or solicitation shall accompany the application.

F. PAYMENT OF CASH BOND: No temporary business license shall be issued without the applicant having first deposited with the Development Director a cash bond in the amount of two hundred fifty dollars (\$250.00), or as otherwise specified. Such bond shall be refunded to the licensee after the expiration of the license, provided that all refuse and trade fixtures, merchandise, and other property brought on the premises for the purposes of the business or solicitation have been removed and/or properly disposed of and that the premises are in a clean and orderly condition.

G. EXEMPTIONS:

1. No temporary business license as provided for herein shall be required for sales of natural plant forms for holiday ornamental purposes, such as Halloween pumpkins, gourds, or cornstalks or Christmas trees, wreaths, or sprays, by any person or business having a Commercial Occupancy Permit issued pursuant to Article II of this Chapter.
2. The conduct of any business or solicitation by a religious corporation or by a non-profit organization that is exempt from federal taxation under section 501(c)(3) of the internal revenue code and duly registered with the Illinois Attorney General pursuant to the Illinois Charitable Trust Act shall be exempt from licensing under this Article.

H. SUMMARY SUSPENSION: The City Manager or designee shall have the right, without any liability to the City of Wood Dale, to summarily suspend without hearing or notice any temporary business license issued, upon a determination that the applicant has provided false or misleading information in the application; is in violation of any federal, state, or local law or any ordinance or resolution of the City of Wood Dale; or is indebted to the City of Wood Dale for any fee, cost, or fine. The order of summary suspension shall be immediately served upon the licensee, who may request in writing a hearing on such before the City Manager, which shall be conducted as soon after the City Manager's receipt of the request as is reasonably practicable. Either pursuant to such hearing, or on his own initiative upon being furnished with satisfactory evidence, the City Manager shall issue a written order rescinding the suspension if he determines that all acts, conditions, or omissions occasioning such suspension have ceased or

have been removed or supplied. He may impose in such order any controls, restrictions, or provisions he deems appropriate to prevent the reoccurrence of such acts, conditions, or omissions.

- I. **SUSPENSION OR REVOCATION:** Any license issued under the terms of this Article may be immediately suspended or revoked by the City Manager whenever it shall appear to the City Manager that the carnival, circus, parade, side show and/or concession is conducted, maintained, done or performed contrary to the regulations and applicable ordinance of the City or statute of the State of Illinois or otherwise endangers the public health or safety.

Sec. 4.402. COMMERCIAL SHORT-TERM SALES.

- A. **SEASONAL SALES:** Existing businesses that have obtained a COC pursuant to Article II of this Chapter shall obtain a temporary business license for any seasonal sales in accordance with the following regulations:
 1. **TERM:** Seasonal sales shall not exceed 180 days in a calendar year.
 2. **SITE PLAN:** In addition to the application regulations in Section 4.204 of this Chapter, a site plan shall be required that depicts the location of the seasonal sales and demonstrates compliance with Section 17.502.A.3.d of the UDO.
- B. **OUTDOOR CAFES:** Existing businesses that have obtained a COC pursuant to Article II of this Chapter shall obtain a temporary business license in order to operate an outdoor café in accordance with the following regulations:
 1. **TERM:** Outdoor Cafes are valid from April 15 through November 15 and must be renewed annually.
 2. **SITE PLAN:** In addition to the application regulations in Section 4.204 of this Chapter, a site plan shall be required that depicts the location of the seasonal sales and demonstrates compliance with Sections 17.502.A.7 and 17.502.A.10 of the UDO.

Sec. 4.403. CIRCUSES & CARNIVALS.

- A. **LICENSE REQUIRED:**
 1. It shall be unlawful for any person to establish, set up, maintain, exhibit, conduct or carry on in the City any carnival or circus unless a license to do so has been issued as hereinafter provided and is in full force and effect.
 2. Nothing in this Section shall be deemed to exempt applicants for carnival or circus licenses from the necessity of applying for and obtaining other necessary licenses and permits as provided in this Code.
- B. **APPLICATION PROCEDURE:** Applications for a permit shall be made at least sixty (60) days prior to the opening date requested and provide the following:

1. The name and address of the proprietor and the person to be in immediate charge of each place of amusement, entertainment, mechanical riding devices, side show and/or concession.
2. The location at which it is proposed to conduct the carnival or circus.
3. The layout plan establishing where each ride, trailer, booth and/or tent is to be located along with a detailed electrical layout. Said layout plan to be approved by the Chief of Police, Fire Chief, Development Administrator and the property owner, before any license or permit provided for hereunder is issued.
4. A request for permits for each and every mechanical amusement riding device, which permit application shall be accompanied by:
 - a. A letter from the organization sponsoring the carnival, a letter from the owners of the property where the rides are to be located and a description of the toilet facilities; also a street permit when a mechanical amusement riding device is to be located upon a public way.
 - b. A copy of the permit issued by the Illinois Department of Labor for the proposed amusement rides or attractions.
 - c. A certificate of public liability and property damage insurance to protect the person operating a circus or carnival, naming the City as co-insured, from claims for personal injury and property damage which may arise as a result of the operation of the circus or carnival, which insurance certificates shall be filed with the Finance Director of the City. The insurance policies shall provide coverage in the following minimum amounts and shall be paid for and maintained for the duration of the circus or carnival by the person operating said circus or carnival:
 - (1) Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, and property damage and \$1,000,000 per occurrence for personal injury. The general aggregate shall be twice the require occurrence limit. Minimum general aggregate shall be no less than \$2,000,000 or a project/contract specific aggregate of \$1,000,000.
 - (2) Owners and Contractors Protective Liability (OCP): \$1,000,000 combined single limit per occurrence for bodily injury and property damage.
 - (3) Business Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
 - (4) Worker's Compensation and Employers' Liability: Worker's Compensation coverage with statutory limits and Employers' Liability limits of \$500,000 per accident.
 - (5) Environmental Impairment/Pollution Liability: \$1,000,000 combined single limit per occurrence for bodily injury, property damage and remediation costs.
5. Any additional information as required by the Development Administrator.

6. No applicant shall request the carnival or circus license more than twelve (12) months in advance of any such carnival or circus, nor shall any such applicant have more than one such application pending with the City at any given time.
 7. No more than three (3) permits shall be issued per year for the operation of a circus or carnival.
- C. SIDE SHOWS, PARADES AND CONCESSIONS: Any street parade conducted in conjunction with a circus or carnival shall comply with the parade regulations of the City contained in this Code. Furthermore, such application for such parade shall be accompanied by a bond in an amount approved by the City Attorney to indemnify the City for any loss, damage or liability included or caused by the conduct of such parade.
- D. GENERAL REGULATIONS:
1. No general admission fee to carnival or circus grounds shall be charged.
 2. It shall be unlawful for any person to cheat, shortchange or otherwise defraud any person attending or about to attend any carnival, circus, side show, performance or concession.
 3. No carnival, circus and/or side show shall operate between eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M. of the following morning.
 4. The area around and between tents, facilities and equipment of any carnival shall be well lighted at all times during the operation of such amusement activity or any part thereof. An emergency lighting system approved by the Development Administrator to provide adequate lighting for orderly evacuation in event of disaster or emergency shall be provided by the licensee.
 5. Any person granted a carnival or circus license hereunder shall be responsible for keeping the grounds, area or parcel of land used for the carnival or circus, including parking area, free and clear of all rubbish, waste matter and debris during the time such carnivals or circuses shall be carried on or conducted.
 6. Every carnival and circus license and every permit for a mechanical amusement riding device shall be for a term certain, but not to exceed ten (10) days. A renewal of every carnival and circus license and every permit for mechanical amusement riding device may be made every ten (10) days, provided that the appropriate fees are paid for such new permit.
- E. INSPECTIONS:
1. As a condition of the license, the owner, licensee, amusement ride/carnival operator or manager of a carnival shall allow the Development Administrator, Chief of Police, DuPage County Health Inspector, and Fire Chief, or their respective duly authorized representatives, access to the premises, grounds, rides, booths, food stands, attractions, concessions and equipment used for or in connection with the operation of the circus or carnival at any reasonable time in order for said person to investigate and approve the location or the premises where the circus or carnival will take place, and to determine

whether the circus or carnival or any part thereof, or all workers are in compliance with this Article and all applicable state laws and regulations.

2. If the circus or carnival or any part thereof, including its parades, rides, games, attractions, concessions, or equipment is not approved, or if the carnival or any of its carnival workers are determined to be not in compliance with this Article or any applicable state law or regulation, the Development Administrator, Chief of Police, DuPage County Health Inspector, or Fire Chief, or their respective duly authorized representatives, may order the circus or carnival or the unapproved part thereof closed to the public until any required corrective action is taken and approval is given.
3. The licensee shall be responsible for any inspection fees and costs which are incurred as a result of inspections carried on by entities other than the City.

Article V – ACTIVITY REGISTRATIONS

Sec. 4.501. GENERAL REGISTRATION REQUIREMENTS:

- A. **REGISTRATION REQUIRED:** It shall be unlawful for any person to conduct the specific commercial and non-profit activities as enumerated below without having first secured a registration.
- B. **SCHEDULE OF REGISTRATION FEES:** All activities regulated by this Article shall be assessed a fee to cover the cost of administering and enforcing this Article in accordance with the following schedule:

ITEM	FEE
Auctioneer	\$80.00
Contractor	\$100.00
Registrations Requiring a Background Check	\$150.00 for the first investigation and \$100 per additional individual
Scavengers	\$750.00

- C. **REGISTRATION APPROVAL:** The Development Administrator shall not approve a registration for the activities listed in this Article until receipt of a completed application, required documentation, payment in full for all fees, when required, and liens imposed by the City and all noted violations of this Chapter and other applicable ordinances have been remedied, where applicable.

Sec. 4.502. SCAVENGERS

- A. **REGISTRATION REQUIRED:** It shall be unlawful for any person to engage in the business of scavenger or to operate a scavenger service or collect or dispose of building debris without first registering with the City.
- B. **APPLICATION:** A completed application shall include a performance bond and proof of insurance in accordance with the following:

1. **BOND:** The registrant shall furnish the City a surety bond in the amount of at least one thousand dollars (\$1,000.00), conditioned upon the registrant continuing to operate the business of scavenger in accordance with law and this Code. The City shall be named as the beneficiary. In lieu of such bond, the applicant may deposit cash in the aforesaid sum with the Finance Director of the City; such deposit to be returned without interest upon the expiration of the registration, provided the registrant has operated the business of scavenger in accordance with law and this Code.
 2. **INSURANCE:** Each scavenger shall carry, until the expiration of the approved registration, public liability and property damage insurance as shall protect the scavenger from claims for personal injury, including death, and property damage which may arise while performing scavenger services. The insurance policies shall provide coverage in the following minimum amounts: for personal injury, five hundred thousand dollars (\$500,000.00) each person and one million dollars (\$1,000,000.00) for each occurrence; property damage, five hundred thousand dollars (\$500,000.00) on account of any one occurrence. At the time of application, each applicant shall file with the City a certificate of insurance naming the city as an additional insured.
- C. **TERM OF REGISTRATION:** Each scavenger registration shall be valid for a maximum period of one year and shall terminate May 1 of the year following the year for which such registration was approved by the City.
- D. **NUMBER OF AUTHORIZED REGISTRATIONS:** The City shall not approve scavenger registrations in numbers exceeding the maximum number listed below:
1. City's contract for scavenger service registration, as the exclusive refuse and recycling contractor of the city and for collection from and service to residential buildings containing not more than two (2) dwelling units: One.
 2. Other scavenger service registrations for collection from premises other than residential buildings containing not more than two (2) dwelling units: Unlimited.
- E. **VEHICLE REQUIREMENTS:** No vehicle shall be used for the transportation of garbage, ashes or refuse unless it is watertight and equipped with covers for that portion used for such purpose.

Sec. 4.503. **MOBILE FOOD VENDORS.**

- A. **REGISTRATION REQUIRED:** It shall be unlawful for any person to engage in or do business as a mobile food vendor within the corporate limits of the City without having registered with the City.
- B. **APPLICATION REQUIREMENTS:**
1. All registrations as a mobile food vendor shall state the kind of food intended to be sold or handled.

2. A Background Investigation pursuant to Section 4.302.3.C is required for all driver(s) and operator(s) of any Mobile Food Vendor that sells primarily to minors. For example, vendors
3. An affidavit certifying that all drivers and vehicles used in the operation as a mobile food vendor meets all driver, vehicle and insurance requirements.

C. SANITARY CONDITIONS:

1. All premises used for the sale or storage of food or drink intended for human consumption shall be kept:
 - a. In a clean and sanitary condition.
 - b. Free from flies, vermin and rodents.
 - c. Free of any accumulation of refuse or decaying matter.
2. Employees:
 - a. It shall be unlawful for any person who is afflicted with or is a carrier of any infectious or contagious disease to handle or be engaged in the care or preparation of any food or drink intended for sale to humans or to permit any such person to be employed in or about any premises where such food or drink is stored, prepared or sold, or to deliver such food.
 - b. It shall be unlawful for any person engaged in handling or coming in contact with food or drink intended for sale for human consumption to fail to keep his person and clothing clean.

D. NOISE CONTROL: It shall be unlawful for any mobile food vendor using a vehicle to:

1. Use any outcry, sound, speaker or amplifier, or any instrument or device:
 - a. Which can be heard for a distance greater than three hundred feet (300');
 - b. When passing a hospital;
 - c. When passing a church or other place of worship during the hours when services are being held;
 - d. When the vehicle he is using is stopped for the purpose of making a sale;
 - e. Before the hours of nine o'clock (9:00) A.M. on weekdays and ten o'clock (10:00) A.M. on Sundays or after seven o'clock (7:00) P.M. on any day.
2. Vend within five hundred feet (500') of any school during the school year.

E. TRAFFIC REGULATIONS: It shall be unlawful for any mobile food vendor to:

1. Exceed a speed of twelve (12) miles per hour when cruising neighborhoods seeking sales or when attempting to make a sale.
2. Make more than two (2) stops in any one block to make any sale.
3. Stop anywhere within twenty five feet (25') of an intersection when making a sale or attempting to make a sale.
4. Double park, or park in any other manner contrary to law, while attempting a sale or while making a sale.
5. Make a U-turn on a block.
6. Drive his vehicle backwards to make or attempt any sale.

7. Sell to any person who is standing on the street.
8. Permit any person to hang on the vehicle, or permit any person to ride in or on the vehicle except bona fide assistants.
9. Remain standing or stopped at any place for a period of time exceeding five (5) minutes without completing a sale or without being parked in an approved location.
10. Sell or attempt to sell along any particular route more than one time during a twenty four (24) hour period.

F. UNWHOLESOME, ADULTERATED FOOD PROHIBITED:

1. It shall be unlawful to offer for sale, or keep for the purpose of selling or offering for sale, any food which is spoiled or tainted or is unwholesome and unfit for human consumption. All tainted and unwholesome food intended for human consumption may be condemned by the DuPage County Board of Health or the Chief of Police in his ex officio capacity as Health Inspector and shall thereupon be seized and destroyed by any policeman.
2. It shall be unlawful to sell, offer for sale or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any harmful material or which is not in compliance with law.
3. All food delivery vehicles shall be kept in a clean, sanitary condition and shall be thoroughly cleaned each day they are so used.
4. It shall be unlawful to permit stale food, decaying matter or any other waste material or product to accumulate in or on any such vehicle while it is so used.
5. If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

G. APPLICATION OF PROVISIONS: No registration fee shall be required for any vehicle that is used to deliver foodstuffs from any locally licensed and inspected establishment, but all other provisions of this Section shall be complied with.

H. INSPECTIONS: The Chief of Police is hereby authorized to make all necessary inspections at reasonable hours as he deems necessary to enforce the provisions of this Section.

Sec. 4.504. SOLICITORS & CANVASSERS

- A. CITY POLICY ON SOLICITING: It is hereby declared to be the policy of the City that the occupant(s) of the buildings in this City shall make the determination of whether solicitors shall be or shall not be invited to their respective buildings. If no determination is made as is provided in Subsection F of this Section, registration is not required.
- B. REGISTRATION REQUIRED: It shall be unlawful for any person to engage in the business of soliciting or canvassing upon premises within the corporate limits of the city wherein an owner or occupant has posted a sign at the principal entrance inviting therein only solicitors who have

registered with the City Clerk's Office without such solicitor first registering with the City in the manner provided in this Section.

- C. APPLICATION: The application for registration to solicit or canvass upon premises within the City, wherein a registration is required by this Section, shall truthfully include the information requested on the application, as follows:
1. Two (2) forms of identification, one being a valid government issued picture ID giving the name and address of present place of residence;
 2. Address of place of residence during the past three (3) years if other than the present address;
 3. Age of applicant;
 4. Physical description of the applicant;
 5. Name and address of the person by whom the applicant is employed or represents and the length of time of such employment or representation;
 6. Name and address of employer during the past three (3) years if other than the present employer;
 7. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
 8. Period of time for which the solicitor registration is applied;
 9. The date, or approximate date, of the latest previous application for solicitor registration under this Section, if any;
 10. If a solicitor registration approved for the applicant under this Section has ever been revoked or denied;
 11. If the applicant has ever been convicted of a violation of any of the provisions of this Section, or the ordinance of any other Illinois municipality regulating soliciting;
 12. If the applicant has 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; and
 13. Such additional information as the Chief of Police or the City Clerk's Office 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 City may require an applicant to submit to fingerprinting in accordance with Section 4.302.C.3 of this Chapter if their identity is in question and to the photographing of his person by City personnel in connection with the application for the solicitor registration.

- D. RESTRICTIONS ON APPROVAL OF SOLICITOR REGISTRATION: No solicitor registration shall be approved for 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 Section, nor to any person whose temporary solicitor registration issued hereunder has previously been revoked as herein provided, nor to any person convicted of a crime involving moral turpitude within the past five (5) years.

The Chief of Police or designee shall review the application and if deemed fully compliant, shall approve the solicitor registration, at which time the City Clerk's Office will notify the applicant in writing. No person shall be issued more than two (2) such permits in one calendar year. In addition to the fees pursuant to Section 4.501.B, a fifty dollar (\$50.00) cash bond is required as a deposit for the identification badge. Upon returning the badge, the City shall refund the cash bond. No refund of fee shall be given at any time.

E. APPROVAL OR DENIAL OF SOLICITOR REGISTRATION:

1. Approval; Deposit: When the applicant is found to be fully qualified, the solicitor registration shall be approved forthwith and shall state the expiration date thereof, which shall not exceed thirty (30) days from the date of issuance.
2. Denial: The solicitor registration shall be denied if, after consideration of the application for registered solicitor and all information obtained relative thereto, the Chief of Police finds that the applicant does not possess the qualifications for approval of such solicitor registration as herein required and that the approval of the solicitor registration for the applicant would not be in accord with the intent and purpose of this Section. Endorsement shall be made by the Chief of Police or designee upon the application of the denial of the application.

F. NOTICE REGULATING SOLICITING: Every owner or occupant desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Section shall give notice of the determination by the owner or an occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any building in the following means: a weatherproof card, no larger than three inches by four inches (3" x 4") in size, shall be exhibited upon or near the main entrance door to the building indicating the determination by the owner or an occupant containing the applicable words, as follows:

"ONLY SOLICITORS REGISTERED WITH THE CITY OF WOOD DALE INVITED"

or

"NO SOLICITORS ALLOWED".

The letters shall be at least one-third inch ($\frac{1}{3}$ ") in height. For the purpose of uniformity, the cards shall be provided by the Community Development Department to persons requesting, at the cost thereof, and such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the building of the information contained thereon.

G. DUTY OF SOLICITORS: It shall be the duty of every solicitor, upon going onto any premises in the City upon which a building, as herein defined, is located, to first examine the notice provided for in Subsection F of this Section, if any is attached, and be governed by the statement contained on the notice. If the notice states: "ONLY SOLICITORS REGISTERED WITH THE CITY OF WOOD

DALE INVITED", then the solicitor not possessing a valid solicitor registration as herein provided shall immediately and peacefully depart from the premises. If the notice states "NO SOLICITORS ALLOWED", regardless whether or not solicitor registration has been approved, the solicitor shall immediately and peacefully leave the premises. Any solicitor who has gained entrance to any building, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

It shall be the duty of any person engaging in soliciting in a residential area within the City to wear in a conspicuous place on his outer garment the badge issued to him/her by the City. It shall be unlawful for any person to engage in business as a solicitor within the City without wearing and displaying such badge.

Every solicitor shall, prior to engaging in activity, regulated under this section, be issued an identification badge bearing the words "Temporary Solicitors Permit" or words of similar impact, together with a serial number. Every solicitor on completing their activity as such solicitor in the City, shall surrender the badge to the authorized City personnel, not later than 4:00 p.m. on or before the 30 day expiration date, and upon doing so, the City shall refund the cash bond. If the 30 day expiration date were to fall on a weekend solicitor will return badge on the next business day. If the badge is not returned by 4:00 p.m. on or before the 30 day expiration date, the bond shall be forfeited. In case any such badge is lost, stolen or mutilated, a report of such fact must be made to the Police Chief or his designee and bond forfeited. Failure to file a loss or theft report may be cause to deny future registration.

- H. UNINVITED SOLICITING PROHIBITED: It is hereby declared to be unlawful and shall constitute a nuisance and a violation of this Section for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such building, 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 building or oral notice given in accordance with the provisions of Subsection F of this Section.
- I. TIME LIMIT ON SOLICITING: It is hereby declared to be unlawful and shall constitute a nuisance and a violation of this Section for any person, whether registered under this Section or not, to go upon any premises and ring the doorbell upon or near any door of a building 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 building, for the purposes of securing an audience with the occupant thereof and engage in soliciting, as herein defined, prior to nine o'clock (9:00) A.M. or after six o'clock (6:00) P.M. during the months of October through March, or prior to nine o'clock (9:00) A.M. or after eight o'clock (8:00) P.M. during the months of April through September or at any time on a Sunday or on a state or national holiday.
- J. REVOCATION OF SOLICITOR REGISTRATION: Any solicitor registration approved hereunder shall be revoked by the City Manager if the applicant of the solicitor registration is convicted of a

violation of any of the provisions of this Section, or has made a false material statement in the application, or otherwise becomes disqualified for the approval of a solicitor registration under the terms of this Section. Immediately upon such revocation, written notice thereof shall be given to the holder of the solicitor registration in person or by certified U.S. mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the solicitor registration shall become null and void and shall be surrendered to the City.

- K. RECORDS KEPT: The City shall cause to be kept in the City Clerk's Office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, on all solicitor registrations approved under the provisions of this Section and of the denial of applications. Applications for solicitor registrations shall be numbered in consecutive order as filed, and every approved solicitor registration and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.
- L. EXEMPTION: A person age seventeen (17) and under, who is participating in fundraising programs for, or sponsored by a public or private elementary or high school or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, youth sports teams, is not required to register as a solicitor. All persons who qualify under this exemption shall be referred to as exempt solicitors. Also exempt from registering as a solicitor are all persons or groups who are not soliciting funds, and those groups whose primary purpose is not the solicitation of funds, for any purpose in their canvassing, political campaigning, surveying, proselytizing, or door-to-door advocacy, and are not attempting to sell or promote any goods or services. All such persons are not solicitors and are not required to register.

Sec. 4.505. CONTRACTORS.

- A. REGISTRATION REQUIRED: It shall be unlawful for any person to engage in the business of a general contractor, heating, air conditioning, electrical, refrigeration contractor and/or other building trades contractor within the City of Wood Dale unless or until the contractor registers with the City and pays the required registration fee. This registration requirement does not exempt or waive any other applications or fees required by this Chapter or this Code.
- B. APPLICATION: Registration shall occur annually and on the forms provided by the Development Administrator requiring:
 - 1. Name of the registrant contractor and all the principals and owners of the company; and
 - 2. Residence and business address of the registrant contractor and all principals and owners of the company; and
 - 3. Certificate of insurance with the City of Wood Dale as certificate holder; and
 - 4. Submittal of copies of all required trade licenses and registrations.
- C. ELECTRICAL CONTRACTORS:
 - 1. EXEMPTION: An electrical contractor that is registered in the City shall not be required to pay the contractor registration fee to the City. All other requirements shall still apply.

2. BOND: Electrical contractors must maintain a \$10,000.00 license and permit bond with the City of Wood Dale.

D. EXPIRATION OF REGISTRATION: A contractor's registration shall expire after one year from the date of acceptance of the registration by the Community Development Department.

Sec. 4.506. AUCTIONEERS.

A. REGISTRATION REQUIRED: No personal property (goods, wares or merchandise) shall be sold at auction in the City except in compliance with the provisions of this Section. It shall be unlawful to sell or cause or permit to be sold, at auction, any personal property (goods, wares or merchandise) in the City unless such sale is conducted by an individual who has registered as an auctioneer.

B. BOND: Every registrant as an auctioneer shall file with the Development Administrator a surety performance bond running to the City in the amount of one thousand dollars (\$1,000.00) with surety acceptable to and approved by the City Attorney conditioned that the said applicant, if issued an auctioneer's registration, will comply fully with all the provisions of the ordinances of the City and the statutes of the State of Illinois regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person or persons employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act on the part of the registrant, his agent or employees, in the conduct of any auction or in the exercise of the calling of auctions. (A liability insurance policy issued by an insurance company authorized to do business in the State of Illinois which conforms to the above requirements may be permitted by the City Attorney, in his discretion, in lieu of a bond.)

C. AUCTIONS PROHIBITED ON STREETS, SIDEWALKS AND PUBLIC PROPERTY: It shall be unlawful to conduct an auction sale of personal property (goods, wares or merchandise) on any of the streets or sidewalks of the City.

D. NIGHT AUCTIONS OF JEWELRY AND CERTAIN OTHER ACTIVITIES PROHIBITED: It shall be unlawful to offer for sale at auction or sell at auction any gold, silver, plated ware, clocks, watches, diamonds or other precious or semi-precious stones or any imitation thereof, glassware, chinaware or jewelry, or any article purporting to be or represented as any of the above listed articles between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M.

E. ARTICLES NOT APPLICABLE TO JUDICIAL SALES: The provisions of this Section shall not be applicable to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers or other public officers acting under judicial process, nor to the sale of real property at auction.

- F. INSPECTIONS: Every article offered for sale at a public auction shall be open to inspection of any person wishing to purchase it at some time before making the bid or during the bidding.
- G. PROHIBITED CONDITIONS:
 - 1. It shall be unlawful to create or permit any disturbance or disorderly conduct at any auction.
 - 2. It shall be unlawful for any person selling goods at auction to make any fraudulent or untrue statements concerning the goods or articles sold.

Sec. 4.507. RAFFLES.

- A. REGISTRATION REQUIRED: No person, firm, corporation or other entity shall conduct raffles or chances without having first registered with the City Clerk's Office pursuant to this Section and the "raffles act".
- B. APPLICATION:
 - 1. Applications shall be made in writing to the City Clerk's Office at least thirty (30) days prior to the first day intended for sale of the raffle chances.
 - 2. Applications for registration under this Section must, at a minimum, contain the following information:
 - a. Name of applicant.
 - b. Address.
 - c. Purpose of raffle.
 - d. Area within the city where the raffle is to be conducted.
 - e. Time period during which chances will be sold or issued.
 - f. Sworn statement attesting to not for profit character of the prospective registrant organization, signed by the presiding officer and secretary of the organization.
 - g. Date, time and location at which winning chances will be determined.
 - h. The aggregate retail value of all prizes or merchandise to be awarded by a single raffle.
 - i. The maximum retail value of each prize or each specific type of prize to be awarded by a registrant in a single raffle.
 - j. The maximum to be charged for each raffle chance and the number of chances to be issued for each raffle.
 - k. The name(s) and address(es) of the operator of the raffle if not an officer or member of the applicant organization.
- C. VALIDITY OF REGISTRATION: Each such registration shall be valid for one raffle or for a specified number of raffles during a specified period not to exceed one year, and may be suspended or revoked by the City in the event of violation of the terms of this Section or of any applicable state law.

- D. **INELIGIBILITY FOR REGISTRATION:** The following are ineligible for any registration under this Section:
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 firm or corporation in which a person defined in subsection 1, 2, or 3 of this Subsection has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 5. Any organization in which a person defined in subsection 1, 2, or 3 of this Subsection is an officer, director or employee, whether compensated or not;
 6. Any organization in which a person defined in subsection 1, 2, or 3 of this Subsection is to participate in the management or operation of a raffle as defined in the "raffles act".
- E. **NOT FOR PROFIT ORGANIZATIONS:** Registrations shall be issued only to bona fide Non-profit Establishments which 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 registration and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objectives, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardships as the result of an illness, disability, accident or disaster.
- F. **LIMITATIONS:**
1. The aggregate retail value of all prizes or merchandise awarded by a registrant in a single raffle under this Section and in accordance with applicable state law is limited to two hundred fifty thousand dollars (\$250,000.00).
 2. The maximum retail value of each prize awarded by a registrant in a single raffle is limited to two hundred thousand dollars (\$200,000.00).
 3. The maximum price which may be charged for each raffle chance issued or sold is limited to one hundred dollars (\$100.00).
 4. The maximum number of days during which chances may be issued or sold is limited to one hundred twenty (120) days.
 5. Registrations issued shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of the "raffles act" of this Section.
- G. **FEES:** The fee for a registration to conduct a raffle shall be zero dollars (\$0.00).
- H. **APPROVAL:** All applications for conducting a raffle shall be reviewed and approved or denied within thirty (30) days of receipt by the Development Administrator. The Chief of Police is authorized to approve or deny any application for conducting a raffle whose prizes have an aggregate retail value of twenty five thousand dollars (\$25,000.00) or less. Application for conducting a raffle where the aggregate retail value of the prizes exceeds twenty five thousand

dollars (\$25,000.00) shall be reviewed and approved or denied by the City Council. The approval of an application for a raffle registration shall constitute the registration for the conduct of the raffle applied for.

- I. CONDUCT OF RAFFLES: The conducting of raffles is subject to the following restrictions:
 1. Proceeds: The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.
 2. Participation In Management: No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
 3. Remuneration: No person may receive any remuneration or profit for participating in the management or operation of the raffle.
 4. Premises: A registrant may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also registered under this Chapter.
 5. Locations: Raffle chances may be sold or issued only within the area specified on the registration and winning chances may be determined only at those locations specified on the registration.
 6. Age Of Participants: No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.
 7. Location For Determining Winning Chance(s): The location of the premises on which to determine the winning chance or chances in a raffle shall be restricted to a business district, commercial district or where a special use permit has been granted for a school, church, government or similar institution.

- J. RECORDS:
 1. Each organization registered to conduct raffles and chances shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which chances are determined.
 2. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same Non-profit Establishment pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and shall be placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.
 3. Each organization registered to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the City of Wood Dale, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.

4. Records required by this section shall be preserved three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.
- K. **MANAGER'S BOND:** All operations of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager of the raffle must be a bona fide member of the organization holding the registration for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. For raffles in which the aggregate retail value of the prizes to be awarded does not exceed twenty five thousand dollars (\$25,000.00), the raffle manager shall be required to provide a bond to the City Clerk in the lesser amount of the aggregate retail value of the prizes or one hundred dollars (\$100.00) conditioned upon the full and honest performance of his or her duties relating to the raffle. For raffles in which the aggregate retail value of the prizes to be awarded exceeds twenty five thousand dollars (\$25,000.00), the manager of the raffle shall give a bond in the sum of the total retail value of such prizes conditioned upon the full and honest performance of his or her duties relating to the raffle.

Such bonds may be in the form of a fidelity bond issued in favor of the organization applying for the raffle registration and underwritten by an insurance or bonding company licensed to do business in Illinois, or cash or cashier's check made payable to the organization. Terms of all fidelity bonds shall provide that notice shall be given in writing to the City not less than thirty (30) days prior to any cancellation of such bond. Bonds in the form of cash or cashier's check shall be returned to the manager after completion of the raffle, upon his or her application therefor and the presentation of receipts or other evidence satisfactory to the Chief of Police that all prizes have been awarded to the winners.

For each registration, the City Council may, in its discretion, waive the requirement of a bond upon application of the manager and his or her presenting a copy of meeting minutes or a resolution of the applicant organization, certified by its secretary, showing approval of such waiver by unanimous vote of the members of the organization. The bond for a raffle whose prizes have an aggregate retail value of twenty five thousand dollars (\$25,000.00) or less may be waived upon a majority vote of City Council members present at a meeting. The bond for a raffle whose prizes have an aggregate retail value exceeding twenty five thousand dollars (\$25,000.00) may be waived only upon a unanimous vote of City Council members holding office. Any approval of the waiver of bond shall be noted on the approved application for the raffle.

Sec. 4.508. HOME-BASED BUSINESSES.

- A. **REGISTRATION REQUIRED:** It shall be unlawful for any person to operate a Home-Based Business in the City without having a current registration for said Home-Based Business from the Community Development Department. At a minimum, the registration shall consist of:
 1. Location of the Home-Based Business.

2. Description of the business activities conducted on the premises.
 3. Floor plan of the residence depicting the area used for the Home-Based Business.
 4. Affidavit certifying compliance with the regulations pursuant to Section 17.604 of the UDO.
- B. FEES: The fee for a registration to operate a home-based business shall be zero dollars (\$0.00). In the event that a home-based business operates without an approved registration shall pay a penalty fee of fifty dollars (\$50.00) in addition to any enforcement action.
- C. TERM OF REGISTRATION: A Home-Based Business Registration shall expire based on the geographic location of the home-based business, as published by the Community Development Department. It is the responsibility of the registrant to renew prior to the expiration each year.

Sec. 4.509. RESIDENTIAL SHORT-TERM SALES.

- A. REGISTRATION REQUIRED: It shall be unlawful for a person or business to operate a residential short-term sale without first registering with the Community Development Department by submitting a completed Registration Form as prescribed by the Development Administrator.
- B. FEES: The fee for a registration to conduct a residential short-term sale shall be zero dollars (\$0.00).
- C. TERM OF REGISTRATION: Registrations are valid only for the stated date and time on the registration form.
- D. DURATION AND NUMBER: The number of residential short-term sales shall be in accordance with Section 17.603.A.6 of the UDO.