

Chapter 22

BUSINESSES*

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ARTICLE I. ANNUAL GENERAL BUSINESS LICENSE REGULATIONS

Sec. 22-1. Purpose and jurisdiction.

This chapter is designed to provide for the means whereby the village may render the necessary inspections and services to businesses, occupations and activities to promote, protect, and safeguard the public safety, health and welfare of the residents of the village and to enable the maintaining of accurate records of such establishments located within the corporate limits of the village.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-2. Annual general business license required.

Every business, as defined in this chapter, whether or not subject to any other licensing requirements of the village or of any other governmental agency, shall annually apply for a general business license with the village administrator or designee in the manner, and at the times, prescribed in this article. If any business shall be required to secure additional licenses under this Code, a separate license shall be obtained.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-3. Definition of business.

For purposes of this chapter, the term "business" shall mean any person, sole proprietorship, partnership, corporation or other legal entity which engages in a commercial activity for remuneration within the village. The term "business" shall include, but shall not be limited to, a retail establishment, a resale store, a restaurant, a food handler, a service establishment, a manufacturing establishment, a bank, a real estate sales office, an insurance agency, a consulting firm, a law firm, a medical or dental office, a veterinary office, an accounting firm, a travel agent, a general contractor, an electrical contractor, a plumbing contractor, an excavation contractor, a publisher, a securities brokerage firm, a photography studio, a printer, a theater, a place of amusement, a gasoline service station, a vehicle repair facility, an outdoor advertiser, a tobacco dealer, a tanning

salon, a landscaper, a laundromat, a laundry, or a dry cleaner. The term business shall not include any of the following:

- (a) Activities sponsored or conducted exclusively by educational, civic, or political organizations or institutions.
- (b) Governmental institutions or agencies.
- (c) A home occupation.
- (d) Any business which is specifically and expressly preempted from local regulation and control by state or federal law.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-4. Exceptions to business license fee.

No annual business license fee shall be imposed upon any person, organization or corporation engaged in a business which is conducted solely for religious, charitable, or other nonprofit purposes which are tax exempt for such activities under the laws of the United States and the State of Illinois. Nothing in this section shall however relieve charitable nonprofit businesses from the requirement to obtain an annual business license as required herein.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-5. Term of license.

All annual general business licenses shall be due on the first day of January of each year and shall terminate on the last day of December of the same year where no provision to the contrary is set forth herein. Any business that commences initial operations within the village after January 1 of a given year shall, within 30 days after commencement, apply for its first annual general business license.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-6. Annual general business license application form.

Annual general business license and temporary business license applications shall be on forms prepared and supplied by the village administrator.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-7. Annual general business license fees.

Upon the submittal of the annual general business license application, every business shall pay an annual general business license application fee in the following amount, which shall be an addition to the fee for any other license required by this Code or other village ordinances.

- (a) The annual fee for a business which has a gross floor area of zero to 9,999 square feet shall be \$150.00.
- (b) The annual fee for a business which has a gross floor area in excess of 10,000 to 19,999 square feet shall be \$300.00.
- (c) The annual fee for a business which has a gross floor area in excess of 20,000 square feet shall be \$600.00.
- (d) The annual general business license application fee shall be reduced by 50 percent if the business for which the application is submitted commences initial operations after July 1 of a given year. Any business that commences initial operations before July 1 of a given year shall be required to pay the full fee required by this section regardless of when it submits its annual general business license application fee to the village.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-8. Definition of gross floor area.

The gross floor area as used in this section shall mean the sum total of the gross horizontal areas of all of the several floors of a building and its accessory buildings measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two buildings or business establishments on each floor. (Ord. No. 2006-96, § 11-6-2006)

Sec. 22-9. Late payment of fee penalty.

If an annual general business license application is not timely filed, a penalty in the amount of ten percent of the license fee due and owing shall

be assessed plus an additional penalty of \$10.00 for each month the application fee remains delinquent.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-10. License fee, nonrefundable.

No business license fee or any portion thereof shall be refundable except in the case of an error in the determination of the amount of the license fee or in the event of double payment for a license.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-11. Temporary business license.

Any business which engages in a commercial activity within the village for a temporary period of less than 30 days shall obtain a temporary business license. A temporary business license shall be issued upon application and payment of a fee in the amount of \$50.00, provided there is no danger to the public health or safety and further provided that a temporary or permanent use permit has been issued for a particular location within the village.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-12. Compliance with laws required.

No license shall be issued to any business if the premises and building to be used for the business do not fully comply with the requirements of the Village Municipal Code or other village ordinances.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-13. Inspections; right of entry.

The village administrator, or designee, is authorized to make such inspections of licensed premises and take such action as may be required to enforce the provisions of any business license ordinance. The village administrator may designate any appropriate village employees, and specifically including the appropriate fire, police or code enforcement officers to undertake such inspections. Inspections shall, to the extent possible, be in compliance with the following procedure:

- (a) An inspector may enter any licensed business location, at any reasonable time, to inspect the same or perform any duty

imposed on the village administrator, or designee, by any business license or regulation ordinance.

- (b) If the place of business is occupied, the inspector shall first present proper credentials and demand entry and right to inspect.
- (c) If the place of business is unoccupied, the inspector shall first make a reasonable effort to locate the licensee or other person having charge or control of the premises and shall then present proper credentials and demand entry and right to inspect.
- (d) No licensee, employee or agent, shall fail or neglect, after proper demand, to admit the inspector, acting within the scope of the inspector's employment, to any location licensed for business, or to interfere with the inspector while in the performance of the inspector's duty.
- (e) Nothing herein shall prevent or prohibit undercover investigations or inspections by appropriate officers in the appropriate circumstances.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-14. Posting of business license required.

It shall be the duty of any person in the village conducting a licensed business in the village to keep his or her license posted in a prominent place on the premises used for that business at all times.

(Ord. No. 2006-96, § I, 11-6-2006)

Sec. 22-15. Penalty for violation.

A violation of any provision of the chapter shall be punishable in accordance with Village Municipal Code section 1-11. Further, all remedies prescribed in the Village's Municipal Code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions.

(Ord. No. 2006-96, § I, 11-6-2006)

Secs. 22-16—22-30. Reserved.

ARTICLE II. LICENSES AND PERMITS

Sec. 22-31. Licenses or permits required.

No person shall engage in any trade, profession, business or privilege in the village for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the village in the manner provided in this article, unless otherwise specifically provided.

(Code 1977, § 31.01)

Sec. 22-32. Application.

Unless otherwise provided, application for a license or permit shall be made in writing to the clerk, upon forms provided by the village and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

(Code 1977, § 31.02)

Sec. 22-33. Payment of fee.

The fees required for any license or permit shall be paid at the office of the clerk before the granting of the license or permit. Except as otherwise provided in this Code, no fee paid shall be refunded unless the license or permit is denied. Where over half the license year has expired the license fee for the remainder of the license year shall be one-half of the annual license fee.

(Code 1977, § 31.03)

Sec. 22-34. Bond and insurance.

All required bonds shall be executed by two sureties, or a surety company, and be subject to the approval of the village attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the village attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the village before the license or permit is issued.

(Code 1977, § 31.04)

Sec. 22-35. Approval or denial of licenses.

(a) Where the approval of any village officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the village before any license or permit is issued.

(b) No license or permit shall be approved by any village officer or issued by the village if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.

(Code 1977, § 31.05)

Sec. 22-36. Certificates.

Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the village by the village president, and be impressed with the village seal. The clerk shall keep a record of all licenses and permits issued.

(Code 1977, § 31.06)

Sec. 22-37. License and permit term.

(a) Unless otherwise provided, the term of the license year shall end on May 1 of each year.

(b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance. In such instances fees will be prorated to the closest quarter of total annual fee schedule.

(c) Permits shall be issued for the term set forth in the permit.

(Code 1977, § 31.07)

Sec. 22-38. Exhibition of certificate.

Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicu-

ous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(Code 1977, § 31.08)

Sec. 22-39. Transfer.

Unless otherwise provided, no license or permit shall be transferable or assignable.

(Code 1977, § 31.09)

Sec. 22-40. Renewal.

Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as original licenses or permits.

(Code 1977, § 31.10)

Sec. 22-41. Revocation.

(a) Any license or permit may be suspended or revoked by the village president or board of trustees for any of the following causes:

- (1) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
- (2) Conviction of any crime or misdemeanor.
- (3) Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the village, upon recommendation of the appropriate village official.
- (4) Expiration or cancellation of any required bond or insurance.
- (5) Actions unauthorized or beyond the scope of the license or permit granted.
- (6) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.

(7) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(b) Revocation of a license or permit does not prohibit imposition of any penalty for a violation of this Code.

(Code 1977, § 31.11)

Sec. 22-42. Hearing.

Any person aggrieved by the action of any village official in denying or revoking a license or permit shall have the right to a hearing before the board of trustees on any such action, provided a written request therefor is filed with the clerk within ten days after receipt of the notice of such suspension or revocation or reinstatement of any such license or permit. The action taken by the board after a hearing shall be final.

(Code 1977, § 31.12)

Sec. 22-43. Inspections.

Village officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

(Code 1977, § 31.13)

Secs. 22-44—22-70. Reserved.

**ARTICLE III. FOOD DELIVERY
VEHICLES**

Sec. 22-71. License required.

It shall be unlawful to use or permit the use of any vehicle for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products, or any other provisions intended for human consumption, including beverages, in the village for the purpose of delivering any such foodstuffs to any place in the village for use and consumption, at wholesale or retail, unless a license for such vehicle is first secured.

(Code 1977, § 32.05(a))

Sec. 22-72. Applications; fee.

(a) Applications for such licenses shall recite the name and address of the owner of the vehicle, the name or names of the persons from whom such deliveries are made, and the nature of the goods carried.

(b) The annual fee for such licenses shall be \$10.00 for each vehicle, and shall be issued for one year.

(Code 1977, § 32.05(b))

Sec. 22-73. Exemption.

No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the village. All provisions of this article, other than that providing for the payment of a fee, shall be complied with in connection with such vehicles.

(Code 1977, § 32.05(c))

Sec. 22-74. Regulations.

(a) All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used. 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.

(b) 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.

(Code 1977, § 32.05(d))

Sec. 22-75. Inspections.

It shall be the duty of the president to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this article.

(Code 1977, § 32.05(e))

Sec. 22-76. Sale of ice cream from vehicles.

(a) No person shall operate an ice cream vending vehicle or act as an ice cream vendor within the village without first having complied with the provisions of this section.

Definitions. For the purpose of this section the following definitions shall apply:

(1) *Ice cream vending vehicle* means a vehicle from which the retail sale by ice cream or similar frozen confections for human consumption is conducted from a roadway.

(2) *Owner* means the titleholder of a vending vehicle for ice cream or similar frozen confections.

(3) *Retail sale* means the sale of ice cream or similar frozen confections to the consumer thereof.

(4) *Vehicle* means every device that is mechanically propelled, motorized and designed to transport one or more persons.

(5) *Ice cream vending* means the act of selling, or offering to sell, any ice cream or similar frozen confections for human consumption from an ice cream vending vehicle.

(6) *Ice cream vendor* means any person who physically operates an ice cream vending vehicle or any person who physically conducts ice cream vending from such a vehicle.

(7) *Village* means the Village of Gurnee, Lake County, Illinois.

(b) *License requirements.* No corporation, partnership, sole proprietor or other business entity shall:

(1) Operate an ice cream vending vehicle without having first obtained an ice cream vending vehicle business license; or

(2) Employ a person as an ice cream vendor within the village without having first obtained an ice cream vending vehicle business license; or

(3) Rent, lease or otherwise provide an ice cream vending vehicle to an ice cream vendor within the village without having first obtained an ice cream vending vehicle business license.

The fee shall be as provided in the attached exhibit A. The maximum number of business licenses for the operation of an ice cream vending vehicle business is three.

(c) *Ice cream vending vehicle license.*

- (1) No vehicle shall be operated within the village as an ice cream vending vehicle without first having obtained an ice cream vending vehicle license. The license shall be affixed to the windshield of the ice cream vending vehicle. The ice cream vending vehicle license fee is listed in the attached "exhibit A."
- (2) The holder of a valid ice cream vending vehicle business license may apply for a maximum of four ice cream vending vehicle licenses.
- (3) Prior to the issuance of an ice cream vending vehicle license the applicant shall submit a copy of their annual permit issued by the Lake County Health Department.
- (4) Every ice cream vending vehicle operated within the village shall be covered by a policy of public liability insurance issued by a solvent and responsible insurance company authorized to do business in [State of] Illinois in a minimum amount of \$300,000.00 for bodily injury or death to a person and \$100,000.00 for damage to property.
- (5) No vehicle shall be operated within the village as an ice cream vending vehicle unless the owner provides a copy of a village vehicle safety inspection form completed by an automotive service excellence (A.S.E.) certified mechanic indicating the vehicle is in a safe, operable condition.

(d) *Ice cream vendor's license.*

- (1) No person shall operate or act as an ice cream vendor within the village without having first obtained an ice cream vendor's license.

- (2) No ice cream vendor's license shall be issued to a person who is a "sex offender" as defined in the Sex Offender Registration Act.
- (3) Application for an ice cream vendor's license shall be made to the village clerk, in writing, signed by the applicant under oath or by affidavit to its truthfulness and accuracy and shall contain the following information and statements:
 - a. The applicant's name, address, and telephone number.
 - b. The applicant's date of birth, social security number and driver's license number.
 - c. The applicant's fingerprints.
 - d. A statement that the applicant is not a sex offender as defined in the Sex Offender Registration Act.
 - e. A current passport-size photograph of the applicant.
 - f. A copy of the applicant's valid driver's license.
- (4) An application received by the village clerk shall be forthwith forwarded to the police chief who shall determine whether the applicant complies with this section.
- (5) Upon receipt of confirmation from the police chief that the applicant complies with this section, the village clerk shall issue the license. The license shall be in the form of a photograph identification card.
- (6) The photograph identification card shall be worn on the outer clothing of all ice cream vendors at all times while ice cream vending.
- (7) The license fee for an ice cream vendor's license shall be provided in attached exhibit A.

(e) *Ice cream vending vehicles.* Ice cream vending vehicles shall be equipped with the following equipment which shall be maintained in good working order at all times:

- (1) A sign on the front and back of the ice cream vending vehicle which shall consist

of reflective letters no less than three inches in height and shall state "CAUTION CHILDREN CROSSING."

- (2) A foldout, diamond-shaped sign on the left side of the ice cream vending vehicle which shall consist of black on yellow reflective letters no less than five inches in height and shall state "SLOW". This sign shall be located at a height of between three feet and five feet above ground level and shall be displayed at a ninety-degree angle to the left side of the vehicle whenever it is stopped for the purpose of vending.
- (3) Two amber lights, each five inches in diameter, mounted on the left and right front, and two amber lights each five inches in diameter, mounted on the left and right rear of the ice cream vending vehicle, all at the top of the vehicle. Each left light shall flash alternately from the opposing right light, and have sufficient lumens so that the flashing will be visible at a distance of five hundred feet whenever the vehicle is stopped for the purpose of vending.
- (4) A litter or trash container, visible and available to customers of the ice cream vending vehicle.
- (5) A mechanical refrigeration unit or dry ice, which will keep all perishable ice cream or similar frozen confections at a temperature of zero degrees to minus ten degrees Fahrenheit. Dry ice may not come into direct contact with the ice cream or similar frozen confection. The use of ice for refrigeration is prohibited.
- (6) A sign on the side of the ice cream vending vehicle which shall consist of letters no less than five inches in height and shall state the name, telephone number of the owner of the vehicle, and an identification numeral distinguishing the truck.

(f) *Prohibitions on conducting business.* The following shall not be performed from a vending vehicle:

- (1) Vending from the left, or driver's side, of the vehicle.

- (2) Vending from the ice cream vending vehicle directly to another vehicle.
- (3) The emission of any amplified music intended to advertise the presence of vehicle. Amplified mechanized bells or chimes are permitted only while the ice cream vending vehicle is in motion.
- (4) Vending if the vehicle is not parked with the right side thereof to the curb or right side of the roadway.
- (5) Vending in a "no parking" area.
- (6) Vending within a distance of one hundred feet from the nearest intersecting roadway.
- (7) Vending before 10:00 a.m. any day, or after 8:00 p.m. any day.
- (8) Vending on any of the following roadways:

Delany Road	Illinois Route 21
Dilly's Road	O'Plaine Road
Gages Lake Road	Stearns School Road
Hunt Club Road	US Route 41
Illinois Route 120	Washington Street
Illinois Route 132	

- (9) Conducting a sale to any customer who is standing on a roadway.
- (10) Vending of ice cream or other similar confections in other than sealed packages.
- (11) Conducting ice cream vending within a village park unless permitted by the Gurnee Park District.
- (12) Vending of products other than ice cream or similar frozen confections.

(g) *Operator's restrictions.* It shall be unlawful for any person who is afflicted with or is the carrier of any infectious or contagious disease of being transmitted by contact with food products to conduct ice cream vending.

Ice cream vendors shall wear a clean white, collared shirt, which identifies the vendor as an ice cream vendor.

(h) *Penalty.* Any person convicted of violating any provision of this section shall be subject to a fine of not less than \$75.00 nor more than \$500.00 for each offense, and each violation shall be deemed a separate offense.
(Ord. No. 2000-73, § 1(32.07), 6-19-00)

Secs. 22-77—22-100. Reserved.

ARTICLE IV. BATHING AND MASSAGE ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 22-101. Definitions.

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

Auxiliary massage establishment means any building or tenant space in which any person, firm, association, or corporation, or any person employed by such person, firm, association, or corporation, engages in or is permitted to engage in the practice of massage as an accessory use customary and clearly incidental to a principal business and use, including but not limited to services offered by a hotel, health club or spa, or beauty salon.

Bathing establishment means any building, room, place or establishment other than a regularly established and licensed hospital or dispensary wherein are given steam baths, steam vapor baths, vapor baths, electric cabinet baths, electric light baths, electric tub baths, sponge baths, shower baths, sun baths, tub baths, and mud baths, mineral baths, Finnish, Russian, Swedish or Turkish baths, salt glows, massage, fomentation, electric or magnetic treatments, alcohol rubs and rubs or massages with or without any other ingredients.

Employee means any and all persons, other than masseurs or masseuses, employed by a licensee and who render services on the premises exclusively related to the operation of a massage establishment or auxiliary massage establishment.

Licensee means the operator or owner (if an individual) of a massage establishment, the operator, owner, or manager of a business providing an auxiliary massage establishment, masseurs and masseuses.

Massage or practice of massage means any method of applying pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or feet, or with the aid of any apparatus or appliance, with or without such supplementary aids such as rubbing alcohol, ointments, liniments, antiseptics, oil, powders, creams, lotions, or similar preparations.

Massage establishment means any building, room, place or establishment other than a regularly licensed and established hospital or dispensary where nonmedical and nonsurgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. Massage establishment shall also include any bathing establishment.

Masseur or masseuse means any person who, for any consideration whatsoever, engages in the practice of massage.

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

Sexual or genital areas means the genitals, pubic area, anus, or perineum of any person and the breasts of a female.
(Code 1977, § 32.06(a))

Cross reference—Definitions generally, § 1-2.

Sec. 22-102. Operating requirements.

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

(b) All employees, masseurs and masseuses shall wear clean, nontransparent outer garments which completely cover the sexual and genital areas.

(c) The sexual and genital areas of patrons must be covered at all times by towels, cloths, or undergarments when in the presence of an employee, masseur or masseuse.

(d) No employee, masseur or masseuse shall intentionally fondle in any manner or massage the sexual or genital area of any patron or perform any act which involves or includes the touching of a patron's genital area.

(e) No masseur or masseuse shall administer a massage on a patron's skin inflammation or skin eruption, unless a physician duly licensed by the state certifies, in writing, that such person may be safely massaged on such area.

(f) Every portion of a massage establishment or auxiliary massage establishment shall be maintained in a clean and sanitary condition at all times.

(g) Adequate equipment for disinfecting and sterilizing nondisposable instruments used in administering massages shall be provided. Such instruments shall be disinfected after use on each patron.

(h) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with the administration of massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets separate from the clean storage area.

(i) The partition walls between rooms shall be kept enclosed from floor to ceiling and wall to wall and the doors and walls of such rooms shall be so constructed and maintained as to ensure the utmost privacy.

(Code 1977, § 32.06(j))

Sec. 22-103. Personnel.

It shall be unlawful for anyone under 18 years of age to be either a patron or employee of a bathing establishment or massage establishment.
(Code 1977, § 32.06(k))

Sec. 22-104. Advertising.

No massage establishment, auxiliary massage establishment, masseur or masseuse licensed under this article shall place, publish or cause to be published, or distributed any advertising matter

or material that would measurably suggest to prospective patrons the availability of any services other than authorized massage services.
(Code 1977, § 32.06(l))

Sec. 22-105. Inspections.

(a) The chief of police or his designee and the director of building and zoning or his designee shall from time to time, and at least once yearly, make an inspection of each massage establishment and auxiliary massage establishment for the purpose of determining compliance with the provisions of this article. Such inspections shall be made at reasonable times and in a reasonable manner.

(b) Failure to allow entry to the premises for the purposes of inspection shall be cause for revocation of the license by the village.

(c) The county health department shall have the general sanitary supervision of all such establishments or places of business.
(Code 1977, § 32.06(m))

Sec. 22-106. Exceptions.

The provisions of this article do not apply to licensed physicians, surgeons, dentists, occupational and physical therapists, osteopaths, chiropractors or athletic directors assigned to schools when engaged in their regular professions or occupations.
(Code 1977, § 32.06(p))

Sec. 22-107. Hours.

No massage establishment, auxiliary massage establishment or bathing establishment shall be open earlier than 8:00 a.m. and not later than 10:00 p.m. on any day.
(Code 1977, § 32.06(q))

Sec. 22-108. Location requirements.

(a) No massage establishment shall be located within 1,000 feet of a preexisting massage establishment, any district zoned or presently used as residential, or an existing school or place of worship.

(b) No massage establishment shall be located within 300 feet of any existing business licensed to sell alcoholic beverages.

(c) Auxiliary massage establishments shall be permitted in any zoning district in which the business offering such services is a conforming permitted use, or a special use for which a special use permit has been granted, under the zoning ordinance.
(Code 1977, § 32.06(c)(12))

Sec. 22-109. Building requirements.

(a) Massage establishments and bathing establishments shall conform with all applicable requirements of the plumbing, building, electrical, and fire prevention codes of the village.

(b) Auxiliary massage establishments shall conform with all requirements of the plumbing, building, electrical and fire prevention codes of the village applicable to the principal business or use in which they are located.
(Code 1977, § 32.06(c)(13))

Cross reference—Buildings and building regulations, ch. 18.

Sec. 22-110. Penalty.

Any person violating any of the provisions of this article, upon conviction thereof, shall be fined not less than \$50.00, nor more than as provided in section 1-11. Each day that an offense continues shall constitute a separate offense.
(Code 1977, § 32.06(r))

Sec. 22-111. Severability.

In the event that any section, clause, provision, or part of this article shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this article is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.
(Code 1977, § 32.06(s))

Secs. 22-112—22-125. Reserved.

DIVISION 2. LICENSES AND PERMITS

Sec. 22-126. License required.

No person shall carry on the business of a bathing establishment, massage establishment, or auxiliary massage establishment, or render attendant occupational or professional services within the village without first obtaining a license from the village.

(Code 1977, § 32.06(b))

Sec. 22-127. Application for bathing establishment, massage establishment or auxiliary massage establishment license.

Application for a license under this article shall be made to the director of building and zoning in writing and signed by the applicant, if an individual, or a duly authorized agent thereof, if a co-partnership or corporation, verified by oath or affidavit, and shall contain the following statements of information:

- (1) The position held by the applicant or relationship to the business for which application is being made;
- (2) Name, including any alias, and address, work and home phone numbers;
- (3) Written proof that the individual is at least 18 years of age;
- (4) All residential addresses for the past three years;
- (5) The business, occupation or employment of the applicant for the four years immediately preceding the date of application;
- (6) The massage or similar business license or permit history of the applicant, i.e., whether such person, in previously operating in this or another village, or city or state under a license or permit, has had such license or permit revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
- (7) All criminal or village ordinance violation convictions, including forfeiture of bond

and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;

- (8) A recent photograph of the applicant;
- (9) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- (10) The name and address of the business and a drawing or written description which adequately depicts the location of the building or tenant space where the massage business is to be conducted;
- (11) The information outlined in subsections (1) through (10) of this section, is required for the following individuals:
 - a. The manager or owner;
 - b. Any partner or limited partner of a partnership application;
 - c. Any officer, director, or greater than ten percent stockholder of a corporate applicant or corporate partner of a partnership.

(Code 1977, § 32.06(c)(1)—(10))

Sec. 22-128. Issuance of massage establishment, bathing establishment or auxiliary massage establishment license.

Upon receipt of a completed license application, the director of building and zoning shall cause the building commissioner and chief of police to investigate and report on the accuracy of the information therein, the character of persons listed on the application, and compliance with the provisions of this article. The chief of police may require such additional information of the applicant as may be necessary to his investigation. The director of building and zoning shall issue a license within 60 days of receipt of such application unless investigative findings indicate that:

- (1) The building or tenant space in which the massage establishment or auxiliary massage establishment is located is in violation of section 22-108 or section 22-109.

- (2) The application contains falsified information, omissions, or intentional misrepresentations.
 - (3) Any person required to be listed on the application has been convicted of a felony.
 - (4) Any person required to be listed on the application has been convicted of pandering, prostitution or keeping of a house of ill fame, or any other offense involving moral turpitude in relation to sexual conduct.
 - (5) Any person required to be listed on the application has been affiliated with known organized figures.
- (Code 1977, § 32.06(c)(14))

Sec. 22-129. Application for masseur or masseuse license.

Application for a license under this article shall be made to the director of building and zoning in writing, signed by the applicant, and verified by oath or affidavit. The application shall contain the following statements of information:

- (1) The full name, any alias names, date of birth, present address, and telephone number of the applicant;
- (2) The social security number and driver's license number of the applicant, if any;
- (3) The height, weight, and color of hair and eyes of the applicant;
- (4) The business, occupation, or employment of the applicant for the four years immediately preceding the date of application;
- (5) A list of criminal or ordinance violation arrests, excluding minor traffic violations, and the location, date and disposition of each;
- (6) A photograph of the applicant taken within the 60 days immediately preceding the date of application;
- (7) A certified copy of the applicant's birth certificate or other identification approved by the chief of police; and

- (8) Copies of certifications and/or licenses earned from accredited institutes, schools or applicable governmental agencies.
- (Code 1977, § 32.06(d)(1)—(8))

Sec. 22-130. Issuance of masseur or masseuse license.

Upon receipt of a completed license application, the director of building and zoning shall cause the chief of police to investigate and report on the accuracy of the information therein and the character of the applicant. The chief of police may require such additional information of the applicant as may be necessary to his investigation. The director of building and zoning shall issue a license within 60 days of receipt of such application unless investigative findings indicate that:

- (1) The application contains falsified information, or intentional misrepresentations;
- (2) The applicant has been convicted of a felony;
- (3) The applicant has been convicted of pandering, prostitution or keeping of a house of ill fame, or any other offense involving moral turpitude in relation to sexual conduct;
- (4) The applicant has had a license, other than a motor vehicle operator's license, issued by any state or subdivision thereof suspended or revoked for cause which would affect issuance of this license.
- (5) Any person required to be listed on the application has been affiliated with known organized figures.

(Code 1977, § 32.06(d)(9))

Sec. 22-131. Appeal from denial of license.

(a) Any person whose license application has been denied by virtue of a licensing investigation shall be so notified by the director of building and zoning. Notification shall be made by certified mail, return receipt requested, to the address of the applicant appearing on the application. Should the notice be undeliverable, the village shall be under no further obligation to notify the applicant.

(b) Within ten days of the date of notice, the applicant may request a hearing on the denial. Requests for a hearing shall be made in writing to the director of building and zoning.

(c) Such hearings shall be at a time and place established by the board of trustees. The applicant may be accompanied by legal counsel and present witnesses and submit evidence. Following the hearing, the board of trustees shall have the right to confirm denial of the license or order issuance of the license.

(d) If denial of a license is confirmed by a hearing, or if the applicant fails to request a hearing as provided in this section, the applicant shall not be eligible to reapply for a license for a period of one year from the date of notice of denial from the director of building and zoning.
(Code 1977, § 32.06(e))

Sec. 22-132. Fees.

The annual fees for licenses under this section shall be:

- (1) Bathing or massage establishment, \$1,000.00.
- (2) Auxiliary massage establishment, \$200.00.
- (3) Masseur or masseuse, \$50.00 per individual.

(Code 1977, § 32.06(f))

Sec. 22-133. Terms; prorating fee.

Each license under this article shall terminate on April 30 next following the date of issuance. Application fees shall not be prorated.

(Code 1977, § 32.06(g))

Sec. 22-134. Transfer of license.

No license under this article shall be transferable. Provided, however, that in case of death of the licensee of a massage establishment or auxiliary massage establishment, the executors or administrators of the estate of the deceased licensee may exercise the privileges of the licensee to allow for the orderly dissolution or disposition

of the business, but not longer than 90 days or until the expiration of such license, whichever occurs first.

(Code 1977, § 32.06(h))

Sec. 22-135. Display of license.

Any person issued a license under this article shall post and display such license in a prominent place visible to patrons and the general public alike.

(Code 1977, § 32.06(i))

Sec. 22-136. Revocation of license.

(a) Every license issued under this article is subject to the right, which is hereby expressly reserved, to revoke the license should the licensee or any employee of the licensee or any person listed on the application violate any requirement of this article, or have committed any act subsequent to issuance of the license which would have resulted in denial of the license under this article.

(b) The license may be revoked by the board of trustees after written notice to the licensee, which notice shall specify the violations with which the licensee is charged, if, after a hearing, the licensee is found to be guilty of such violations. Ten days' notice of the hearing shall be given to the licensee by the director of building and zoning by certified mail, return receipt requested to the last known address of the licensee. The applicant may be accompanied by legal counsel and present witnesses and submit evidence in his defense at such hearing.

(c) Revocation of a license shall be in addition to any fine imposed.

(Code 1977, § 32.06(n))

Sec. 22-137. Itinerant operators permit.

Itinerant masseurs, masseuses or other itinerant operators engaging in the professions or occupations set forth in this article shall make application for and receive a license to so engage in such professions or occupations in the manner outlined in this article for each time they enter

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the village for such purpose. The provisions of this section shall not apply to persons employed for such work by regularly licensed establishments.
(Code 1977, § 32.06(o))