

ARTICLE 12

BUSINESSES AND OCCUPATIONS

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(SUPP. 20 2000); (Ord. 2008-82, 11/17/2008)

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 1 TRANSIENT BUSINESSES

(Ordin 2006-83, Entire Re-write,10/9/06, S24)

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12-1-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

TRANSIENT BUSINESS: Any of the following activities of commerce or commercial activity conducted within the City.

- A. **ESTATE SALESPERSON** is a person employed to sell or put up material goods, chattels or real estate on behalf of an estate or personal representative of an estate or any person employed to assist in the proceedings of an estate sale.
- B. **BUILDING CONTRACTOR** is a person or firm engaged in the several building trades and other types of activities involving manual labor including, but not limited to, the trades and activities of excavators, plumbers, sewer construction and maintenance, concrete or mason work, carpenters, metal working activities, roofing trades, glazing activities, heating or air conditioning, electricians, plastering and lathing activities, tiling activities, painters and decorators, catch basin cleaners, landscaping, forestry or tree services or alarm system installation except those professions or trades licensed by the State of Illinois.

- C. FOOD TRUCK FIRM is the owner, operator, or lessor of any vehicle, or portion thereof, motorized or otherwise, used for the collection, delivery, carrying or transportation of food, foodstuff, food products, nonalcoholic beverages or drink, or ice for sale or incident to sale at retail to persons within the City from the right of way or private property not owned, controlled, or leased by the owner or operator of said truck.
- D. MERCHANDISE TRUCK FIRM is the owner, operator, or lessor of any vehicle, or portion thereof, motorized or otherwise, used for the collection, delivery, carrying or transportation of merchandise, material goods, chattels, wares, or printed material for sale or incident to sale at retail to persons within the City from the right of way or private property not owned, controlled, or leased by the owner or operator of said truck.
- E. RESIDENTIAL SERVICES FIRM is the owner, operator, or lessor of any firm that provides or engages in, any service other than a building contractor, a profession or occupation licensed by the State of Illinois or a utility provider at a residential property within the City.
- F. REFUSE AND JUNK TRUCK FIRM is the owner, operator, or lessor of any vehicle or container, or portion thereof, motorized or otherwise, used for collection, delivery, carrying or transportation of litter, including but not limited to dry or wet garbage, refuse, junk, trash, rubbish, debris, wood, oil, grease, paper, metal, bricks, clothes, furniture, bottles or glassware, for disposal, sale or otherwise.
- G. OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in transient business to maintain or manage its operation.
- H. PERSON: An individual, firm, association, partnership, corporation, trust, or any other legal entity.

12-1-2 LICENSE REQUIRED

No person shall engage in, operate, carry on, or practice any transient business within the City who does not have a valid license issued by the Director of Finance. If any transient business engages in commercial solicitation, said transient business shall also obtain a certificate of registration in accordance with Article 14 Chapter 20 of the Park Ridge Municipal Code.

The current license shall be securely and permanently affixed to the window of each vehicle used by the transient business.

(Ord 2007-02,1/8/07,S25)

12-1-3 TRANSIENT BUSINESS LICENSE INSURANCE

The Director of Finance shall issue a license to operate a transient business unless he or she finds that the applicant is in violation of any conditions that would be cause for revocation of a license or

does not meet the terms and provisions of this Chapter and any other applicable requirements in the Municipal Code.

(Ordin. 2001-01, 01/15/2001, Supp 21)

12-1-4 TERM OF LICENSE

Any person applying for a license with the Director of Finance to operate a transient business shall complete a form that is provided by the City and pay a nonrefundable license fee as outlined in this Chapter. The Director of Finance shall cause to be issued a license to operate a transient business within the City for a period of one year. The license year shall begin on January 1 of the year for which such license is issued and shall terminate on December 31 of the same year. No license shall be issued at less than the yearly fee regardless of the period of the year at which the license may be issued; provided, however, that for a license issued on or after September 1 of any year for the classification of building contractor, the fee shall be one half (1/2) the yearly fee.

12-1-5 FEE REQUIRED

The required license fee shall be collected in full at the time of licensure. In no event shall any rebate or refund be made of any fee by reason of the death of the applicant or by any reason of non-use or discontinuance of the operation of the transient business.

12-1-6 AMOUNT OF FEE

Yearly License fees shall be as follows:

<i>Classification</i>	<u>License Unit</u>	<u>Yearly Fee</u>
Building Contractor	per firm	\$50.00
Food Truck Firm	per truck	\$40.00
Refuse and Junk Truck Firm	1 to 5 trucks	\$100.00
		<i>(Ordin 92-73, 9/21/1992)</i>
Refuse and Junk Truck Firm	over 5 trucks	\$300.00
Estate Salesperson	per person	\$25.00
Merchandise Truck Firm	per truck	\$40.00
Residential Services Firm	per firm	\$50.00

12-1-7 EXCLUSION

The terms and provisions of this Chapter shall not be made applicable to any activity carried on or operated by a governmental institution or jurisdiction or by a religious or charitable institution or organization.

12-1-8 HOMEOWNER BUILDING CONTRACTOR

Homeowners are not required to obtain a building contractor license. A homeowner upon receiving permission and obtaining a building permit from the Building Official, may in his own home install, alter or repair any building or structure, equipment, plumbing system and/or electrical system, provided the homeowner shall reside in the residence being altered or repaired for a period of at least six (6) months following the final inspection for said building permit. If during any scheduled inspections it is found that the homeowner is not complying with the Building Code, the Building Official may require a licensed building contractor to complete the construction specified in the building permit.

12-1-9 ELECTRICAL CONTRACTOR

It shall be unlawful for any person to engage in the business of electrical contracting without being licensed as an electrician or an electrical contractor for the current year in another city or village within the State of Illinois approved by the building official. The electrician or electrical contractor license must be obtained from a city or village that administers a competency exam based upon the National Electrical Code or City of Chicago Electrical Code. Such electrician or electrical contractor shall be required to show proof of such license before a building contractor license will be issued to engage in the business of electrical contracting in the City of Park Ridge.

12-1-10 CONTRACTOR INSURANCE

Any person or firm engaged in the business as a building contractor shall obtain and maintain in full force and effect during the operation of the business liability and property damage insurance in the amount of \$1,000,000 for general liability per occurrence, \$1,000,000 for bodily injury and \$2,000,000 for general aggregate from an insurance company licensed to do business in the State of Illinois and with a minimum insurance rating of B++ as found in the current edition of A.M. Best's Key Rating Guide.

12-1-11 REVOCATION OF TRANSIENT BUSINESS LICENSE

- A. The Director of Finance may, after providing an opportunity for a hearing, revoke a transient business license for violating any of the requirements in each and every Article and Chapter of the Park Ridge Municipal Code including, but not limited to:
 - a. Violating terms and provisions of the Health Code; or
 - b. Violating terms and provisions of the Building Code; or
 - c. Failing to pay any taxes, fees or fines owed the City; or

- d. Creating any condition or conducting or performing any act, practice, or trade that would be classified as a nuisance, or would result in an annoyance or discomfort to the public, or be detrimental to the health or safety of the inhabitants of the City; or
 - e. Committing any act considered home repair fraud or aggravated home repair fraud as defined in Chapter 815 Act 515 Section 3 and 5 of the Illinois Compiled Statutes (815 ILCS 515/3 and 5); or
 - f. Making false statements on the original contractor license application; or
 - g. Making false statements on a building permit application; or
 - h. Failing to meet the requirements of this chapter; or
 - i. Interfering with the Building Official, Health Authority, or Director of Finance in the performance of his or her duties.
 - j. Conviction of any Felony as defined in Chapter 720 Act 5 Section 2-7 of the Illinois Compiled Statutes (720 ILCS 5/2-7).
- B. Prior to revocation, the Director of Finance shall notify, in writing, the holder of the transient business of the specific reasons for which the license is to be revoked and that the license shall be revoked at the end of ten (10) days following service of such notice; unless, a written request for a hearing is filed with the Director of Finance by the license holder within such ten (10) day period. If no request for a hearing is filed within the ten (10) day period, the revocation of the license becomes final.

12-1-12 PENALTY

- A. It shall be unlawful for any person or owner or operator of any transient business to violate any of the terms or provisions of this Chapter. Any person who violates any provision of this Chapter shall be fined in an amount not less than twenty-five (\$25.00) nor more than one thousand dollars (\$1000.00).
- B. A separate offense shall be deemed committed for each day such violation is committed or permitted to continue and shall be punishable as such hereunder.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 2 COMMERCIAL BUILDINGS

(Ord2006-83, Entire Re-write, 10/9/06,S24)

SECTION

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12-2-4	Term of Licensure
12-2-5	Transfer/Assignment of License
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12-2-9	License
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12-2-11	Multiple Classifications
12-2-12	Exclusions
12-2-13	Suspension/Revocation or Refusal to Issue a Commercial Business License
12-2-14	Appeal Procedure
12-2-15	Penalty

12-2-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of a building and located on the same lot with the principal use of the building.

BASEMENT: The portion of a building located partly underground but having less than one-half (1/2) its clear floor to ceiling height below the average grade of the adjoining ground.

CELLAR: The portion of a building located partly or wholly underground but having one-half (1/2) or more than one-half (1/2) of its clear floor to ceiling height below the average grade of the adjoining ground.

COMMERCIAL BUSINESS ESTABLISHMENT: Any building or portion thereof used for the exchange, or buying and selling of a commodity or service, including but not limited to the following:

- A. FOOD ESTABLISHMENT is a building or premises or a portion thereof which is used for the sale or dispensing or distribution or serving of food, food stuff or drink for consumption on or off the premises.
- B. SERVICE ESTABLISHMENT is a building or premises or a portion thereof which is used for the business of rendering personal commercial services, including, but not limited to:
1. The cutting, styling, setting or washing of human hair or wig;
 2. The wholesale distribution or storage of material goods or chattels;
 3. The sale or servicing or storage of motor equipment or motor vehicles;
 4. The washing or cleaning or dyeing or repair of fabrics or wearing apparel or footwear;
 5. The storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment;
 6. The storage or distribution of fuels or petroleum products;
 7. The services of printing or blueprinting or photocopying or multi-lithing or publishing or duplicating or similar reproduction services;
 8. The provision of facilities for a hotel, motel or apartment hotel, rooming house, nursing home or similar housing facilities for transient or permanent guests or persons;
 9. The provision of facilities for education, instruction or training or participation in or presentation including but not limited to the fine arts, athletic skills or dexterity or physical skills or dexterity, entertainment or recreation, computers or business skills, excluding any schools operated under the authority of the State School Code;
 10. Funeral homes;
 11. Childcare facilities; and
 12. Contractor's shops and material storage yards.
- C. RETAIL SALES ESTABLISHMENT is a building or premises or portion thereof which is used for the retail sale or distribution of material goods or chattels not included with or related to the sale or the provision of services of food establishments or service establishments.

- D. PROFESSIONAL OR OTHER ESTABLISHMENT is a building or premises or portion thereof which is used for the business of rendering professional services including, but not limited to health, medical or dental care, banking or financial affairs, travel, insurance, legal affairs, real estate, clerical or data processing affairs, advertising, brokering, construction, architecture, engineering, planning, or accounting.
- E. HOME OCCUPATION is a commercial business establishment that is permitted to operate within a residential zoning district and complies with the home occupation provisions of the Park Ridge Zoning Ordinance.

FLOOR AREA: The sum total of the gross horizontal areas of all the several floors of a building and its accessory buildings and the land area around the building that is used for the operation of the commercial business establishment measured in square feet. Building area shall be measured from the exterior faces of the exterior walls or from the center line of party walls separating two (2) buildings or business establishments on each of the respective floors and shall include the basement floor, cellar floor, elevator shafts and stairwells at each floor, floor space used for the operation of the commercial business, whether open or enclosed, including such areas as may be located on the roof, penthouse, attic space, balconies, mezzanines, porches, verandas, and any floor area devoted to and occupied by accessory uses. In computing such floor area, open area devoted to employee and customer vehicular parking, loading or landscaping or roof areas occupied by mechanical equipment, tanks and the like shall not be included.

OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient propriety interest in a commercial establishment to maintain and manage its operation.

PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

SERVICE: Useful labor that does not produce a tangible commodity.

12-2-2 **LICENSE REQUIRED**

No person shall operate a commercial business establishment within the City who does not have a valid license issued by the Director of Finance. No new license shall be issued without approval of the Health Authority (as defined in Article 5) and Director of Community Preservation and Development. Licensure shall consist of payment of a nonrefundable license fee and submission of an application to the Director of Finance, on a form provided by the City. The application form shall include the following information:

- A. The name of the business;

- B. The address of the building in which it is conducted, and the location of the business within said building, if applicable;
- C. The name of the person operating or managing the business;
- D. The name, home address and home telephone number of the person(s) to be contacted in case of emergency during non-business hours;
- E. The name, address and telephone number of the building owner or his agent;
- F. The nature of the business activity conducted therein and the type of commercial business establishment(s);
- G. If a food establishment, service establishment, professional and other establishment or retail sales establishment, as defined herein, the floor area of the business computed as prescribed herein;
- H. A statement as to whether licenses granted by any state, municipality or other licensing authority have ever been revoked for the establishment or the owner, or whether a license issuance or renewal has been refused to the establishment or the owner and the reasons for such revocation or refusal to issue;
- I. A statement as to whether the applicant seeking such a license or the principal officer or officers of the organization he/she represents has ever been convicted of a felony, and, if so, the nature thereof and the penalty assessed therefore; and
- J. Any additional information required by the Director of Finance.

12-2-3 COMMERCIAL BUSINESS LICENSE ISSUANCE

The Director of Finance shall issue a license to operate a commercial business establishment unless he or she finds that:

- (a) the applicant does not have the approval of the Health Authority (as defined in Article 5) and Director of Community Preservation and Development;
- (b) the establishment is in violation of any condition that would be cause for revocation of a license;
- (c) the establishment does not meet the terms and provisions of this Chapter or any other applicable requirement in the Municipal Code or Zoning Ordinance;
- (d) the application contains any false, fraudulent or misleading material statement;

(e) the applicant has suffered a revocation or refusal to issue or renew a license by any state, municipality or licensing authority; or

(f) the applicant did not pass any required inspections

In addition, no license shall be issued to any applicant if the applicant, license holder, prior license holder for the same premises or any predecessor to the business interest of the current license holder has not paid any fees, fines, judgment or forfeitures due and owing to the City. The license issued hereunder shall serve as the license or permit required for any commercial business establishment required in any other section of the Municipal Code, however, nothing in this Code shall be construed to limit the City's authority to regulate a commercial business establishment granted in any other section of the Municipal Code. The license will be dated and state the date of expiration. In addition, the license shall include a unique number that represents the specific commercial business establishment, license holder, type of establishment(s), and the location of the establishment for that current year. The current license shall be displayed on the exterior door or window of the establishment in a location conspicuous to the public; or if there is no exterior door or window, the license shall be displayed on the door leading into the establishment or posted within the establishment in a conspicuous location.

12-2-4 TERM OF LICENSURE

Subject to the terms of this Chapter, the Director of Finance shall cause to be issued a license for a commercial business establishment for a period of one year; which shall begin on January 1 of the year for which such a certificate is issued and shall terminate on December 31 of the same year. No license shall be issued at less than the yearly fees; provided, however, that where such license is issued on or after July 1, the fee shall be one-half (1/2) of the yearly fee. A penalty of twenty percent (20%) of the fee set forth in Section 12-2-7 shall be added for late payment of the license. Any commercial business establishment operated by a governmental or religious institution shall be exempt from the license fee.

12-2-5 TRANSFER/ASSIGNMENT OF LICENSE

No license may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person shall use or display any license certificate, tag, badge or sticker which has been improperly acquired.

12-2-6 PAYMENT AND RELOCATION

The required fee for each license issued shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any fee, or part thereof, by reason of the death of the registrant or by any reason of non-use or discontinuance of the operation

of the commercial establishment. In the event a commercial establishment moves its place of operation from one location in the City to another location in the City, a new license and license fee shall be required for the new location in accordance with the terms and provisions of this Chapter.

12-2-7 AMOUNT OF FEE

Yearly fees for registration of commercial establishments shall be as follows:

<u>Classification</u>	<u>Step</u>	<u>Floor Area in Square Feet</u>	<u>Annual Fee</u>
A-Food Establishment	1	0 - 1,000	\$105.00
A-Food Establishment	2	1,000 - 5,000	175.00
A-Food Establishment	3	5,000 - 10,000	250.00
A-Food Establishment	4	10,000 - 20,000	350.00
A-Food Establishment	5	20,000 - and over	450.00
B-Service Establishment	1	0 - 1,000	\$75.00
B-Service Establishment	2	1,000 - 5,000	100.00
B-Service Establishment	3	5,000 - 10,000	150.00
B-Service Establishment	4	10,000 - 20,000	200.00
B-Service Establishment	5	20,000 - and over	275.00
C-Retail Sales Establishment	1	0 - 1,000	\$50.00
C-Retail Sales Establishment	2	1,000 - 5,000	75.00
C-Retail Sales Establishment	3	5,000 - 10,000	100.00
C-Retail Sales Establishment	4	10,000 - 20,000	125.00
C-Retail Sales Establishment	5	20,000 - and over	175.00
D-Professional and Other	1	0 - 1,000	\$25.00
	2	1,000 - 5,000	45.00
	3	5,000 - 10,000	65.00
	4	10,000 - 20,000	85.00
	5	20,000 - and over	105.00
E-Home Occupations			\$20.00

12-2-8 COMPUTATION

Total floor area for the determination of the yearly fee shall be determined in accordance with the definition of "floor area" in Section 12-2-1. All measured area expressed in square feet shall be to the nearest integral square foot, if a fraction is one-half (1/2) square foot or more the integral square foot next above shall be taken.

12-2-9 LICENSE

The Director of Finance shall cause to be maintained a record of all commercial establishments as from time to time may be deemed necessary for the purpose of classifying, inspecting, and serving all commercial establishments in the City. Subject to the terms and provisions of this Chapter, upon payment in full of the required license fee to the City, the City shall issue a tag or sticker or certificate or similar evidence of licensure that shall be displayed by the owner of the commercial establishment in a conspicuous place.

12-2-10 SITE COVERED

A separate license shall be required for each location of a commercial establishment or portion thereof. For the purposes of this Chapter, the determination of one location shall be construed that all buildings containing the principal or accessory uses be connected or on the same lot or parcel, be operated and managed by the same person or owner, and be a commercial establishment with the same classification; provided, however, that two (2) or more buildings separated by one or more dedicated public rights-of-way or by one or more buildings or vacant lots or parcels shall not be considered as one location.

12-2-11 MULTIPLE CLASSIFICATIONS

Should the operation and management of a commercial establishment in one location by the same owner or person involve the operation of two (2) or more commercial business establishment classifications as defined in this Chapter, then and in that event the yearly license fee shall be determined as follows:

- A. If the multiple classifications include a food establishment, then the food establishment fees shall apply for the total floor area of all classifications.
- B. If the multiple classifications include a food establishment that sells, distributes, or serves only non-perishable and non-potentially hazardous prepackaged food and the amount of said food display area occupies less than thirty (30) square feet of floor space, such area shall not be considered a food establishment classification and the other classification shall be used to determine the annual license fee.
- C. If the multiple classifications include a service establishment, but not a food establishment, then the service establishment fee shall apply for the total floor area of all classifications.
- D. If the multiple classifications include a retail sales establishment but not a service establishment or food establishment, then the retail sales establishment fee shall apply for the total floor area.

12-2-12 EXCLUSIONS

The terms and provisions of this Chapter shall not be made applicable an outdoor café, a massage therapy establishment, or a Children's Hospital, which are licensed as prescribed in Article 5 Chapter 3.1, Article 5 Chapter 15, and Article 5 Chapter 14, respectively, in the Park Ridge Municipal Code.

12-2-13 SUSPENSION/REVOCAION OR REFUSAL TO ISSUE A COMMERCIAL BUSINESS LICENSE

- A. The Director of Finance or Health Authority may, after providing an opportunity for a hearing, refuse to issue, suspend for a period of time or revoke a commercial establishment business license for violating any of the requirements in each and every Article and Chapter of the Park Ridge Municipal Code including, but not limited to:
- a. Violating terms and provisions of the Health Code; or
 - b. Violating terms and provisions of the Building Code; or
 - c. Violating terms and provisions of the Zoning Ordinance; or
 - d. Violating terms and provisions of the Fire Regulations; or
 - e. Failing to pay any taxes, fees or fines owed the City; or
 - f. Creating any condition or conducting or performing any act, practice, or trade that would be classified as a nuisance, or would result in an annoyance or discomfort to the public, or be detrimental to the health or safety of the inhabitants of the City; or
 - g. Making false statements on the commercial business license application; or
 - h. Failing to meet the requirements of this chapter; or
 - i. Interfering with the Building Official, Health Authority, Director of Finance or any duly authorized employee of the City in the performance of his or her duties; or
 - j. The owner or operator has been Convicted of any Felony as defined in Chapter 720 Act 5 Section 2-7 of the Illinois Compiled Statutes (720 ILCS 5/2-7).
 - k. The owner or operator or his or her employees are practicing a profession without the required State License.
 - l. Refusal to permit inspections by City staff as required for the issuance of the license.
- B. Prior to revocation, suspension or refusal to issue a license, the Director of Finance or Health Authority shall notify, in writing, the applicant or holder of the commercial business license of the specific reasons for which the license is to be suspended, revoked or which will not be issued and of the applicant or license holder's right to request a hearing before the Administrative Adjudication Hearing Officer or his/her designee regarding the proposed action. Unless a written request for a hearing is filed with the Director of Finance or Health Authority by the license holder within such ten (10) calendar day period, the license shall be revoked at the end of ten (10) calendar days following service of such notice. If no request for a hearing is filed within the ten (10) calendar day period, the decision of the Director of Finance or Health Authority becomes final.

- C. The notice shall be personally served or mailed, postage prepaid, to the applicant or license holder at the last known address of the license holder or applicant listed on the most recent application for a license.
- D. The Administrative Adjudication Hearing Officer, within seven (7) calendar days of receipt of a request for a hearing, will set a date, place and time for the hearing and shall notify the applicant or license holder of the date, place and time of the hearing via a notice personally delivered or sent by U.S. mail, postage prepaid. The initial date for a hearing shall be no more than twenty-one (21) calendar days after receipt of the written request for a hearing.
- E. The applicant or license holder shall have the right to be represented by legal counsel at such hearing.
- F. At the conclusion of the hearing, the Administrative Adjudication Hearing Officer shall issue a written decision and findings of fact and shall mail the same to the applicant or license holder. The written decision shall state that the applicant or license holder may seek judicial review of the decision pursuant to the Illinois Administrative Review Law. The decision and findings of fact shall be mailed within five (5) business days following the conclusion of the hearing or the receipt of any transcript thereof, whichever is the latest to occur.
- G. Twenty-four (24) hours before the commencement of any suspension or revocation, the City of Park Ridge Health Authority or Police Department shall post on all entrances to the licensed premises a placard entitled, "Notice of Closure." The title shall be in letters not less than one inch (1") high. In the case of a suspension, the notice of closure shall give the times of the suspension and in the case of a revocation state the exact time when the revocation goes into effect. The notice of closure shall also state the section number and title of the city code or state law, which has been violated along with the telephone number of appropriate City department that may be called for additional information. The notice of closure shall not be removed before the suspension period or less than seven days after the posting of a revocation notice.
- H. Any suspension, revocation or penalty for food service establishments or retail food establishments shall be done in accordance with Article 5 of the Code and the provisions in this Chapter shall not apply to any suspension, revocation or penalties for food service establishments.
- I. A court reporter will be provided by the City for all hearings held pursuant to this Chapter.

12-2-14 APPEAL PROCEDURE

Any applicant or license holder whose license is suspended, refused issuance or revoked by the Administrative Adjudication Hearing Officer shall have the right to seek judicial review of the

decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.* Any applicant or license holder who files such an action for judicial review shall pay the costs of preparing and certifying the record of proceedings pursuant to Section 5/3-109 of the Administrative Review Law, 735 ILCS 5/3-109.

12-2-15 PENALTY

In addition to the revocation and suspension procedure outlined above, any person or any owner of a commercial establishment in the City violating any of the terms or provisions of this Chapter or of the Park Ridge Municipal Code, upon conviction thereof, shall be fined in an amount not less than twenty-five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500.00). A separate offense shall be deemed committed for each day such violation is committed or permitted to continue and shall be punishable as such hereunder.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 3 EMERGENCY ALARM SYSTEMS

SECTION

12-3-1	Definitions
12-3-2	Registration Required; Fee; Application
12-3-3	Receiving Station Alarms and Digital Dialer Systems
12-3-4	Local Alarms and Direct Dialers
12-3-5	Permit Revocation or Suspension; Fines for Excessive False Alarms
12-3-6	Penalty

12-3-1 DEFINITIONS

Alarms: An "alarm" as the term is used herein, shall be construed to include and mean any device known as a fire, burglar, holdup or medical alerting alarm.

- A. Fire Alarm: A system designed to notify the Fire Department, either automatically or by manual operation, of an actual or imminent fire.
- B. Burglar Alarm: A system designed to notify the Police Department, either automatically or by manual operation, of an unauthorized intrusion.
- C. Holdup Alarm: A system designed to notify the Police Department of a robbery or other serious criminal act.
- D. Medical Alert Alarm: A system to notify the Police Department of a medical emergency.
- E. Local Alarm: An audible or visual alarm not telephonically connected.

False Alarm: The transmission of any alarm signal caused by human error or mechanical malfunction, whether or not the exact cause of the error or malfunction is identified, or any other activation of the signal when no actual emergency exists, other than for testing purposes.

Subscriber: A person, firm or corporation utilizing a receiving station alarm or digital dialer system and paying a fee therefore.

Type of Alarm Systems:

- A. Receiving Station Alarms: Also called "Direct System." A system connected directly to the Police Department Communications Center from the source of the alarms by permanent, dedicated telephone lines, which constantly scans its customers' alarms and (1) provides a coded tape if an alarm is activated, which tape states the type of alarm, time received, location and alarm status, or (2) results in an employee telephoning the Police Department Communications Center.
- B. Direct Dial System: A system employing automatic telephone dialing services which transmits a prerecorded taped voice message via a telephone trunk line.
- C. Digital Dialer System: A system employing automatic telephone dialing devices which transmits a coded message via a telephone trunk line.
- D. Local Alarm: An alarm that sounds audibly or visually on the exterior of the premises of the user.

12-3-2 REGISTRATION REQUIRED; FEE; APPLICATION

- A. Every alarm system installed in any structure in the City shall be registered with the Police Chief, except those alarms which do not transmit a signal outside the structure in which they are installed.
- B. Application for registration shall be on forms provided by the Police Chief. The application shall be signed by the user of the alarm system and shall provide that the applicant agrees that the City shall not be liable for any failure of service nor for any damage that might result from the installation or operation of the alarm system; and that the applicant shall hold the City harmless from all claims, demands, judgments, liability and costs arising from the operation of the alarm system. The applicant shall certify that he has provided for the maintenance service on the alarm system at any time. The applicant shall also provide the names of not less than two (2) persons having access to the alarm system at all times to reset it after activation. The applicant shall notify the Police Chief of any change in such person.
- C. There shall be a one-time fee of fifty dollars (\$50.00) for registration of each alarm system, except those systems required under Section 12-3-3D hereof to pay a monthly fee.

- D. Registration of any alarm system installed by a contractor required by Chapter 225 ILCS 445/1 of the Illinois Compiled Statutes, to be licensed shall require evidence of such license.
- E. No alarm service contractor shall install, modify or alter any alarm system unless a building permit has been issued for such work by the City. All components of an alarm system and the method of installation thereof shall receive approval of the City. No building permit shall be issued for any alarm service contractor not licensed by the State of Illinois.

12-3-3 RECEIVING STATION ALARMS AND DIGITAL DIALERS SYSTEMS

- A. All direct receiving station alarm systems and digital dialer systems shall meet the following minimum standards:
 - 1. The system shall conform to all applicable standards of the Underwriters Laboratories or the National Fire Protection Association.
 - 2. Alarm systems shall be maintained by the owner or lessee in such physical condition that false alarms will be prevented.
- B. Every alarm service company which has installed a direct alarm system or digital dialer system in the City shall provide a current list of such installations to the Police Chief, or his representative, and include in such lists:
 - 1. The name, home address and telephone number of the device's owner or lessee;
 - 2. The address of the location where the device is installed and the telephone number at that location;
 - 3. Other information as may be deemed necessary by the City's alarm system coordinator for the proper maintenance of system records.
- C. An alarm system requiring a voltage exceeding sixty (60) volts to operate shall be installed only by a registered electrician. Inspection and approval of the City Electrical Inspector will be required.
- D. The alarm service company or agent installing a direct connection or digital dialer connection to the City's alarm system shall pay to the City a fee of ten dollars (\$10.00) per month for each burglar, holdup or medical alert alarm, and a fee of four dollars (\$4.00) per month for each fire alarm.
- E. Applicants making connection to the fire or police panels shall be required to furnish a suitable signal to the receiving station location in the communications center.

12-3-4 LOCAL ALARMS AND DIRECT DIALERS

- A. It shall be unlawful for any person to permit any local alarm system to sound continuously for more than fifteen (15) minutes or repeatedly for more than twenty (20) minutes. The sounding of such alarm is hereby declared to be a public nuisance.
- B. No person shall operate or maintain a direct dialer system which dials any telephone number within the Police Department or Fire Department except such number designated by the Police Chief.
- C. Direct dialers shall not be used for signaling fire or medical alert alarms.

**12-3-5 PERMIT REVOCATION OR SUSPENSION;
FEES FOR EXCESSIVE FALSE ALARMS**

- A. The Police Chief of the City shall have the authority to revoke or suspend the operation of alarm systems, including local alarms, if any inspection or other evidence reveals noncompliance with the provisions of this Chapter.
- B. If the Police Department or Fire Department responds to more than two (2) false alarms at any residential premises or more than four (4) false alarms at any commercial or institutional premise, having a fire, burglar, holdup, or medical alert alarm in a calendar year, the user of such alarm system shall pay the City the following amounts within thirty (30) days after the response for which the charge is made:

Residential Alarms		Commercial or Institutional Alarms	
3rd response	\$50	5th response	\$50
4th response	60	6th response	60
5th response	70	7th response	100
6th response	80	8th response	150
7th response	90	9th response	200
8th response	100	10th response	300
9th response	150	11th response	400
10th response	200	12th response	500
After 10	200	After 12	500

- 1. Within fifteen (15) working days, after the Department responds to a false alarm, the Police Chief shall mail a notice to the alarm user of the charge.

2. Within fifteen (15) working days, after receiving notice of a false alarm charge, the alarm system user may file a written request with the Police Chief to reconsider whether a fee must be paid, stating the reasons for the request.
 3. After the receipt of a request for reconsideration from a user, the Police Chief shall notify the user of his decision. The Chief's decision shall be final.
 4. Whenever a new alarm system is installed, the user shall be given fifteen (15) days from the date of the installation of such alarm system within which no alarm from the premises shall be deemed to be a false alarm.
- C. If the Police Department responds to more than ten (10) false alarms at the same premise in a calendar year, or the user fails to pay the fees assessed for false alarms, the Police Chief may revoke or suspend permission of the user to operate the alarm system.

12-3-6 PENALTY

Any person violating any of the provisions of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord 2007-30, 4/2/07, S25)

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 4 SALES AND ADVERTISING

SECTION

12-4-1	Definitions
12-4-2	License Required
12-4-3	Application for License, Contents, Inventory
12-4-4	Issuance of License; Restrictions
12-4-5	Record of Application
12-4-6	Duration of Sale, License Fee
12-4-7	License Fee
12-4-8	Copy of Application, Inventory of License Posted
12-4-9	Substitution, Addition and Commingling of Goods; License Void
12-4-10	Fraudulent Advertising; Application of Provisions
12-4-11	Pump Price Advertising
12-4-12	Penalty

12-4-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

GOING OUT OF BUSINESS SALE: Any sale, whether described by such name or by another name (such as, but not limited to, "closing out sale", "liquidation sale", "lost our lease sale", "forced to vacate sale"), held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted.

GOODS: All goods, wares, merchandise and other personal property, excepting personal property and money.

PERSON: Includes a person, firm, corporation, partnership, association or two (2) or more persons having a joint or common interest.

REMOVAL: Any sale held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted, and there after will be moved to and occupy another location.

12-4-2 LICENSE REQUIRED

No person shall directly or indirectly advertise or cause to be advertised, represent or cause to be represented, or hold out to the public in any manner that any sale of goods is an insurance, salvage, removal, going out of business, insolvents, assignees or creditor sale of goods, or that it is a sale of goods which has been damaged by fire, smoke, water or otherwise, unless such person shall first have obtained a license to conduct such sale under one of such descriptive names, from the Director of Finance; provided, however, that this Chapter shall not apply to any sales directly ordered by any court or referee in bankruptcy, or to any person acting under the direction or supervision of State or Federal courts in the course of their office duties.

12-4-3 APPLICATION FOR LICENSE, CONTENTS, INVENTORY

Any applicant for a license under this Chapter shall file an application in writing and under oath with the Director of Finance setting out the following facts and information regarding such proposed sale:

- A. The name and address of the applicant for the sale, who must be the owner of the goods to be sold, and in addition, if the applicant is a partnership, corporation, firm or association, the name and position of the individual filing such application.
- B. The name and style in which such sale is to be conducted, and the address where such sale is to be conducted.
- C. The dates and period of time during which the sale is to be conducted.
- D. The name and address of the person or persons who will be in charge of and responsible for the conduct of such sale.
- E. A full explanation with regard to the condition of necessity which is the occasion for such sale including a statement of the description name of the sale and the reasons why such name is truthfully descriptive of the sale.
- F. If the application is for a license to conduct a going out of business sale, it shall contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale.

- G. If the application is for a license to conduct a removal sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be removed.
- H. Otherwise, it shall also contain a statement as to the time, location and cause of such damage.
- I. A full, detailed and complete inventory of the goods that are to be sold, inventory shall:
1. Itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if any, to clearly identify it;
 2. List separately any goods which were purchased during a sixty (60) day period immediately prior to the date of making application for the license; and
 3. Show the cost price of each item in the inventory together with the name and address of the seller of the item to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost.
- J. A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment.
- K. A statement that the applicant has in the past maintained a place of business within the City where the goods so listed in his inventories have been sold or offered for sale for not less than four (4) months prior to the time of making application for such license. However, the subsection shall not apply to any applicant who has acquired a right, title or interest in the goods as:
1. An heir, devisee, legatee or surviving joint tenant, or
 2. An executor, administrator, trustee, guardian or conservator, or
 3. Pursuant to an order or process of a court of competent jurisdiction.
- L. The application for license shall be subscribed and sworn to under oath by the applicant.

12-4-4 ISSUANCE OF LICENSE; RESTRICTIONS

The Director of Finance, upon receipt of an application giving fully and completely the information under oath as required by Section 12-4-3 above, shall issue a license to the application therefor, authorize such applicant to advertise, represent and to sell the particular goods it so inventoried at the time and place stated in the application and in accordance with the provisions of this Chapter. The license shall be issued in duplicate and shall bear a number and a date of its

expiration. A license issued under this Act shall be granted and valid only for the sale of the inventoried goods which are the property of the licensee. The license shall apply only to the premises specified in the application, and it may not be transferred or assigned. If a licensee under this Act is engaged in business at other locations, advertising or offering goods on behalf of such locations shall not represent or imply any participation in or cooperation with the sale on the premises specified in the license, nor shall any advertising or any other offering of goods on behalf of the premises where the licensed sale is being conducted represent or imply any participation in or cooperation with such sale at other locations.

12-4-5 RECORD OF APPLICATION

The Director of Finance shall endorse upon each such application the date of the filing and shall preserve it, and the inventory attached to it, as a public record within his office. A copy of the inventory shall be available for public inspection in the office of the Director of Finance.

12-4-6 DURATION OF SALE; LICENSE FEE

License to conduct a sale issued pursuant to this Chapter shall not be issued or valid for a period of more than sixty (60) days from the start of such sale. Such sale may be conducted only during the period set forth in such license; provided, however, that such license may be renewed once only for a period not to exceed thirty (30) days upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no new goods have been or will be added to the inventory previously filed pursuant to this Act, by purchase, acquisition or consignment or otherwise. The application for the license shall be made not more than fourteen (14) days prior to the time of the expiration of the license and shall contain a new inventory of the goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory.

12-4-7 LICENSE FEE

A fee of twenty-five dollars (\$25.00) shall accompany an application for a license and for the renewal of a license.

12-4-8 COPY OF APPLICATION, INVENTORY AND LICENSE POSTED

A copy of the application for a license to conduct a sale under this Chapter, including the inventory filed therewith, shall be posted in a conspicuous place in the sales rooms or place where the inventoried goods are to be sold, so that the public may be informed of the facts relating to the goods before purchasing the same; provided, however, that such copy need not show the purchase price of the goods. The duplicate copy of a license issued hereunder shall be attached to the front

door of the premises where the sale is conducted in such a manner that it be clearly visible from the street.

12-4-9 SUBSTITUTION, ADDITION AND COMMINGLING OF GOODS; LICENSE VOID

Any substitution for or addition to goods described in an inventory filed pursuant to this Chapter, or any change in the time or place for a sale conducted pursuant to this Chapter shall be unlawful and shall void any license issued to conduct a sale pursuant to this Chapter, and such license shall cease to apply to such sale.

12-4-10 FRAUDULENT ADVERTISING; APPLICATION OF PROVISIONS

It shall be unlawful for any person, firm, corporation or association, or agent or employee thereof to sell, purchase or in anywise dispose of, or to contract with reference to merchandise, securities, real estate, service, employment, money, credit or anything offered by such person, firm, corporation or association, or agent or employee thereof, directly or indirectly, to the public for sale, purchase, loan, distribution, or the hire of personal services, or to increase the consumption of, or to contract with reference to any merchandise, real estate, securities, money, credit, loan, service or employment, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto or an interest therein, or to make any loan, make, publish, disseminate, circulate, or to place before the public, or to cause directly or indirectly, to make, publish, disseminate, circulate, or to place before the public, or to cause directly or indirectly, to make, publish, disseminate, circulate, or to place before the public, in the City in a newspaper, magazine or other publication, or in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, letter, placard, label or over any radio or television station, or in any other way similar or dissimilar to the foregoing, an advertisement, announcement or statement of any sort regarding merchandise, securities, real estate, money, credit, service, employment or anything so offered for use, purchase, loan or sale, or the interest, terms or conditions upon which such loan will be made to the public where such advertisement contains any assertion, representation or statement of any fact which is untrue, misleading or deceptive. This Section shall not apply to any medium for printing, publishing or disseminating or advertising, or any owner, agent or employee thereof, nor to any advertising agency or owner, agent or employee thereof, nor to any radio or television station, or owner, or agent, or employee thereof, for printing, publishing or disseminating or causing to be printed, published or disseminated such advertisement in good faith and without knowledge of the deceptive character thereof.

12-4-11 PUMP PRICE ADVERTISING

It shall be unlawful for any person to exhibit or permit the exhibition of a sign or other form of advertising display, communicating the purchase price of gasoline for use as motor fuel unless such sign or advertising display contains in one set of identically sized digits the exact price shown

on the pump and to be paid by a purchaser of the gasoline advertised, including all taxes and other charges.

12-4-12 PENALTY

Any person violating any of the provisions of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day shall constitute a separate offense.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 5 COIN-OPERATED MACHINES

SECTION

12-5-1	Definitions
12-5-2	License Required
12-5-3	Applications
12-5-4	Limitation on Number of License
12-5-5	Revocation of License
12-5-6	Term of License
12-5-7	Fee Required
12-5-8	Amount of Fee
12-5-9	License Tag or Insignia
12-5-10	Penalty

12-5-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

COIN-OPERATED AMUSEMENT DEVICE: Any amusement machine or device operated by means of insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines, children's rides or musical devices.

INSPECTOR: That person designated by the City staff to inspect vending machines or coin-operated amusement devices and enforce the provisions of this Chapter.

MAINTAIN: The placing or exhibiting, or allowing the placing or exhibiting, or otherwise keeping a coin-operated amusement device or vending machine for the purpose of use or play.

MALFUNCTION: Malfunction occurs whenever a member of the general public does not receive the item sought in the vending machine or does not receive the game or amusement provided by said coin-operated amusement device after depositing money in said machine or device.

OPERATOR: Any person who by contract, agreement or ownership takes responsibility for furnishing, installing, servicing, operating or maintaining one or more vending machines or coin-operated amusement devices.

PERSON: Any individual, partnership, corporation, company, firm, institution, trustee, association or any other public or private entity except a governmental institution.

PROPRIETOR: Any person, firm, partnership, corporation or association that, as owner, lessee, proprietor or otherwise controls any establishment, place or premises in or at which a coin-operated amusement device or vending machine is maintained within the City.

VENDING MACHINE: Any self-service mechanical container or device used for the sale or dispensing of any beverage; article of food; cigarettes; candy or gum; cleaning ingredient, solution, detergent; newspapers; any tangible property related to personal hygiene; children's rides; the operation of which is governed or controlled by the deposit of a coin or token. Vending machine shall also mean any contrivance or device, which, upon insertion of a coin, slug, token, plate, disc or key into any slot or other opening, produces, plays or emits songs, music or other prerecorded entertainment, movie or television entertainment.

12-5-2 LICENSE REQUIRED

It shall be unlawful for any operator or proprietor to maintain a coin-operated amusement device or vending machine without having first obtained the license required hereby.

12-5-3 APPLICATIONS

Any person desiring to operate one or more vending machines or coin-operated amusement devices in the City shall make application in writing to the Director of Finance on a form provided by the City and shall specify:

- A. The name and address of the applicant, and if a firm, partnership, corporation or association, the principal officers thereof and their addresses.
- B. The address of the premises where the licensed device is to be operated, together with the character of the business as carried on at such place, and the square footage of floor space open to the general public.
- C. The trade name and general description of the device to be licensed, the name of the manufacturer and the serial number.

The proper license fee shall accompany such application. If the license is denied, the fee shall be returned to the applicant. Such license shall be non-assignable and nontransferable, and in the case of the proprietor shall apply only to the premises for which such license is issued.

12-5-4 LIMITATION OF NUMBER OF LICENSES

It shall be unlawful for any proprietor to have more than one license for a coin-operated amusement device for the first two thousand (2,000) square feet of floor space open to the general public and one additional license for one thousand (1,000) additional square feet thereafter, except that additional devices may be licensed as an accessory use to a restaurant when authorized by a special use permit issued pursuant to the Zoning Code of the City. In addition to the provisions of this Chapter, any license issued pursuant to a special use permit may be revoked for violation of any of the conditions of that permit.

12-5-5 REVOCATION OF LICENSE

The City shall have the right to revoke any license issued hereunder for any malfunction, for the violation of any of the provisions of Article 5 of this Code pertaining to the sanitary vending of food and beverages.

12-5-6 TERM OF LICENSE

Subject to the terms and provisions of this Chapter, the Director of Finance shall cause to be issued a permit for the operation of each vending machine and coin-operated amusement device located within the City for a period of one license year which shall begin on January 1 and shall terminate on December 31 of the same year of issuance. No license shall be issued at the yearly rate of license fees, except for the full license year; provided, however, that where such permit is issued on or after July 1, the license shall be one-half (1/2) of the yearly fee for the unexpired term of the license year.

12-5-7 FEE REQUIRED

The required fee for each permit issued shall be collected in full at the time of the issuance and delivery thereof. In no event shall any rebate or refund be made of any license fee or part thereof by reason of the death of the permittee or by any reason of nonuse of a license or discontinuance of the operation of the vending machine or coin-operated amusement device.

12-5-8 AMOUNT OF FEE

Yearly fees for licenses to permit the operation of vending machines and coin-operated amusement devices located within the territorial limits of the City shall be as follows:

Vending machines requiring a deposit of (in coins)	Fee
\$0.01 through \$0.09	\$ 5.00
0.10 through 0.49	15.00
0.50 or more	25.00
Coin-operated amusement device	125.00

12-5-9 LICENSE TAG OR INSIGNIA

The operator's permit number, of a size and style approved by the vending machine inspector, shall be conspicuously displayed on each vending machine and coin-operated amusement device operated by him. The proprietor of any vending machine shall, in a conspicuous location on the vending machine, place the following notice:

"In the event of machine malfunction or unsanitary conditions, contact the Health Inspector of the City of Park Ridge."

The notice shall also contain the name, address and phone number of the operator.

12-5-10 PENALTY

Any person, operator, proprietor or owner of any vending machine or coin-operated amusement device located within the City violating any of the terms and provisions of this Chapter shall be fined in an amount not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day such violation is committed or permitted to continue and shall be punishable as such hereunder.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 6 ALCOHOLIC LIQUORS

(Ordin. 2003-56, 10/7/2003, Supp23 Entire Rewrite)

SECTION

12-6-1	Definitions
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12-6-4	Local Liquor Control Commissioner
12-6-5	Liquor License Review Board
12-6-6	Powers and Duties of Local Liquor Control Commissioner
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12-6-8	Management Entities
12-6-9	Restrictions on Issuance of Licenses
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12-6-24	Conduct of Employees and Agents
12-6-25	Signs
12-6-26	Improper Influence
12-6-27	Complaint of Violation
12-6-28	Fines, Suspension or Revocation of License
12-6-29	Provisions to and Use of Alcoholic Liquor by Underage Persons
12-6-30	Referral to Peer Jury
12-6-31	Violations and Penalties

12-6-1 DEFINITIONS

Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

ALCOHOL: The product of distillation of any fermented liquid, whether re-fortified or diluted, whatever may be the origin thereof, and synthetic, ethyl alcohol, but not including denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR: Any alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol and intended for consumption as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Act of Congress and regulations promulgated there under, nor to any liquor or solid containing one-half of one percent (0.5%), or less, of alcohol by volume.

APPLICANT: Any form of legal entity, which seeks to be licensed under the provisions of this Chapter. In the case of a corporation, it shall mean the officers, directors, all persons owning directly or beneficially five percent (5%) or more of the stock of such corporation and the person operating as manager of the premises to which a license applies.

BAR: A counter upon or over which alcoholic liquor is the principal commodity served for consumption by persons at such counter.

BEER: A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, salt and hops in water. Beer shall include, among other things, beer, ale, stout, lager, porter and the like.

CATERING ESTABLISHMENT: Any hall or room available for hire to be kept, used, maintained, advertised and held out to the public as a place where, by prearrangement, parties, banquets or meetings can be held.

CITY: The City of Park Ridge, Cook County, Illinois.

COMMISSIONER: The Local Liquor Control Commissioner.

CONTROL OF PREMISES: The legal or beneficial ownership, rental or lease of a premises or the holding of a license shall constitute control of property. Control may also exist where none of these legal relationships apply, but where an adult is otherwise in charge of or charged with controlling a particular premises.

DELIVERY OF ALCOHOLIC BEVERAGES: The sale, giving or exchange of an alcoholic liquor from one person to another. Delivery is meant to include the provision of any alcoholic liquor by whatever means to one person from another.

DRUG STORE: A commercial establishment open to the public where prescription drugs and pharmaceuticals are sold and dispensed by a registered pharmacist.

FALSE IDENTIFICATION: Any document used for identification or proof of age that has been altered or defaced or that contains false or misleading information or that contains a name that is not the actual name of the person using it.

FOOD STORE: A commercial establishment open to the public where primarily food and food products are sold at retail for consumption off the premises. This definition shall not include any establishment where gasoline is sold.

HOTEL: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where a restaurant is located and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which fifty (50) or more rooms are used for the sleeping accommodations for guests.

IMPAIRMENT: Any diminution or compromise of a person's physical, mental or perceptual abilities due to the consumption of an alcoholic liquor. Impairment does not require that the blood alcohol content be in excess of any particular gram of alcohol to milliliters of blood or breath ratio.

LICENSE OR LIQUOR LICENSE: That specific grant of the privilege and authority to a licensee to sell or offer for sale alcoholic liquor at retail in the manner set forth in the text of the particular license classification.

LICENSEE: That person who by issuance of a license has been given the right or privilege by the Commissioner to engage in the retail sale of alcoholic liquor in the City. This shall include the holder of a City of Park Ridge liquor license or any officer, principal, employee or agent of the license holder.

LIVE ENTERTAINMENT: A musical, theatrical, dance, cabaret or comedy act performed live by one (1) or more persons. *(Ord. 2009-75, 10/19/2009)*

LOCAL LIQUOR CONTROL COMMISSIONER: The Local Liquor Control Commissioner shall be the Mayor of the City of Park Ridge.

LOUNGE: That portion of a licensed premises that is kept, used, maintained, advertised and held out to the public as a place where alcoholic liquor is offered for retail sale for consumption on the premises only and not necessarily in conjunction with the full service of meals. This definition may also include the term "cocktail lounge".

OFF-SITE CATERER: A catering business which, pursuant to a contractual agreement, serves food and beverages not at a catering hall, but at a site designated by the party engaging the services of the caterer.

OPERATION OF A MOTOR VEHICLE: The operation or control of a motor vehicle any- where in the City of Park Ridge, whether on private or public property. To be in physical control, the person need not be actually driving the motor vehicle and the vehicle need not be running. If there is only one person inside of a motor vehicle, that person shall be presumed to be in physical control regardless of the person's location within the vehicle, if there is only one person in a front seat or front passenger area of a motor vehicle, that person shall be presumed to be in physical control regardless of the person's location in the front passenger area. If there are persons in the vehicle, but not in the front passenger area, the owner of the vehicle or the person to whom permission was given to operate the vehicle, shall be presumed to be in physical control of the vehicle.

ORIGINAL PACKAGE: Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

PARENT: A natural or adoptive parent or a court-designated guardian.

PRIVATE CLUB: A not-for-profit corporation supported by the dues of its members and organized solely for the promotion of some common objective other than the sale or consumption of alcoholic liquor.

RESTAURANT: Any public place, kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served at tables or in booths. Without limiting the generality of the foregoing, the term "restaurant" does not include limited food service establishments, luncheonettes, diners, pubs, coffee shops, drive-ins or self-service and/or carry-out establishments and shall not include room service where the restaurant is located in a hotel.

SALE AT RETAIL: The sale or delivery of an alcoholic liquor to the consumer or general public as differentiated from the wholesale delivery for legal resale.

SALE, SELL: Transfer, exchange or barter in any manner, or by any other means for consideration. This shall include and mean all sales, soliciting or receiving an order for keeping or exposing for sale and keeping with intent to sell. It shall also include the exchange, transfer or trade for a ticket or token obtained for consideration.

SERVICE BAR: A counter, not for use by the public, upon or over which alcoholic liquor is prepared or delivered for consumption elsewhere on the premises, utilized solely by a licensee or employees of the licensee.

UNDERAGE PERSON: Any person under twenty one (21) years of age.

VICARIOUS LIABILITY: That liability which is implied as a matter of law even though the person may not have directly caused an injury to another person.

WINE: Any alcoholic liquor obtained from the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol.

12-6-2 EXCEPTIONS

The provisions of this Chapter do not apply to:

- A. Alcohol used in the manufacture of denatured alcohol produced in accordance with act of Congress and regulations promulgated hereunder;
- B. Flavoring extracts and syrups and food products;
- C. Patent and proprietary medicines or medicinal, antiseptic, culinary and toilet preparations;
- D. Scientific, industrial and chemical products not made for human consumption;
- E. Any liquid or solid containing one-half of one percent (.5%) or less of alcohol by volume.

Nothing contained in this Chapter shall prohibit any of the following from using or possessing alcoholic liquor in strict professional practice:

- 1. A duly licensed practicing physician or dentist.
- 2. Hospitals or like institutions in the treatment of bona fide patients of that hospital or like institutions.
- 3. Drugstores employing a licensed pharmacist in the concoction of prescriptions of duly licensed physicians.
- 4. The authorized representative of any house of worship dispensing wine for the purpose of conducting any bona fide rite or religious ceremony typically conducted by that house of worship.

12-6-3 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale in the City any alcoholic liquor, without having a City of Park Ridge liquor license or in violation of the terms of such license. It shall be unlawful for any restaurant, hotel, private club, catering establishment, food store, or drug store to hold, store or keep on its premises any alcoholic liquor without a license, or in violation of the terms of such license. It shall be unlawful for any such establishment, which does not hold either a Class A, B, B1, C or D license to allow any customer, guest or patron to bring any alcoholic liquor into such

establishment for consumption on the premises or to serve any alcoholic liquor purchased off the premises by a customer, patron, guest or other person, unless that establishment has a Class Y license. An establishment with a Class A, B, B1, C or D liquor license may obtain a Class Y license at no additional charge. *(Ord. 2003-66, 12/1/2003, S23) (Ord. 2007-04, 1/8/07, S25)*

- A. Where two (2) or more such establishments or stores are under the same roof or at the same street address, a separate City liquor license shall be obtained for each such establishment or store.
- B. The issuance to or possession by any person of a retail liquor dealer tax stamp issued for a current tax period by the United States Government or any of its agencies shall constitute prima facie evidence that such person is subject to the provisions of this Chapter.
- C. D. Within fifteen (15) days after obtaining a license pursuant to the provisions of this Chapter, the licensee shall obtain a similar liquor license required by the State for the sale at retail of alcoholic liquor. No alcoholic liquor may be purveyed by the licensee until the State license has been obtained.
- D. All licenses and permits issued pursuant to this Chapter shall be displayed in a prominent place that is visible to patrons.

12-6-4 LOCAL LIQUOR CONTROL COMMISSIONER

The Mayor of the City shall be the Local Liquor Control Commissioner (“Commissioner”) and shall have the authority to administer the appropriate provisions of this Chapter. The Commissioner may designate one or more persons to assist in the exercise of such powers and the performance of such duties, as he or she may deem necessary.

12-6-5 LIQUOR LICENSE REVIEW BOARD

The Mayor, as Commissioner, is hereby authorized to appoint a Liquor License Review Board (“Board”), consisting of the Commissioner and five (5) members. The members of the Board shall be residents of the City. The Commissioner shall be the Chairman of the Board. The Board, at the direction of the Commissioner, shall have the authority to investigate and review all applications, renewals and complaints and to investigate the operation of all licensed establishments, conduct hearings, receive evidence and sworn testimony and make recommendations to the Commissioner. The Commissioner and the members of the Board shall receive no compensation for the performance of their duties.

Each Member appointed after May 1, 2005 shall serve a term of four years. With respect to the five Members sitting as of May 1, 2005, these terms shall expire as follows:

- Those Members appointed prior to January 1, 1990, term expires December 31, 2005.

- Those Members appointed subsequent to January 1, 1990, term expires December 31, 2007.

(Ord 2005-19, 3/21/05, S24)

12-6-6 POWERS AND DUTIES OF LOCAL LIQUOR CONTROL COMMISSIONER

The Commissioner shall have the following powers, functions and duties to:

- A. Accept and review original and renewal applications for liquor licenses and to approve or disapprove them. Applications may be approved only in strict accordance with this Chapter 12 and only if the City Council has created a sufficient number of licenses in a particular classification.
- B. Receive license fees and forward the same to the Director of Finance.
- C. Make or cause to be made, by the various City departments or the Liquor License Review Board, such investigations as may aid the Commissioner in the performance of his or her duties.
- D. Recommend to the City Council the approval or rejection of any request to create an additional liquor license in any licensing classification.
- E. Enter or authorize any law enforcement officer or peace officer to enter and inspect a licensed premise at any time to determine whether any laws or City regulations have been or are being violated.
- F. Receive complaints from any citizen that any applicable rules or regulations have been or are being violated and to act upon such complaints.
- G. Examine or cause to be examined under oath any original or renewal license applicant or any licensee upon whom Notice of Charges or Notice to Appear has been served. For such purposes the Commissioner may issue subpoenas, which shall be effective in any part of this State. For the purpose of obtaining any information pursuant to this Section, the Commissioner may authorize an agent to act on his or her behalf.
- H. Suspend for not more than thirty (30) days or revoke any liquor license. These penalties may be imposed only after a hearing before the Commissioner or the Liquor License Review Board.
- I. Keep or cause to be kept a complete record of all licenses issued under this Chapter with copies furnished to the City Clerk, Director of Finance and Police Chief. Upon issuance of any license or the suspension or revocation of any existing license, the Commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.
- J. Report to the City Council all acts enforcing this Chapter.

- K. Make and publish such other rules, regulations and forms as may be advisable to carry out the intent of this Chapter 6.

12-6-7 APPLICATION FOR LICENSE

Application for a local retailer's liquor license, both original and renewal, shall be made to the Commissioner. The application shall be in writing, upon forms provided by the Commissioner. The application shall require such information as determined appropriate by the Commissioner. Only fully completed forms shall be considered by the Commissioner. Each application shall be accompanied by a non-refundable application fee. The fee for all first time license applications shall be three hundred fifty dollars (\$350.00). The fee for 2004 license renewals shall be two hundred fifty dollars (\$250.00). Thereafter, the application fee for all license renewals shall be one hundred dollars (\$100.00). *(Ord. 2004-02, 2/2/2004, S23)*

Upon issuance of any license, the licensee shall keep the information contained on the application current by furnishing to the Commissioner, within thirty (30) days, written notice of any change in status regarding ownership, residency, management, or any other information set forth in the application.

Before any license shall be issued to the applicant:

- A. Each principal, owner, partner, officer or stockholder owning an aggregate of more than five percent (5%) of the stock of a corporation shall appear at the Park Ridge Police Department for fingerprinting so that an adequate investigation may be performed to enable the Commissioner to ascertain whether the issuance of a license will comply with the laws of the State and all regulations of the City. The fingerprints may be forwarded to the Federal Bureau of Investigation for processing. The fee to the Federal Bureau of Investigation shall be prepaid by the applicant by cashier's check, money order or certified check and shall be in addition to all other fees.
- B. The applicant must submit a certificate of insurance, which names the City of Park Ridge as an additional insured, verifying that the principal has in effect at the time of said application dram shop or liquor liability insurance in the amount of one million dollars (\$1,000,000.00), at a minimum. The certificate of insurance shall be subject to the approval of the Commissioner. *(Ord. 2006-87; 10/16/06, S24)*

12-6-8 MANAGEMENT ENTITIES

It is recognized that a licensee may, from time to time, desire to hire or retain, as an independent contractor, a management entity to manage, generally operate and be responsible for the licensed premises.

No licensee shall permit a management entity to perform such a function unless the management entity has been certified to do so by the Commissioner. In order to be certified by the Commissioner, a management entity must execute a liquor license application that reflects the entity's business status, i.e., sole proprietorship, partnership or corporation. A management entity must qualify in the same manner (other than for a surety bond and dram shop coverage) and meet the same standards as a licensee.

The original and each annual renewal application shall be accompanied by a nonrefundable application fee of three hundred fifty dollars (\$350.00). No management entity may be originally qualified unless an additional, one time, certification fee of seven hundred fifty dollars (\$750.00) has been paid.

A management entity shall be subject to the jurisdiction of the Commissioner in the same manner as a licensee. If there is a violation on the premises, the management company and the licensee shall be jointly and severally responsible and liable for any penalty assessed.

12-6-9 RESTRICTIONS ON ISSUANCE OF LICENSES

A. Restrictions On Any Business Entity Desiring To Hold A Liquor License:

1. No liquor license shall be issued to or renewed for any entity:

- a. Whose business is conducted by a manager or agent who is not an actual employee of the licensee, unless the manager or agent possesses the same qualifications required of the licensee, and has been certified by the Commissioner.
- b. Which does not legally or beneficially own the premises for which a license is sought, or does not have a lease for the full period for which the license is to be issued. However, a contract for sale or lease conditioned upon issuance of a license shall be acceptable.
- c. Which is not an owner of at least fifty percent (50%) of the business to be operated by the licensee.
- d. When the premises at which the business is to be conducted is not in strict compliance with all regulations of the City of Park Ridge.
- e. To which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period.
- f. Not eligible for a State retail liquor dealer's license.
- g. Which owes any fees, fines or taxes to the City.

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- h. Which, upon review of the application taken as a whole by the Commissioner, is deemed by prior actions as indicated from the application or background check to be a substantial risk of not abiding by the regulations of the City.
 2. No liquor license shall be issued to any entity when a sole proprietor, partner, manager, officer, director or five percent (5%) or greater shareholder:
 - a. Has been found guilty of any offense with regard to the sale or possession of alcoholic liquor or any felony.
 - b. Has been found guilty of any other crime opposed to decency or morality, if, upon due investigation, the Commissioner determines that such individual has not been sufficiently rehabilitated to warrant the public trust.
 - c. Has previously had a liquor license revoked in this or any other jurisdiction.
 - d. At the time of application for renewal of any Park Ridge license, would not have been eligible for such a license upon first application.
 - e. Has been found guilty of a violation of any Federal or State law concerning the manufacture of alcoholic liquor.
 - f. Has been issued a Federal gaming device stamp or Federal wagering stamp by the Federal Government for the current tax period.
 - g. Has been found guilty of a gambling offense as set forth in the Illinois Criminal Code in effect at the time of application or renewal.
 - h. Is an employee or elected or appointed official.
 - i. Owes any fees, fines or taxes to the City.
 3. Additional Restrictions Applying To Corporations Only:
 - a. No liquor license shall be issued to any corporation unless it is incorporated in Illinois, or unless it is a foreign corporation, which is qualified and registered under the Illinois Business Corporation Act to transact business in Illinois.
 - b. By accepting a license a limited liability corporation agrees that the corporation and its shareholders shall remain subject to the obligations and liabilities set forth in this Chapter 6.

4. Additional Restrictions Applying To Sole Proprietorships Or Partnerships Only: No liquor license shall be issued to any sole proprietorship or partnership if any sole proprietorship or partner:
 - a. Is not a resident of the City.
 - b. Is not a citizen of the United States.

12-6-10 CLASSIFICATION OF LICENSES AND SCHEDULE OF FEES

- A. There shall be the following classes of liquor licenses, which shall authorize the sale of alcoholic liquor as provided below:

CLASS A: A Class A license shall authorize a private club to sell alcoholic liquor at retail to bona fide dues paying members and members' guests for consumption on the premises of the club.

Additional Qualifications:

1. No Class A license shall be issued to any club, which has been in existence in the City of Park Ridge for less than one year.
2. No license shall be issued to any club established after 8/1/03 whose premises are in a residential zoning district.
3. The private club must be incorporated under the laws of the State of Illinois.
4. The club must be organized for the promotion of some common object other than the sale or consumption of alcoholic liquor.
5. The club must be kept, used and maintained by its members through the payment of annual dues.
6. The club must own or lease a building or space in building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests.

CLASS B: A Class B license shall authorize a restaurant to sell alcoholic liquor at retail for consumption on the premises.

Additional Qualifications:

1. The sale of alcoholic liquor may only be made if incidental and complementary to the service of complete meals, which are served and eaten at tables or booths. The sale of

alcoholic liquor may be deemed incidental and complementary to the ordering and service of complete meals only if such sale:

- a. is made to a patron who orders a complete meal with the intent of consuming same; or
- b. is made to a patron waiting to be seated or to a seated patron prior to ordering, provided the person making such sale reasonably believes such patron intends to order and consume a complete meal.

A rebuttable presumption shall arise that a patron intends to order and consume a complete meal if the patron declares such intent, unless such patron has exhibited a pattern of conduct on prior occasions, which makes such belief unreasonable.

2. The restaurant must have adequate and sanitary kitchen and dining room equipment and capacity and employ a sufficient number of employees to prepare, cook and serve complete luncheon and/or dinner meals to its customers or guests.

CLASS B-1: A Class B-1 license shall authorize a restaurant to sell alcoholic liquor at retail for consumption on the premises. A Class B-1 license shall also authorize such restaurants to sell alcoholic liquor where such sale is not incidental and complementary to the ordering and service of complete meals.

Additional Qualifications:

1. A Class B-1 license may be issued only to a restaurant with seating capacity for 50 or more patrons in its dining area.
2. Such a restaurant may sell alcoholic liquor at retail in accordance with the terms of a Class B license.
3. The following restrictions shall apply to sale of alcoholic liquor by a restaurant holding a Class B-1 license when the sale is not incidental and complementary to the ordering and service of complete meals:
 - a. All such sales may be made only in a separate lounge area and consumption of alcoholic liquor without a meal shall be restricted to the lounge area.
 - b. No separate outside entrance to the lounge area shall be permitted.
 - c. The floor area of the lounge shall not exceed thirty percent (30%) of the floor area of the non-lounge public dining space. The total floor area of the lounge and any area dedicated to live entertainment shall not exceed thirty percent (30%) of the total floor area of the establishments.
(Ord. 2009-75, 10/19/2009)

- d. Television shall be permitted, subject to the following restrictions: provided that up to twenty-five hundred (2,500) square feet, four (4) televisions shall be permitted, three (3) having a screen no larger than forty-two (42) inches and one (1) having a screen no larger than fifty-two (52) inches measured on the diagonal. For every additional one thousand (1,000) square feet, up to one (1) additional television is permitted, each no larger than forty-two (42) inches measured on the diagonal. Neither televisions nor television programs shall be mentioned in signage.
- e. Food service may be provided in the lounge area, but is not required.
- f. Live entertainment shall be permitted only if the licensee has applied for and received, from the Liquor License Review Board, a Live Entertainment permit. The application shall include the nature and frequency of the live entertainment, the time of day at which it will be provided the location of the live entertainment within the premises, the seating arrangement, whether a cover charge will be applicable and any other information the Liquor License Review Board may require. For purposes of this Section 10, "Live Entertainment: shall be defined as set forth in the Park Ridge Zoning Ordinance; except that no nightclub dancing shall be permitted in such a licensed establishment. All live entertainment is to be performed indoors and cannot be performed in any outdoor or sidewalk café. In addition, no live entertainment shall be permitted on any licenses premises if that entertainment is audible at any point beyond the boundaries of the licensed premises.
- g. Jukeboxes, video and arcade games are permitted in accordance with Article 14, Chapter 2 and Article 12, Chapter 5 of the Municipal Code. Gambling devices of any type are strictly prohibited. It shall be unlawful for any person under the age of twenty-one (21) to play a video or arcade game located in an establishment which sells alcoholic liquor for consumption on the premises unless the minor is accompanied by a person who is at least twenty-one (21) years of age. It shall be unlawful for any person under the age of twenty-one (21) to play a video or arcade game located at an establishment that sell liquor on the premises unless the person under the age of twenty-one (21) is accompanied by a person of at least twenty-one (21) years of age.
- h. Pool tables and dartboards are prohibited.

(Ord. 2008-120, 12/15/2008)(Ord. 2009-21, 3/16/2009)

CLASS B-2: A Class B-2 license shall authorize a restaurant to sell alcoholic liquor at retail for consumption on the premises. A Class B-2 license shall also authorize such restaurants to sell alcoholic liquor where such sale is not incidental and complementary to the ordering and service of complete meals, in certain circumstances.

Additional Qualifications:

1. A Class B-2 license may be issued only to a restaurant with seating capacity for 50 or more patrons in its dining area.
2. Such a restaurant may sell alcoholic liquor at retail in accordance with the terms of a Class B license.
3. The following restrictions shall apply to sale of alcoholic liquor by a restaurant holding a Class B-2 license when the sale is not incidental and complementary to the ordering and service of complete meals:
 - a. All such sales may be made only in a separate lounge area and consumption of alcoholic liquor without a meal shall be restricted to the lounge area before 9:00 p.m. After 9:00 p.m., such sales may be made in the restaurant or lounge.
 - b. No separate outside entrance to the lounge area shall be permitted.
 - c. The floor area of the lounge shall not exceed thirty percent (30%) of the total of the floor area of the lounge and non-lounge public dining space. The total floor area of the lounge and any area dedicated to live entertainment shall not exceed thirty percent (30%) of the total floor area of the establishment.
 - d. Televisions shall be permitted, subject to the following restrictions: provided that up to twenty-five hundred (2,500) square feet, eight (8) televisions shall be permitted, six (6) having a screen no larger than forty-two (42) inches and two (2) having a screen no larger than fifty-two (52) inches measured on the diagonal. For every additional on thousand (1,000) square feet, up to two (2) additional televisions are permitted, each no larger than forty-two (42) inches measured on the diagonal. Neither televisions nor television programs shall be mentioned in signage.
 - e. Food service may be provided in the lounge area, but is not required.
 - f. Live entertainment shall be permitted only if the licensee has applied for and received, from the Liquor License Review Board, a Live Entertainment permit. The application shall include the nature and frequency of the live entertainment, the time of day at which it will be provided, the location of the live entertainment within the premises, the seating arrangement, whether a cover charge will be applicable and any other information the Liquor License Review Board may require. For purposes of this Section 10, "Live Entertainment" shall be defined as set forth in the Park Ridge Zoning Ordinance. All live entertainment is to be performed indoors and cannot be performed in any outdoor or sidewalk café or any rooftop deck. In addition, no live entertainment shall be permitted on any licensee's premises if that entertainment is audible at any point beyond the boundaries of the licensed premises.

- g. Jukeboxes, video and arcade games are permitted in accordance with Article 14, Chapter 2 and Article 12, Chapter 5 of the Municipal Code. Gambling devices of any kind are strictly prohibited. It shall be unlawful for any person under the age of twenty-one (21) to play a video or arcade game located in an establishment which sells alcoholic liquor for consumption on the premises unless the minor is accompanied by a person who is at least twenty-one (21) years of age. It shall be unlawful for any person under the age of twenty-one (21) to play a video or arcade game located at an establishment that sells liquor on the premises unless the person under the age of twenty-one (21) is accompanied by a person of at least twenty-one (21) years of age.
- h. Pool tables and dartboards are prohibited.
- i. Sales and service of alcoholic liquor may occur only between the hours of eleven o'clock (11:00) a.m. and one o'clock (1:00) a.m., except that on Fridays and Saturdays, sales and service of alcoholic liquor may begin at eleven o'clock (11:00) a.m. and continue until two o'clock (2:00) a.m. the following day.
- j. A B-2 license may be issued only for an establishment located in the following zoning districts: Uptown-Core and Uptown-Commercial Sub Districts of the B-4 Uptown Business District.
- k. Annual Beverage Alcohol Sellers and Services Education and Training ("BASSET") training for employees who will be engaged in mixing, serving, preparing or delivering alcoholic liquor to customers, guests, or patrons.

(Ord.2010-47, 5/03/2010)

CLASS C: A Class C license shall duplicate a Class B license in all regards, except that beer and/or wine only may be served.

Additional Qualifications:

1. Television shall be permitted, subject to the following restriction: provided that up to twenty-five hundred (2,500) square feet, four (4) televisions shall be permitted, three (3) having a screen no larger than forty-two (42) inches and one (1) having a screen no longer than fifty-two (52) inches measured on the diagonal. For every additional one thousand (1,000) square feet, up to one (1) additional television is permitted, each no larger than forty-two (42) inches measured on the diagonal. Neither televisions nor television programs shall be mentioned in signage.

(Ord. 2008-120, 12/15/2008)(Ord. 2009-21, 3/16/2009)

CLASS D: A Class D license shall authorize the sale at retail of alcoholic liquor in catering establishments.

Additional Qualifications:

1. Consumption of alcoholic liquor shall be on the premises only and in conjunction with food service pursuant to a contractual agreement for use of the establishment's facilities.
2. Meals shall be served and prepared on the premises by employees of the owner.
3. The space must be provided with (i) an adequate and sanitary kitchen; and (ii) adequate dining room equipment and capacity; and (iii) with sufficient number of employees to prepare, cook and serve suitable food for its guests.

CLASS E: A Class E license shall authorize the sale of alcoholic liquor in original containers for consumption off the licensed premises.

Additional Qualifications:

1. Any single original container being sold must contain not less than sixteen (16) ounces or 0.473 liters, or, in the case of beer, a single original container must contain not less than thirty-two (32) ounces or 0.946 liters.
2. Sales may occur only between the hours of eight o'clock (8:00) a.m. and ten o'clock (10:00) p.m.
3. Such sales may be made only in retail food stores and drug stores with not less than fourteen thousand (14,000) square feet of retail sales area.
(Ord 2005-15/2/21/05, S24)
4. Not more than ten percent (10%) of the retail sales area, but not exceeding two thousand (2,000) square feet shall be used for the display of packaged alcoholic liquor. This display area shall be physically separated from all other areas.
 - a. Special Display exception to the above separate area requirement. Special Displays of beer or wine only may be established throughout the store subject to the following:
 - i. A Special Display may be established only in conjunction with the sale of a food product. No Special Display may be established only for the promotion or sale of the alcoholic beverage being displayed.
 - ii. Any combination of up to six wine or beer Special Displays may be ongoing at any one time. Each Special Display must be in a different aisle or be separated from any other Special Display by at least twenty (20) feet.
 - iii. A Special Display for beer may be established only for the purpose of a temporary special promotion by the licensee or a particular food

manufacturer. No single Special Display for beer may last for more than twenty-one (21) days.

- iv. A Special Display for wine may be established on a permanent basis but only in conjunction with the sale of meat, poultry, cheese or seafood.
- v. No Special Display shall contain more than forty-eight (48) bottles of wine or more than forty-eight (48) cases of beer.

4. No gasoline may be sold by a Class E license.

CLASS E-1: A Class E-1 license shall authorize the sale of alcoholic liquor, in original containers and packages.

Additional Qualifications:

1. The sale of alcoholic liquor other than beer is authorized only in original containers of between 8 ounces and 16 ounces.
2. Such a license may be issued only to a natural person who owns and operates a retail package liquor business, which previously held a liquor license issued by Cook County at the location that existed on January 1, 1997.
5. Such license may be issued and renewed annually only during the period January 1, 1997 through December 31, 2006, and may not be issued, renewed or extended thereafter.

CLASS E-2: A Class E-2 license shall authorize the sale of alcoholic liquor, in original containers, for consumption off the licensed premises.

Additional Qualifications:

1. Wine and spirits may be sold in single containers. Such single container must contain not less than sixteen (16) ounces or 0.473 liters. Beer may not be sold by the single bottle or can, but must be sold in the manufacturer's original package of not less than 6 such bottles or cans.
2. Sales may occur only between the hours of eight o'clock (8:00) a.m. and ten o'clock (10:00) p.m.
3. Such sales may be made only in drug stores between ten thousand (10,000) and twenty thousand (20,000) square feet of retail sales area.
4. Not more than ten percent (10%) of the retail sales area, but not exceeding two thousand (2,000) square feet shall be used for the display of packaged alcoholic liquor.

This display area shall be physically separated from all other areas and may not be accessible to the public during hours when alcoholic liquor sales are prohibited.

5. No gasoline may be sold by a Class E-2 license.
6. Only Illinois Drivers Licenses and Illinois Identification cards issued by the Illinois Secretary of State may be accepted for proof of age.
7. An electronic scanning device shall be installed for the purpose of reading the birthdates embedded in identification cards issued by the Illinois Secretary of State.

(Ord. 2009-67, 9/21/2009)

CLASS F: A Class F license shall duplicate Class E licenses in all regard except that only beer and/or wine may be sold.

CLASS G: A Class G license shall authorize the sale of alcoholic liquor at retail in original containers of the sizes prescribed for the Class E license, by specialty food stores.

Additional Qualifications:

1. Such license may be issued only for an establishment located in a B1, B4 or B5 zoning district.
2. The establishment shall contain no more than fourteen thousand (14,000) square feet of above-grade floor space.
3. No more than twenty-eight hundred (2,800) square feet, or 20% of the retail floor or wall space, whichever is less, shall be used for display of alcoholic liquor.
4. Not less than 20% of all products displayed shall be food products, or brands or varieties of food products, not regularly sold in supermarkets in the City of Park Ridge.
5. The establishment shall not be open for business before 7:00 a.m. or after 10:00 p.m. any day.
6. Such license shall also authorize service of individual samples of wine, not to exceed one ounce, for immediate consumption on the premises, either without charge or in connection with a wine-tasting program designed to educate consumers about wine, for which a fixed fee may be charged.
7. No tobacco products, lottery tickets or automotive products may be sold.

(Ord 2005-15/ 2/21/05, S24)

CLASS H: A Class H license shall authorize the sale at retail of alcoholic liquor in original containers for delivery outside the City of Park Ridge.

Additional Qualifications:

1. Such delivery shall be in accordance with the laws of the jurisdiction where delivery is made.
2. No alcoholic liquor shall be displayed on the premises.

CLASS I: A Class I license shall authorize the sale at retail of alcoholic liquor by an “Off-Site Caterer”.

Additional Qualifications:

1. Such sales may be made in individual servings only for immediate consumption on premises other than that of the licensee.
2. The licensee must have been hired to serve food to a group of people attending an event by invitation or by ticket.

CLASS I-PR: A Class I-PR license shall authorize the sale at retail of alcoholic liquor by an “Off Site Caterer” holding a City of Park Ridge Class B, B-1, C or D license.

Additional Qualifications:

1. Such sales may be made in individual servings only for immediate consumption on a premise other than that of the licensee.
2. The licensee must have been hired to serve food to a group of people attending an event by invitation or ticket (or) at an event sponsored by a bona fide not-for-profit organization that has obtained a Class T license.

(Ord 2005-19, 3/21/05, S24)

CLASS J: A Class J supplement shall authorize the sale of alcoholic beverages at a Sidewalk Café or Rooftop Deck

Additional Qualifications:

1. The Sidewalk Café/Rooftop Deck supplement shall permit the sale of alcoholic beverages only until 11:00 p.m. on any night. All outdoor cafes are required to close at 11:00 p.m.
2. The Sidewalk Café/Rooftop Deck supplement shall permit the sale of alcoholic beverages.
3. The Sidewalk Café/Rooftop Deck supplement shall be issued only to the holder of a current Restaurant License and only if a Sidewalk Café/Rooftop Deck business license has been approved by the City.

4. A license for a Rooftop Deck may be issued only for an establishment located in the following zoning districts: Uptown-Core and Uptown-Commercial Sub-Districts of the B-4 Uptown Business District.

(Ord. 2004-26, 4/5/2004, S23), (Ord. 2008-19, 4/7/2008), (Ord. 2010-47, 5/03/2010)

CLASS K: A Class K license shall authorize a diner or luncheonette to sell beer and wine only, at retail, for consumption on the premises.

Additional Qualifications

1. A Class K license may be issued only to a diner or luncheonette with seating capacity for 75 or more patrons on the inside of the premises.
2. The beer or wine may be ordered at the counter, but may not be dispensed to any patron at the counter. The beer or wine may be served only by an employee of the licensee at a table or booth which is occupied by the specific patron who ordered the beer or wine.
3. Neither beer or wine may be served in pitchers or carafes and individual servings of beer may not exceed 12 ounces and no individual serving of wine may exceed 6 ounces. Such service will be provided in a clear container.
4. Not more than one individual serving may be delivered to a customer at any one time.
5. Sales of beer or wine may occur only between the hours of 11:00 a.m. and 11:00 p.m.
6. No beer or wine may be served except to an individual patron consuming a meal, the total cost of which is not less than \$4.00, exclusive of the beer or wine.

(Ord 2004-60, 9/22/2004, S24)

CLASS L: An establishment in which wine is the only alcoholic beverage purveyed to the customer, either for consumption on the premises or in unopened containers for consumption off of the premises.

Additional Restrictions:

1. No wine in an opened container may be sold for consumption off the premises.
2. No person under 21 years of age may be permitted on the premises unless accompanied by a parent or guardian.
3. The hours shall be from 11:00 a.m. to 8:00 p.m. daily.
4. Such license shall also authorize service of individual samples of wine, not to exceed one ounce, for immediate consumption on the premises, either without charge or in connection with a wine-tasting program designed to educate consumers about wine, for which a fixed fee may be charged. Food shall be offered during wine tastings.

(Ord 2005-54, 9/6/05, S24), (Ord 2007-36, 5/7/07)

CLASS T: A Class T license authorizes sale of alcoholic liquor at Special Events for a limited time period.

Additional Qualifications:

1. A Class T license shall authorize the sale of alcoholic liquor by a bona fide not-for-profit community group not engaged in the business of selling alcoholic liquor, at a designated location where such sale is not otherwise prohibited, in conjunction with social, recreational or fund-raising events and not as part of a profit making enterprise.
2. If the alcoholic liquor is to be provided and delivered by an “Off Site Caterer” (Class I or Class I-PR) Licensee, the Class T License applicant shall so state on the application for the Class T License.

(Ord 2005-19, 3/21/05, S24)

CLASS T-1: A Class T-1 license authorizes sale of alcoholic liquor at Special Events for a limited time period by a business or other entity that has a valid liquor license in the jurisdiction where the business or other entity is located. A business or other entity that holds a liquor license from the City of Park Ridge is eligible to apply for a T-1 license.

Additional Qualifications:

1. A Class T-1 license shall authorize the sale of alcoholic liquor by a business or other entity that has a valid liquor license in the jurisdiction where the business or other entity is located, at a designated location where such sale is not otherwise prohibited, in conjunction with social, recreational or fund-raising events.
2. If the alcoholic liquor is to be provided and delivered by an “Off Site Caterer” (Class I or Class I-PR) Licensee, the Class T-1 License applicant shall so state on the application for the Class T-1 License.

(Ord. 2009-44, 6/01/09)

CLASS T-2: A Class T-2 permit authorizes live entertainment for a limited time period by a business or other entity that has a valid liquor license in the City of Park Ridge.

(Ord. 2010-14, 02/03/2010)

Additional Qualifications:

1. No live entertainment shall be permitted unless the licensee has applied for and received, from the Liquor Commissioner, a Temporary Live Entertainment Permit (T-2).

The application for such a permit shall be on a form provided by the Commissioner. The application shall include the nature and frequency of the live entertainment, the time of day at which it will be provided, the location of the live entertainment within the premises, the seating arrangement, whether a cover charge will be applicable and any other information the Liquor Commissioner may require. For purposes of this Section 10, “Live Entertainment” shall be defined as set forth in the Park Ridge Zoning

Ordinance, except that no nightclub dancing shall be permitted in such a licensed establishment. All live entertainment is to be performed indoors and cannot be performed in any outdoor or sidewalk café. In addition, no live entertainment shall be permitted on any licensed premises if that entertainment is audible at any point beyond the boundaries of the licensed premises.

2. For each day of live entertainment, a separate permit is required.
3. A maximum of five (5) temporary live entertainment permits will be issued in a calendar year.

CLASS XX: A Class XX license shall authorize the sale of alcoholic liquor with Special Conditions. Nothing in this Section shall prevent the Corporate Authorities from creating, from time to time, conditional licenses which are based on the license classifications set forth above, but which contain additional conditions and restrictions. These licenses with special conditions, while created by the Mayor and City Council, shall remain subject to issuance by the Commissioner.

CLASS Y: Corkage License, that shall permit a sit down, full service restaurant to allow a patron to bring his or her own bottle of wine onto the premises for the purpose of drinking the wine with a meal.

Additional Qualifications:

The license shall be subject to all of the regulations of this Chapter 6, including but not limited to, underage consumption requirements.

- B. The fees for licenses shall be as follows:

Class A	Club	\$2,000.00
Class B	Restaurant	\$3,000.00
Class B-1	Restaurant	\$3,500.00
Class B-1 (With Live Entertainment Permit)	Restaurant	\$4,000.00
Class B-2	Restaurant	\$3,500.00
Class B-2 (With Live Entertainment Permit)	Restaurant	\$4,000.00
Class C	Restaurant	\$2,000.00
Class D	Catering	\$2,000.00
Class E	Package Store	\$3,000.00
Class E-1	Package Store	\$3,000.00
Class E-2	Package Drug Store	\$3,000.00
Class F	Package Store	\$2,000.00
Class G	Package Store	\$1,500.00
Class H	Retail Shipper	\$1,000.00

Class I	Off-Site Catering	\$ 750.00
Class I-PR	Off-Site Catering (Park Ridge Licensee)	\$ 200.00
Class J	Sidewalk Café Supp	No charge
Class K	Restaurant	\$2,000.00
Class L	Wine Establishment	\$3,000.00
Class T	Temporary	\$ 25.00
Class T-1	Temporary-1	\$ 75.00
Class T-2	Temporary-2 (Live Entertainment)	\$ 50.00
Class XX	Specialty	\$3,500.00
Class Y	Corkage	\$1,000.00

*(Ord 2004-26, 4/5/2004, S23), (Ord 2004-60, 9/22/2004, S24), (Ord 2005-19, 3/21/2005, S24),
(Ord 2005-54, 9/6/2005, S24; Ord. 2008-120, 12/15/2008)(Ord. 2009-21, 3/16/2009)(Ord. 2009-44, 6/01/2009)
(Ord. 2009-67, 9/21/2009), (Ord. 2010-14, 02/03/2010), (Ord. 2010-47, 5/03/2010)*

- C. The restrictions on a particular license classification shall be binding on the licensee and no premises may be operated in violation of the classification restrictions.

12-6-11 TERM; PRORATING FEE

- A. Each license shall commence on January 1st and shall terminate on December 31st next following the date of issuance.

License fees shall not be prorated except where the license is obtained after January 1 of any license year the fee shall be reduced in proportion to the number of full calendar months that have expired in the license term.

12-6-12 TEMPORARY LICENSE

- A. The Commissioner is authorized to issue a Class T (Temporary) license according to the following conditions:
1. A Class T license shall authorize the sale of alcoholic liquor by a bona fide community group not engaged in the business of selling alcoholic liquor, at a designated location where such sale is not otherwise prohibited, in conjunction with social, recreational or fund-raising events and not as part of a profit-making enterprise.
 2. A Class T license shall be valid only from eleven o'clock (11:00) a.m. of the day for which it is issued until one o'clock (1:00) a.m. of the following day or until two o'clock (2:00) a.m. on January 1 of each year. A single Class T license shall be valid only for one such period. A separate Class T license shall be required for each such period. A Class T license may not be renewed or extended. Separate Class T licenses may be issued for consecutive days. No organization may receive more than five (5) Class T licenses in any twelve (12) month period.
 3. A Class T license shall authorize the sale of alcoholic liquor by the glass; it is not necessary that the sale be in connection with or complementary to the sale of food.

4. A Class T license shall authorize the sale of alcoholic liquor only in a permanent or temporary enclosed building or structure, including a tent, and not at open-air counters or stands. Consumption of alcoholic liquor may take place only within such enclosed building or structure. No person under the age of twenty-one (21) years may prepare, sell or deliver alcoholic liquor pursuant to a Class T license.
5. Applications for a Class T license shall be made to the Commissioner on a form provided by the Commissioner, not less than thirty (30) working days prior to the date for which the license is to be issued. The Commissioner may waive any of the provisions of Sections 12-6-7 and 12-6-9 of this Chapter, which are determined to be inapplicable to a Class T license. In addition to all information required by the Commissioner, applicants for Class T license shall provide, at the time of application, a certificate of insurance, which names the City of Park Ridge as an additional insured, verifying that the applicant has obtained dram shop/liquor liability insurance in the amount of one million dollars (\$1,000,000.00) at a minimum. The certificate of insurance shall be subject to the approval of the Commissioner. The applicant shall also provide evidence of having obtained any other permits and licenses required for the event at the designated location. No bond shall be required for a Class T license.
(Ord 2005-55, 9/6/05, S24)
6. The fee for each Class T license shall be twenty-five dollars (\$25.00).
7. After review of the license application, the Commissioner may issue a Class T license and shall advise the Police Department, the Liquor License Review Board and the City Council of such issuance.
8. The applicant shall acquire any additional license required by the Illinois State Liquor Commission.
9. Each person who prepares, sells, delivers or serves any alcoholic liquor pursuant to a Class T license is required to sign a letter of understanding, on a form approved by the Commissioner, that states that the person has been advised of the rules and regulations regarding the preparation, sale, delivery and service of alcoholic liquors by the Class T liquor license holder. All persons who prepare, sell, deliver or serve any alcoholic liquor pursuant to a Class T license are not required to complete BASSET training as required by Section 12-6-24.

(Ord. 2007-03,1/8/07,S25)

- B. The Commissioner is authorized to issue a Class T-1 (Temporary) license according to the following conditions:
1. A Class T-1 license shall authorize the sale of alcoholic liquor by a business or other entity that has a valid liquor license in the jurisdiction where the business or other entity is located, in conjunction with social, recreational or fund-raising events. A business or other entity that holds a liquor license from the City of Park Ridge is eligible to apply for a T-1 license.

2. A Class T-1 license shall be valid only from eleven o'clock (11:00) a.m. of the day for which it is issued until one o'clock (1:00) a.m. of the following day or until two o'clock (2:00) a.m. on January 1 of each year. A single Class T-1 license shall be valid only for one such period. A separate Class T-1 license shall be required for each such period. A Class T-1 license may not be renewed or extended. Separate Class T-1 licenses may be issued for consecutive days. No business or other entity may receive more than five (5) Class T-1 licenses in any twelve (12) month period.
3. A Class T-1 license shall authorize the sale of alcoholic liquor by the glass; it is not necessary that the sale be in connection with or complementary to the sale of food.
4. A Class T-1 license shall authorize the sale of alcoholic liquor only in a permanent or temporary enclosed building or structure, including a tent, and not at open-air counters or stands. Consumption of alcoholic liquor may take place only within such enclosed building or structure. No person under the age of twenty-one (21) years may prepare, sell or deliver alcoholic liquor pursuant to a Class T-1 license.
5. Applications for a Class T-1 license shall be made to the Commissioner on a form provided by the Commissioner, not less than thirty (30) working days prior to the date for which the license is to be issued. The Commissioner may waive any of the provisions of Sections 12-6-7 and 12-6-9 of this Chapter, which are determined to be inapplicable to a Class T-1 license. In addition to all information required by the Commissioner, applicants for a Class T-1 license shall provide, at the time of application, a certificate of insurance, which names the City of Park Ridge as an additional insured, verifying that the applicant has obtained dram shop/liquor liability insurance in the amount of one million dollars (\$1,000,000.00) at a minimum. The certificate of insurance shall be subject to the approval of the Commissioner. The applicant shall also provide evidence of having obtained any other permits and licenses required for the event at the designated location. No bond shall be required for a Class T-1 license.
6. The fee for each Class T-1 license shall be seventy-five dollars (\$75,00).
7. After review of the license application, the Commissioner may issue a Class T-1 license and shall advise the Police Department, the Liquor License Review Board and the City Council of such issuance.
8. The applicant shall acquire any additional license required by the Illinois State Liquor Commission.
9. Each person who prepares, sells, delivers or serves any alcoholic liquor pursuant to a Class T-1 license is required to sign a letter of understanding, on a form approved by the Commissioner, that states that the person has been advised of the rules and regulations regarding the preparation, sale, delivery and service of alcoholic liquors by the Class T-1 liquor license holder. All persons who prepare, sell, deliver or serve any alcoholic liquor pursuant to a Class T-1 license are required to complete BASSET training as required by Section 12-6-24.

(Ord. 2009-44, 6/01/2009)

12-6-13 PAYMENT AND DISPOSITION OF FEES

All fees shall be made payable to the City and submitted to the Commissioner at the time application is made. The fee shall be immediately turned over to the Finance Department. In the event the license is denied, the fee, except for the nonrefundable application fee, shall be returned to the applicant.

12-6-14 NUMBER OF LICENSES

The Corporate Authorities shall determine, by ordinance, the number of licenses that are available in each classification. Neither the Commissioner nor any other person or entity may issue liquor licenses in a number that is in excess of the number authorized by the Corporate Authorities. An up-to-date schedule of the authorized number of licenses available in each classification shall be maintained by the City Manager for the Commissioner.

12-6-15 CREATION AND ISSUANCE OF LICENSE

A liquor license may be issued to an applicant by the Commissioner only after such license has been created by the Council.

12-6-16 APPLICATION PROCESS COMPLETION

No license may be issued by the Commissioner until all information and documentation required in the application has been provided, all of the reports from the various departments and agencies with respect to background checks have been completed and all fees have been paid. The foregoing notwithstanding, the Commissioner may, in the Commissioner's sole discretion, issue a limited license prior to the completion of a background check under the following circumstances:

- A. The limited license shall not exceed ninety (90) days.
- B. No information is currently known which would cause the applicant to be ineligible for a license.
- C. The licensee has demonstrated, in writing, that the business will most likely not survive if the license is not granted immediately.
- D. The licensee executes a release and hold harmless statement that is satisfactory to the City Attorney and absolutely releases and absolves the City, its officers or employees from any liability for the refusal of the Commissioner to subsequently issue a regular license.

12-6-17 TRANSFER OF LICENSE, TERMINATION

A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as set forth in this Chapter. The license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable, voluntarily or involuntarily, or subject to being encumbered or liened. The license is not transferable to any other person, party, entity or location either for consideration or not for consideration.

As to a closely held corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if any person owning twenty percent (20%) or more of the stock transfers the stock to another person who previously held less than fifty percent (50%) of the stock.

As to a public corporation, an illegal transfer will be deemed to have been attempted and the license shall become null and void if there has been a buy out, a takeover or any other transaction involving the sale or transfer of more than fifty percent (50%) of the stock or assets of the corporation.

A license issued to an individual or a partnership shall cease upon the death of the licensee or a partner of a licensee and shall not descend by the laws of testate or intestate devolution. However, the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may, upon written notice to the Commissioner, continue the business of the sale of alcoholic liquor under the order of the appropriate court. In such cases, the executor, administrator or trustee may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of decedent, or such insolvency or bankruptcy until the expiration of the license, or until six (6) months after the death, bankruptcy or insolvency of the licensee, whichever occurs first.

If a corporation to whom a license has been issued is ordered into receivership or files for bankruptcy, the receiver or trustee may continue the operation of the business under the existing license under order of the appropriate court until the expiration of the license or until the passage of six (6) months from the date of appointment of a receiver or trustee, whichever comes first.

Upon the death of any person owning five percent (5%) or more of the shares in a closely held corporation, the Commission shall be notified and if the shares are transferred to a person who is not currently named in the application as a shareholder, then the licensee shall apply for a new license.

Upon the alienation, sale, transfer, assignment or donation of the business that underlies the license to any third party or person other than the licensee, the liquor license shall automatically become void and the number of available licenses in that classification as authorized by the Corporate Authorities shall automatically and immediately be reduced by one.

Any licensed establishment that has discontinued the sale or service of alcoholic liquor or that has not been open for business at least four (4) days per week for a period of thirty (30) days or more shall automatically forfeit its license. Upon forfeiture of the license, the number of available licenses in that classification as authorized by the Corporate Authorities shall automatically and immediately be reduced by one. This forfeiture shall not apply in instances where the licensee has

previously notified the City Manager, in writing, of an intent to close the premises for a portion of a year for remodeling or other similar purpose.

12-6-18 TERM OF LICENSE; RENEWAL

Every license (other than a Class T license) shall expire on December 31 of the year in which it is issued. Application for renewal of a license shall be submitted by October 1 of each year. The fee for renewal of a license shall be the same as provided in Section 12-6-10(B).

Any licensee may apply to renew the license upon expiration, provided, that the applicant is then qualified to receive a license and the premises for which the renewal license is sought is suitable for that purpose. This renewal privilege shall not be construed as a vested right, but shall be completely subject to the Commissioner's right of review of the licensee's background and history of operation in the City. Further, the Corporate Authorities shall not be prevented from decreasing the number of licenses available in any or all classifications within the City. If the number of licenses in any or all classifications is decreased, the licenses may be eliminated on the basis of seniority, so that the premises holding a license the least amount of time shall be eliminated first. However, the Commissioner may, with an accompanying written statement, eliminate licenses in those instances on the basis of quality of operation of the premises, considering such matters as charges before the Commissioner, the State Liquor Commission or other law enforcement issues and/or on the basis of articulable benefit or lack of benefit to the City.

12-6-19 CHANGE OF LOCATION

A liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon written permission to make such change, issued by the Commissioner after a report to the City Council. No change of location shall be permitted unless the proposed new location is a proper one for the sale of alcoholic liquor under the laws of this State and the regulations of the City.

12-6-20 OUTDOOR RESTAURANT SEATING

1. Subject to all other applicable license restrictions, the holder of a Class B, B-1, C or D license may serve alcoholic liquor to a customer seated at a table located outside the licensed establishment, in strict accordance with Article 5, Chapter 3.1 of this Code.
2. At B-1 restaurants, outdoor tables may not be used as part of the lounge area; only customers ordering meals may be seated at outdoor tables. Outdoor seating capacity shall not be included in calculations regarding license eligibility.
3. No live entertainment may be conducted outside.

(Ord 2004-42, 6/7,04, S23)

12-6-21 SANITARY CONDITIONS

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in full compliance with the codes regulating the condition of premises for the storage and sale of food for human consumption.

12-6-22 CONSUMPTION ON PREMISES

- A. No liquor shall be sold, offered for sale, kept for sale, displayed or advertised for sale or delivered to any person except at the location, place or premises described in the liquor license.
- B. It shall be unlawful for anyone not having a license which provides for consumption on the premises where sold, to offer for sale, deliver or donate any alcoholic liquor for consumption on the premises, or to permit the same to be consumed on the premises where sold, delivered or donated.
- C. It shall be unlawful to consume or permit the consumption of alcoholic liquor in public restaurants, catering establishments or other places of public gathering not having the appropriate liquor license.
- D. It shall be unlawful for any licensee to sell and/or offer for sale at retail alcoholic liquor in other than its original package, except for consumption on the premises where sold.
- E. Notwithstanding any other provision of this Chapter 6, any Class A, B, B-1, B-2, C or K licensee may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption so long as there is compliance with the following conditions: (1) the patron has purchased a meal or hors d'oeuvres and consumed a portion of the bottle of wine with the meal or hors d'oeuvres on the licensed premises; and (2) the partially consumed bottle of wine that is to be removed from the premises pursuant to this Section is securely sealed by the licensee prior to removal from the premises; and (3) the bottle is placed in a transparent one-time use tamper-proof bag; and (4) the licensee has provided a dated and time-stamped receipt for the specific bottle of wine to the patron. It shall be the absolute duty of the licensee to assure that the type of "tamper proof" bag that is used is such that any removal or attempted removal of the bottle from the bag will be obvious to any law enforcement officer.

The wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed an unsealed container for the purposes of Section 11-502 of the Illinois Vehicle Code.

(Ord. 2010-54, 5/17/2010)

12-6-23 HOURS OF SALE

- A. It shall be unlawful to sell or offer for sale any alcoholic liquor for consumption on the premises in the City between the hours of 1:00 a.m. and 11:00 a.m. provided, however,

that, on January 1 of each year, liquor may be served until 2:00 a.m. In addition, Class B-2 licensees are permitted to sell and serve alcoholic liquor on Fridays and Saturdays beginning at eleven o'clock (11:00) a.m. and continue until two o'clock (2:00) a.m. the following day. Further, in a Class D license catering establishment located in territory annexed to the City of Park Ridge after January 1, 1993 and prior to January 1, 1997, and which held a Cook County Liquor License as of the date of annexation, it shall be unlawful to sell or offer for sale any alcoholic liquor for consumption on the premises between the hours of 1:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. and 7:00 a.m. on Saturdays and between the hours of 2:00 a.m. and 9:00 a.m. on Sundays.

- B. Licensed premises may remain open for the sale of food during the hours within which the sale of alcoholic liquor is prohibited, but no alcoholic liquor may be sold or consumed on the premises during such hours and all tables shall be cleared of any barware, containers or glassware containing any alcoholic liquor not later than one-half hour after such sale is prohibited.
- F. No alcoholic liquor shall be sold or consumed on the premises in any licensed restaurant at any time that the kitchen is not fully staffed and operational. In addition to the requirements of A and B above, alcoholic liquor sales and service shall cease whenever the kitchen is closed.

(Ord. 2010-47, 5/03/2010)

12-6-24 CONDUCT OF EMPLOYEES AND AGENTS

The following shall apply to employees and agents of licensees:

- A. Any act or failure to act of an employee or agent of either the licensee or a management company with respect to the licensed business shall be deemed to be the act of the licensee.
- B. No employee or other deliverer of alcohol may consume or be permitted to consume any alcoholic liquor on the licensed premises while on duty or while performing any duties of employment.
- C. No person, including any employee, manager, owner or agent of the licensee may consume alcoholic liquor on the licensed premises before or after the permitted hours of operation.
- D. No employee or other person, under the age of twenty-one years may tend bar or draw, pour or mix any drink of alcoholic liquor and no employee or other person under the age of eighteen years may serve or deliver any alcoholic liquor.
- E. Before any liquor license shall be issued, the prospective licensee shall provide evidence to the Commissioner that all employees who will be engaged in mixing, serving, preparing or delivering alcoholic liquor to customers, guests, or patrons, have successfully completed a Beverage Alcohol Sellers and Services Education and Training ("BASSET") Program conducted by an agency licensed by the Illinois Department of Alcohol and Substance Abuse. Each new such employee hired by the licensee after issuance of the license shall

complete a BASSET program at the next available training session or within sixty (60) days of actually beginning work, whichever comes first. A copy of the certificate of completion of such BASSET program for each such employee shall be filed with the Commissioner. Each certification shall be renewed every three (3) years from the date of issue.

(Ord 2007-03, 1/8/07,S25)

12-6-25 SIGNS

Any signs on premises indicating the sale of alcoholic liquor shall be subordinate to the sign indicating the principal business of the licensed premises and shall conform to the description in the license application and all applicable sign regulations of the City. No such sign shall advertise any particular brand of alcoholic product.

12-6-26 IMPROPER INFLUENCE

No applicant or licensee or agent or employee of a licensee shall offer anything of value to any City official or employee, directly or indirectly, to influence the issuance of a license or the enforcement of any provision of this Chapter.

12-6-27 COMPLAINT OF VIOLATION

Any person shall have the right to file a complaint with the Commissioner stating that any licensee has been or is violating the provisions of this Chapter or the rules or regulations issued pursuant to it. Such complaint shall be in writing in the form prescribed by the Commissioner and shall be signed and sworn to by the complaining party. The complaint shall state the particular provision, rule or regulation believed to have been violated and set forth the facts upon which the belief is based. If the Commissioner is satisfied that the complaint substantially charges a violation and is supported by reasonable grounds the matter shall be set for hearing. Notice shall be served upon the licensee of the time and place of such hearing and of the particular charges in the complaint. For purposes of this Section, any police officer is empowered to serve subpoenas.

12-6-28 FINES, SUSPENSION OR REVOCATION OF LICENSE

The Commissioner may revoke or suspend any license issued pursuant to this Chapter and/or may impose a fine of up to Five Thousand Dollars (\$5,000.00) if it is determined that the licensee has violated any of the provisions of this Chapter or any other applicable rules or regulations. The Commissioner may revoke or suspend any live entertainment permit issued pursuant to this Chapter and/or may impose a fine of up to Five Thousand Dollars (\$5,000.00) if it is determined that the licensee has violated any of the provisions of this Chapter or any other applicable rules or regulations regarding live entertainment. However, no such license shall be revoked or suspended, or a fine imposed, except after a public hearing by the Commissioner or the Liquor License Review Board if the Commissioner shall so designate. No hearing shall be commenced until ten (10) days' after written notice to the licensee affording the licensee an opportunity to appear and

defend. If the Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the health, safety or welfare of the community, the Commissioner may, upon the issuance of written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than ten (10) days, giving the licensee an opportunity to be heard not later than the end of that period. If the licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such orders shall not be applicable to such other business or businesses. All hearings before the Commissioner shall be on the record as set forth under Illinois law so that any appeal to the State Liquor Commission shall be on this record only and not de novo. Appeals shall be taken to the Illinois Liquor Control Commission and the Circuit Court in the manner provided by law.

(Ord. 2009-75, 10/19/09)

12-6-29 PROVISIONS TO AND USE OF ALCOHOL BY UNDERAGE PERSONS

- A. Delivery Of Alcoholic Liquor To An Underage Person: It shall be unlawful for any person, regardless of relationship, age or circumstances, to deliver any alcoholic liquor to any underage person, except as set forth in subsection C of this Section.
- B. Use Of Premises For Consumption Of An Alcoholic Liquor: It shall be unlawful for any person to knowingly permit or to knowingly or negligently fail to prevent, on any premises under his or her control, the consumption of an alcoholic liquor by an underage person. This Section shall apply to residential, public and commercial premises.
- C. Exceptions: Subsections A and B of this Section shall not apply in the following circumstances:
1. The performance of a bona fide religious service.
 2. The delivery of an alcoholic liquor within the home to an underage person, by and under the direct supervision of that underage person's parent. However, the following rules shall be applied to this subsection C2:
 - a. In any prosecution of an underage person for the commission of any State or local offense, the prosecutor, upon reasonable grounds, may request a ruling and the court shall rule as to whether the consumption of an alcoholic liquor, as permitted by the parent, was a contributing factor to the commission of the offense. If it is so determined in the affirmative, then the penalty set forth in subsection D of this Section shall apply. For purposes of this subsection, the consumption of alcohol may be determined to be a contributing factor if it had the effect of substantially causing an impairment to the person as "impairment" is defined in this Chapter. It need not be shown that, but for the consumption of alcohol, the offense would not have been committed.
 - b. The parent shall remain vicariously liable as set forth in subsection E of this Section.

- D. Penalty. Any person found guilty of violating subsection (A) or (B) shall be fined in the mandatory amount of one thousand dollars (\$1,000.00).
- E. Vicarious Liability Of A Parent Or Other Person Facilitating The Use Or Abuse Of Alcoholic Liquor: The following persons shall be liable to any individual who has been injured by an alcohol impaired underage person when the impairment is a contributing cause of the injury:
1. Any person who delivered or permitted the delivery of an alcoholic liquor to the underage person. The person making or permitting the initial delivery to an underage person remains liable to anyone injured by the same or different underage person regardless of how many times the alcoholic liquor changed hands.
 2. Any person in control of a premises, who knowingly or negligently fails to maintain supervision to such an extent that an alcoholic liquor is consumed on the premises by an underage person.
 3. Any person who knowingly or negligently allows the operation of a motor vehicle under his or her control by an underage person, when the person knew or in the exercise of ordinary judgment should have known that the underage person was either impaired or had consumed any amount of alcohol within two (2) hours prior to when this allowance to drive occurred.

The vicarious liability established by this Section shall not be subject to the limitations on damages as set forth in 235 Illinois Compiled Statutes 5/6-21.

- F. Use of False Identification. Any underage person found guilty of attempting to obtain delivery of an alcoholic liquor by use of false proof of age shall be subject to a mandatory fine of Five Hundred Dollars (\$500.00). If the false proof of age was an improperly used driver's license, the person so using it shall not be permitted, for a period of six (6) months, to operate a motor vehicle on any public way within the corporate limits of the City unless accompanied by a licensed driver over thirty (30) years of age.
- G. False Identification Not a Defense. It shall not be a defense to any action brought criminally, civilly or administratively against any liquor licensee or any other person charged with the delivery of any alcoholic liquor to an underage person that such a person produced false identification or false proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed or the apportionment of damages.
- H. Operation of a Motor Vehicle While in a State of Impairment. It shall be unlawful for any underage person to operate a motor vehicle on a street or highway of the City while in a state of impairment due to the consumption of an alcoholic liquor or with any alcohol at all in his or her system. For purposes of this section only, "operation of a motor vehicle" shall have the definition ascribed to it in the Illinois Vehicle Code rather than the definition set forth in Section 12-6-1 of this Chapter.

- I. Operation of a Motor Vehicle by Underage Persons with an Alcoholic Liquor in or on the Vehicle; When the Underage Person is Impaired Due to Alcohol or has Alcohol in the System or is Operating the Vehicle in Violation of a Restriction Pursuant to this Chapter. The following shall apply when any underage person is found in the City operating any motor vehicle in which or on which is found any alcoholic liquor, or when the underage person is in a state of impairment due to consumption of alcohol or to have alcohol in his or her system or is found operating a motor vehicle in violation of a restriction pursuant to this Chapter:
1. The motor vehicle shall be subject to immediate impoundment by the police department.
 2. The following factors shall not be considerations in determining whether or not to impound the motor vehicle:
 - a. Whether the alcoholic liquor is in an opened or an unopened container.
 - b. Whether the operator is the owner of the alcoholic liquor in the vehicle.
 - c. Whether the operator had knowledge of the existence of the alcoholic liquor within the motor vehicle.
 3. Upon impoundment, the motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle.
 - a. If the underage operator is the owner or lessor of the vehicle, then the vehicle may be released only to a parent or spouse of the underage owner. If the underage person has no parent or spouse living in the immediate area, the vehicle may be released, upon satisfactory proof of such fact, as set forth in subsection 4 of this Section.
 4. The motor vehicle may not be released to any person who was a passenger in the motor vehicle at the time the alcoholic liquor or impairment was found unless at least twenty four (24) hours have passed from the time of the finding.
 5. The vehicle shall not be released until the person seeking the release has paid an administrative fee of Two Hundred Dollars (\$200.00) to the City, plus any towing or storage costs.
 6. If the operator is subsequently found guilty of driving with open alcohol in a motor vehicle or possession of alcohol by a minor or of operating a motor vehicle while impaired pursuant to Subsection G of this Section, that person shall not be permitted for a period of six (6) months, to operate a motor vehicle on any public way within the limits of the City unless accompanied by a licensed driver over thirty (30) years of age.

7. The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop.
8. Any law enforcement officer, the police department and the City and any of its officers or agents shall be absolutely immune from any liability or exposure to liability of any kind or nature for the enforcement or implementation of this Section.

J. Procedure for Driving Restriction Notification; Hearing.

1. If a person has committed a violation that subjects the person to a restriction on driving in Park Ridge, such a restriction shall not take place until the police department has sent, by regular mail, a notice of the pending driving restriction. The notice shall be mailed at least two (2) weeks before the restriction is to go into effect and shall contain: 1) a statement that the restriction applies only to the City; 2) the date the restriction is to go into effect and the date on which it ends; 3) a map showing the City limits; 4) a notice that the operator has the right to request a hearing within ten (10) days of notification to determine the validity of the restriction. The validity of the restriction may be challenged only on the grounds that the person was not the actual person found guilty or that there was no finding of guilty for the underlying offense.
2. The hearing shall be conducted by a supervisory member of the City police department, appointed by the Chief of Police and whose determination shall be final.

K. Penalty for Violating Driving Restriction.

1. Restriction: No person shall operate and no person, including a parent, shall permit another to operate a motor vehicle within the corporate limits of the City in violation of the restrictions set forth in this Chapter.
2. Penalty: Any person found guilty of violating this Subsection (K) shall be fined in the mandatory amount of Five Hundred Dollars (\$500.00).

L. Zero Tolerance With Respect to Alcohol Use.

It shall be unlawful for any underage person to have any alcohol of any level detectable by observation or blood/alcohol testing in the person's system. If the blood/alcohol level is less than .05 milliliters of alcohol per liter of blood, then it shall be a defense that the alcohol was acquired pursuant to the exceptions set forth in subsection (C) of this Section. Such defense may be established by clear and convincing evidence and by the testimony of the adult providing the alcoholic liquor.

M. Possession of Alcohol By Underage Persons

It shall be unlawful for any person under the age of twenty-one (21) to possess, dispense, or consume alcoholic liquor. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

12-6-30 REFERRAL TO PEER JURY

Nothing in this Chapter shall prevent the referral of underage persons to the peer jury for disposition consistent with the rules and regulations of the peer jury.

12-6-31 VIOLATIONS AND PENALTIES

Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding.

A. General.

Unless another penalty is set forth in this Chapter, every person found guilty of a violation of any of the provisions of this Chapter shall be subject to a fine of Five Hundred Dollars (\$500.00) for the first offense and One Thousand Dollars (\$1,000.00) for each subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court or administrative adjudication hearing officer is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated, at a rate of one hour of community service for every ten dollars (\$10.00) of the mandatory fine.

B. Substance Abuse.

If the offense is related to alcohol or substance abuse and the offender is under twenty-one (21) years of age, the court or administrative adjudication hearing officer may assign the offender to a chemical abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse and requires a certified evaluation program and not less than four (4) hours of counseling. If the violator agrees to attend such a program, the violator shall pay for the cost of the program and a fine of One Hundred Dollars (\$100.00) for a first offense. For a second or subsequent offense the offender shall pay for the cost of the program and a fine of not less than Two Hundred and Fifty Dollars (\$250.00).

(Ord2006-69,8/21/06,S24)

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 7 FARMERS MARKET

SECTION

12-7-1	Farmers Market
12-7-2	Time and Place
12-7-3	Permit Required
12-7-4	Permit Fee
12-7-5	Permit Application
12-7-6	General Regulations
12-7-7	Market Master
12-7-8	Penalty for Violation

12-7-1 FARMERS MARKET

There is hereby established in the City of Park Ridge a marketplace to be known as the Farmers Market for the sale of produce, and processed, packaged, or prepared food, subject to the procedures and regulations hereinafter set forth.

(Ord 2006-38, 5/1/06, S24)

12-7-2 TIME AND PLACE

The Farmers Market shall be located in an area designated by resolution of the City Council and shall be conducted on such days and during such hours as the Council may prescribe.

12-7-3 PERMIT REQUIRED

The market shall be divided into spaces designated by the market master. No person may occupy any space within the market unless he has received an occupancy permit issued by the master and has paid the applicable fee therefor. The fee shall not be a tax or license but shall be used to defray the cost of administration and promotion of the Farmers Market and enforcement of this ordinance.

12-7-4 PERMIT FEE

- A. Farmers Market permit may be issued either for an entire season or for one day. No person may receive more than three (3) daily permits in any season.
- B. The fee for a Farmers Market permit shall be established by the market master.
(Ord 2001-11, 3/5/2001, S21), (Ord 2006-38, 5/1/06, S24)

12-7-5 PERMIT APPLICATION

Applications for a Farmer Market permit shall be made on forms prescribed by the market master. Such applications shall contain and include the following information:

- A. Name, address and telephone of the applicant and, if a business name, the name of the individual owner of the business.
- B. Description of product to be sold.
- C. Identification of the state and county in which the produce to be sold is grown or gathered.
- D. Name and address of any person other than family members and employees of the applicant involved in preparing, packaging, transporting, or otherwise processing the product.
- E. Name and address of persons to be actually in charge of applicants' sales.
- F. A warranty that the produce to be sold will be grown, gathered, or produced by the applicant personally, his family, or employees, and not purchased for resale.
- G. Such other information as the market master may require.
- H. A certificate of insurance naming the City of Park Ridge and the Farmers Market Committee as additional insured that will be in full force and effect during the operation of the Farmers Market in the amount of \$1,000,000 for general liability per occurrence from an insurance company licensed to do business in the State of Illinois and with a minimum insurance rating acceptable to the City.

(Ord. 2006-56, 7/17/06, S24)

12-7-6 GENERAL REGULATIONS

- A. Scales for products sold by weight shall conform to established standards of the State of Illinois.
- B. Prices shall be prominently displayed.
- C. Hawking and crying out is prohibited.

- D. Any animals or pets brought to the market shall be kept at least 10 feet away from any booth selling food that is regulated by the Illinois Department of Public Health Retail Food Store Sanitation Code or Food Service Sanitation Code including processed, prepared or packaged food products. Any person who brings an animal or pet to the market shall comply with all applicable provisions of Article 5 Chapter 8 of the Municipal Code entitled, "Animals".
- E. Sale of the following is prohibited:
1. Any unwholesome, adulterated, spoiled, or contaminated food product.
 2. Any dairy product except hard cheese, unless approved by the Health Authority.
 3. Any meat, fish, or poultry product, unless approved by the Health Authority.
 4. Home canned, heat processed, hermetically sealed non-acid or low-acid foods.
 5. Eggs.
 6. Any food item to which preservatives or coloring has been added, unless approved by the Health Authority.
 7. Baked goods which require refrigeration.
 8. Any food processed, packed or prepared at a home or other source not approved by federal, state or municipal health authorities or inspected by federal, state or municipal health authorities.
 9. Any live animals.
 10. Any alcoholic beverages.
- F. No waste, garbage, or refuse shall be permitted to accumulate or remain in the market area.
- G. All food items, all persons handling food items, and all equipment for transportation, storage and display of food items shall comply with the sanitary regulations promulgated by the Health Authority.
- H. The label for any pre-packaged or wrapped food items shall comply with the Illinois Department of Public Health Retail Food Store Sanitation Code and the Illinois Food Service Sanitation Code.
- I. When food that is regulated by the Illinois Department of Public Health Retail Food Store Sanitation Code or Food Service Sanitation Code such as processed, prepared or packaged food products is provided regardless of whether there is a charge for the food, an application for a temporary food establishment Health Permit shall be submitted to the Health Authority.

No person may sell or give away any food for which a temporary food establishment Health Permit is required until the Health Authority has approved such permit.

- J. No person may sell any processed, prepared or packaged food or prepare any food on site in the Farmers Market unless the food and any ingredients that would be used on site comes from a facility that is either licensed by a local health department or a state or federal food agency, or is inspected by the Illinois Department of Public Health as a food processor, warehouse or packer.

(Ord 2006-38, 5/1/06, S24)

12-7-7 MARKET MASTER

There shall be a market master who shall have general responsibility for the administration of the market and promulgation and enforcement of rules and regulations for the operation of the market. The market master shall have the authority to approve Farmers Market permits, to revoke Farmers Market permits for any violation of this ordinance or any law or regulation or conduct detrimental to the public health, safety, or welfare, to designate assigned spaces in the market, and to do all other things necessary to the operation of the operation of the market.

(Ord 2006-38, 5/1/06, S24)

12-7-8 PENALTY FOR VIOLATION

Any person, firm, or corporation violating any of the terms or provisions of this Chapter or failing to comply with an order of the Health Authority, shall be fined not less than fifty dollars (\$50.00) for the first violation, not less than one hundred dollars (\$100.00) for any subsequent violation and not more than two thousand five hundred dollars (\$2500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such hereunder.

(Ord 2006-38, 5/1/06, S24)

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 8 ROOMING HOUSES

SECTION

12-8-1	Definitions
12-8-2	License Required
12-8-3	Rooming House Regulations
12-8-4	Penalty

12-8-1 DEFINITIONS

ROOMING HOUSE: Includes "boarding house" and "lodging house" and means an establishment as defined in 65 ILCS 5/11-30-3 except that the term includes those establishments open to the public where accommodations are provided to any number of persons on a transient basis and whether or not any meals are provided to guests. Rooming house also includes "bed-and-breakfast" establishments as defined in 50 ILCS 820/1 et seq. except that such establishments include those with more than five (5) guest rooms and those in operation for less than ten (10) nights in any twelve (12) month period. "Rooming house" shall not include community residences as defined in the Park Ridge Zoning Ordinance.

12-8-2 LICENSE REQUIRED

- A. It shall be unlawful for any person to operate in the City of Park Ridge a rooming house without a license issued by the City.
- B. A rooming house license shall be valid for a period of six (6) months from the date of issue and may be renewed for additional periods of six (6) months provided that it complies with this Code.
- C. The fee for a rooming house license shall be fifty dollars (\$50.00).

- D. Application for a rooming house license shall be made to the Director of Community Preservation and Development on forms provided.

12-8-3 ROOMING HOUSE REGULATIONS

Any rooming house required to be licensed by this Code shall as a condition of receiving and continuing to enjoy the privilege granted by the license comply with 50 ILCS 820/1 et seq. and the following regulations:

- A. The premises shall be occupied by the owner as a principal residence.
- B. The license certificate shall be posted in a conspicuous place within ten (10) feet of the main entrance to the premises.
- C. The premises shall be open to inspection by any authorized City police official, fire building, and health inspector.
- D. Off-street parking facilities shall be provided for all motor vehicles used by any guests.
- E. The establishment shall meet the fire safety requirements set forth in 50 ILCS 820/6. Additionally, the establishment shall:
1. provide a hard-wired smoke detector in each guest room and in all common areas in accordance with requirements of the City fire inspector of a type which upon activation transmits a signal to a central receiving station;
 2. comply with Sections 817.0 and 822.0 of the BOCA National Building Code, 1990, as amended by Article 15-1-3 of this Code regulating stairways, exit signs, and lights;
 3. comply with Section 20-2 and 20-3 NFPA101-1985 regarding means of escape and fire protection;
- D. The liability insurance required by 50 ILCS 820/7 shall be in an amount not less than five hundred thousand dollars (\$500,000.00).
- E. Bathroom facilities shall be provided as follows:
1. at least one (1) flush water closet, lavatory basin, and bathtub or shower properly connected to a water and sewer system approved by the housing inspector and in good working condition for each six (6) persons or fraction thereof who may be accommodated within a rooming house including members of the operator's family where they share the use of said facilities;
 2. all such facilities shall be located within the dwelling so as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided

- that such facilities shall not be located more than one (1) floor above or below the rooming unit or units served;
3. every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times;
 4. if the rooming house has only one (1) bathroom for use by the occupants of the rooming units, said bathroom shall not be located in a basement except by written approval of the housing inspector.
- F. Food service, if provided for any meal, shall be in accordance with the provisions of 50 ILCS 820/4. Rooming house guests shall not be permitted access to kitchen facilities to prepare their own food, and no cooking shall be permitted in guest rooms.
- G. Linen and soap service shall be provided in accordance with 50 ILCS 820/5.
- H. No bedroom may be occupied by more than two (2) adults. Every such room shall contain not less than eighty (80) square feet of floor space for one (1) person and not less than one hundred thirty (130) square feet of floor space for two (2) people.
- I. Access to and from each bedroom shall be accomplished without passing through any other bedroom. Bedroom doors shall have locks to insure privacy.
- J. The premises shall meet applicable requirements of the "American with Disabilities Act."
- K. The premises shall comply with the Park Ridge Zoning Ordinance regarding home occupations and signs.

12-8-4 PENALTY

Any person violating any provision of this Chapter shall be fined not less than one hundred dollars (\$100.00) for each violation. Each day such violation occurs shall constitute a separate violation.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 9 TOBACCO PRODUCTS

SECTION

12-9-1	Definitions
12-9-2	License Required
12-9-3	License Application
12-9-4	License Fee
12-9-5	Prohibited Sales, Delivery - Signs
12-9-6	Purchases by Minors Prohibited
12-9-7	Possession by Minors Prohibited
12-9-8	Free Distributions Prohibited
12-9-9	Vending Machines - Locking Devices
12-9-10	Responsibility for Agents and Employees
12-9-11	Suspension; Revocation of License; Hearing; Fines, Appeals

12-9-1 DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

12-9-2 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products within the City without having first obtained a tobacco dealer's license required by this Code.

12-9-3 LICENSE APPLICATION

Application for a license hereunder shall be made in writing to the Health Officer on forms provided.

12-9-4 LICENSE FEE

The license fee for a tobacco dealer's license shall be \$100.00.

12-9-5 PROHIBITED SALES, DELIVERY - SIGNS

- A. It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- B. 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 on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

PURCHASE AND POSSESSION OF TOBACCO PRODUCTS BY
PERSONS UNDER EIGHTEEN YEARS OF AGE ARE
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.

- C. It shall be unlawful to sell, offer for sale, give away, or display tobacco products for sale at any location where the consumer can acquire those products through self-service. All tobacco products will be displayed from behind a sales/service counter so that no consumer can access tobacco products without assistance by an employee of the licensee. This restriction shall not apply to customer self-service from vending machines as described in the section of this article titled "Vending Machines - Locking Devices".

(Ordinance 2001-42, 10/15/2001, Supp21)

12-9-6 PURCHASE BY MINORS PROHIBITED

- A. It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- B. Any person found guilty of violating this Section shall be fined fifty dollars (\$50.00).

12-9-7 POSSESSION BY MINORS PROHIBITED

- A. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.
- B. Any person found guilty of violating this Section shall be fined fifty dollars (\$50.00).

(Ord 2005-57, 9/6/05, S24)

12-9-8 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 any employee or agent of such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products free of charge to any person on any right-of-way, park, playground or other property owned by the City, any school district, or any park district.

12-9-9 VENDING MACHINES - LOCKING DEVICES

- A. It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine, unless such vending machine is equipped with a device controlled by the licensee so as to prevent its operation by persons under the age of eighteen (18) years.
- B. Any premises where access by persons under the age of eighteen (18) years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of the business located at such premises,

12-9-10 RESPONSIBILITY FOR AGENTS AND EMPLOYEES

Every act of omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter 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 of omission had been done or omitted by the licensee personally.

12-9-11 SUSPENSION; REVOCATION OF LICENSE; HEARING; FINES; APPEALS

A. The Mayor or his/her designee is charged with the administration of this Chapter. The Mayor may suspend or revoke any license issued under the provisions of this Chapter, if he determines that the licensee has violated any of the provisions of this Chapter. In lieu of or in addition to the suspension or revocation of a license, the Mayor may levy a fine on the licensee. The fine imposed shall not exceed five hundred (\$500) for each violation. Each day on which a violation continues shall constitute a separate violation.

B. The licensee shall be notified of a determination to revoke or suspend a license or of the imposition of a fine by the Mayor. The notice shall inform the licensee of the right to request a hearing before the Administrative Adjudication Division's Hearing Officer regarding the proposed action. The notice shall contain the reasons for the revocation, suspension or imposition of a fine. The notice shall be personally served or mailed, postage prepaid, to the licensee at his/her last known address and shall provide the licensee with the right to request a hearing before Administrative Adjudication Division's Hearing Officer within twenty-one (21) calendar days following the date such notice was personally delivered or placed in the mail. Any request for a hearing must be made in writing and submitted to the Mayor via personal delivery or mail, postage prepaid. If no such request for a hearing is received, the Mayor's determination shall become final.

C. The Administrative Adjudication Division shall set a place, date and time for the hearing and shall notify the licensee of that information. The initial hearing date shall not be more than thirty (30) days after the Mayor receives the written request for a hearing.

D. The licensee shall have the right to be represented at such a hearing by legal counsel. At the conclusion of the hearing, the Administrative Adjudication Hearing Officer shall issue a written decision and findings of fact. Such decision and findings of fact shall be mailed to the licensee within five (5) business days following the conclusion of the hearing or the receipt of any transcript thereof, whichever is later.

E. Twenty-four (24) hours prior to the commencement of any suspension or revocation, the City of Park Ridge Police Department shall post on all entrances to the licenses premises a notice entitled "Notice of Revocation/Suspension." Such notice shall be substantially similar to the following:

NOTICE OF REVOCATION/SUSPENSION

The license for this establishment, _____, which is held by _____ is:

_____ suspended for the following dates: (insert dates)

_____ revoked beginning on _____(date) at _____ a.m./p.m.

pursuant to Section 12-9-11 of the Park Ridge Municipal Code for violations of Section(s)_____ of the Park Ridge Municipal Code. For additional information, please contact the Mayor at the City of Park Ridge at _____.

Anyone who removes a Notice of Revocation/Suspension before the suspension period is completed or less than seven (7) days after posting of a Notice of Revocation shall be subject to a fine of \$_____.

F. Any licensee whose license is suspended or revoked or who has been fined by the Administrative Adjudication Hearing Officer shall have the right to seek judicial review of the decision pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.* Any applicant or license holder who files such an action for judicial review shall pay the costs of preparing and certifying the record of proceedings pursuant to Section 5/3-109 of the Administrative Review Law, 735 ILCS 5/3-109.

(Ord2006-70,8/21/06,S24)

12-9-12 SALES BY MINORS PROHIBITED

A. It shall be unlawful for any person, including any licensee or licensee's agent or employee to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products.

B. Any person found guilty of violating this Section shall be fined \$100.00 for the first violation and a minimum of \$250 for each subsequent violation.

(Ord2006-70,8/21/06,S24)

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 10 SEXUALLY-ORIENTED BUSINESSES

SECTION

12-10-1	License Required
12-10-2	Eligibility for License
12-10-3	Term of License; Fee
12-10-4	Hours of Operation
12-10-5	Minimum Age
12-10-6	Other Sales Prohibited
12-10-7	Inspections
12-10-8	Visibility; Lighting
12-10-9	Suspension, Revocation, Hearing, Fines, and Cost
12-10-10	Transfer of License
12-10-11	Bond Required
12-10-12	Penalty

12-10-1 LICENSE REQUIRED

- A. It shall be unlawful for any person directly or indirectly to own or operate a sexually-oriented business as defined herein without a license as provided herein.
- B. A sexually-oriented business is one in which the dominant commercial activity is sale, rental or exhibition of material depicting:
1. human genitals in a state of sexual stimulation or arousal;
 2. aspects of human masturbation, sexual intercourse or sodomy; or
 3. fondling or other erotic touching of human genitals, pubic region, buttock or female breast, or any performance of such sexual activities.

Supp. 18 (January, 1999)

12-10-2 ELIGIBILITY FOR LICENSE

- A. A license to own and operate a sexually-oriented business may be issued only to a natural person who is
1. not less than twenty-five (25) years of age; and
 2. a resident of the City of Park Ridge or who agrees to become such within thirty (30) days of issuance of a license.
- B. No such license may be issued to any corporation. Further, no license shall be issued to any natural person who
1. has failed to provide information reasonably necessary for determination of eligibility to receive a license or has given false or deceptive information; or
 2. has been convicted in any jurisdiction of any felony or of any offense involving sexual conduct or obscenity or has owned directly or indirectly any sexually-oriented business as to which a license has been revoked or suspended in any jurisdiction; or is residing with any such person.

12-10-3 TERM OF LICENSE; FEE

A license shall be valid for a period for a period of six (6) months unless sooner terminated or revoked. The fee for each license shall be one thousand five hundred dollars (\$1,500.00).

12-10-4 HOURS OF OPERATION

No business licensed under this Chapter shall be open to the public before 9 a.m. or after 9 p.m. or at any time on Sunday.

12-10-5 MINIMUM AGE

No person shall be employed in any licensed sexually-oriented business who is not at least twenty-one (21) years of age. No person shall be allowed to enter such business premises who is not at least eighteen (18) years of age.

12-10-6 OTHER SALES PROHIBITED

No licensed sexually-oriented business shall be permitted to sell any food, beverage, or tobacco product.

12-10-7 INSPECTIONS

Any premises licensed under this Chapter shall comply with all reasonable rules and regulations of the City Health Department, Fire Department, and Police Department and shall be subject to inspection by any authorized City officer at any reasonable time.

12-10-8 VISIBILITY; LIGHTING

Any premises licensed under this Chapter shall have a front window or windows and an interior arrangement such that there is a clear and unobstructed view from outside the premises, through the front window(s) into all parts of the premises accessible to customers. Lighting in all parts of the premises accessible to customers shall be not less than 150-foot candles at all times that the building is open for business.

12-10-9 SUSPENSION, REVOCATION, HEARING, FINES, AND COST

- A. The Mayor shall be charged with the administration of this Chapter. The Mayor may suspend or revoke any license issued under the provisions of this Chapter if he determines that the licensee has violated any of the provisions of the Chapter, and may levy a fine on the licensee. The fine imposed by the Mayor shall not exceed five hundred dollars (\$500.00) for each violation. Each day on which a violation continues shall constitute a separate violation.
- B. No such license shall be suspended or revoked and no licensee shall be fined except after a public hearing before the Liquor License Review Board with not less than ten (10) days written notice to the licensee affording the licensee an opportunity to appear and defend against the charges contained in such notice. The hearing shall be conducted as in the case of hearings regarding liquor license violations, and the Liquor License Review Board shall have the power to recommend to the Mayor findings and policies for violations of this Chapter. The Mayor shall serve a written order setting forth his findings and any penalty to be imposed.
- C. Any licensee determined by the Mayor to have violated any of the provisions of this Chapter shall, in addition to any fine imposed, pay to the City the costs of the hearing before the Mayor on such violation. The Mayor shall determine the costs incurred by the City for said hearing including, but not limited to, court reporters' fees, the cost of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Mayor may allow. The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Mayor. Failure to pay said costs within thirty (30) days of notification is a violation of this Chapter and may be cause for license suspension or revocation or the levy of a fine.

12-10-10 TRANSFER OF LICENSE

The license shall be purely a personal privilege and shall not constitute property nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable voluntarily or involuntarily or subject to being encumbered or hypothecated. The license shall permit the licensed activity only on the premises described in the application and license.

12-10-11 BOND REQUIRED

No license shall be issued unless the licensee shall first deposit with the City a bond with a corporate surety, such corporate surety to be a "AA"-rated surety company regularly authorized to act as surety and approved by the Commissioner of Insurance with respect to its rating as a surety company. Such bond shall provide against any violation by the principal, his agents, or employees of any of the terms of this Chapter or any rules and regulations now in force or which may hereafter be enforced in the City affecting the operation of such business. The penalty of such bond shall be three thousand dollars (\$3,000), and the purpose of such bond shall be to cover the costs of enforcement, prosecution, as well as the cost of hearing by the Mayor on the question of suspension or revocation of the license.

12-10-12 PENALTY

In addition to, or in lieu of any administrative sanction imposed pursuant to § 9 above, any violation of this Chapter shall, upon conviction thereof by a court of law, be punishable by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day on which a violation continues shall constitute a separate offense.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 11 TELECOMMUNICATIONS

SECTION

12-11-1	Registration
12-11-2	License
12-11-3	Franchise
12-11-4	Penalties
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12-11-7	Telecommunications Carriers and Providers Registration
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12-11-11	Fees and Compensation
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12-11-1 REGISTRATION

Except as otherwise provided herein, all telecommunications carriers and providers, including holders of a State-issued authorization pursuant to Section 21-401 of the Cable and Video Competition Law of 2007 (220 ILCS 5/21-401), engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the City shall register with the City, as provided in Section 12-11-7.

(Ord. 2008-12, 2/25/2008)

12-11-2 LICENSE

Except as otherwise provided herein, any telecommunications carrier which desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over or across any public way of the City for the sole purpose of providing telecommunications service to

persons and areas outside the City shall first obtain from the City a license granting the use of such public ways, as provided in Section 12-11-8.

12-11-3 FRANCHISE

- A. **TELECOMMUNICATIONS FRANCHISE:** Except as otherwise provided herein, any telecommunications carrier which desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in, under, over or across any public way of the City, and to also provide telecommunications service to persons or areas in the City, shall first obtain from the City a franchise granting the use of such public ways as provided in Section 12-11-9.
- B. **CABLE TELEVISION FRANCHISE.** Except as otherwise provided herein, any telecommunications carrier which desires to construct, install, operate, maintain or locate telecommunications facilities in any public way of the City for the purpose of providing cable television service to persons in the City shall first obtain a cable franchise from the City as provided in Section 12-11-10.
- C. **APPLICATION TO EXISTING FRANCHISE ORDINANCES AND AGREEMENTS.** This Chapter shall have no effect on any existing franchise ordinance or franchise agreement until:
1. the expiration of said franchise ordinance or agreement;
 2. an amendment to an unexpired franchise ordinance or franchise agreement, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.
- D. **APPLICATION TO HOLDERS OF STATE-ISSUED AUTHORIZATIONS.** Sections 12-11-2, 12-11-3, 12-11-8, 12-11-9 and 12-11-10 of this Chapter 12 shall not apply to any holder of a State-issued authorization pursuant to Section 21-401 of the Cable and Video Competition Law of 2007 (220 ILCS 5/21-401).

(Ord. 2008-12, 2/25/2008)

12-11-4 PENALTIES

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

12-11-5 OTHER REMEDIES

Nothing in this ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter.

Supp. 17 (January 1998)

12-11-6 SEVERABILITY

If any Section, subsection, sentence, clause, phrase, or other portion of this Chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**12-11-7 TELECOMMUNICATIONS CARRIERS AND PROVIDERS
REGISTRATION**

A. REGISTRATION REQUIRED. All telecommunications carriers and providers, including holders of a State' issued authorization pursuant to Section 21-401 of the Cable and Video Competition Law of 2007 (220 ILCS 5/21-401), that offer or provide any telecommunications service for a fee directly to the public, either within the City, or outside the corporate limits from telecommunications facilities within the City, shall register with the City pursuant to this Chapter on forms to be provided by the City Clerk, which shall include the following:

1. The identity and legal status of the registrant, including any affiliates;
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement;
3. A description of registrant's existing or proposed telecommunications facilities within the City;
4. A description of the telecommunications service that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City;
5. Information sufficient to determine whether the registrant is subject to public way licensing or franchising under this Chapter;
6. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any municipal telecommunications tax, utility message tax or other occupation tax imposed by the City;

7. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the Illinois Commerce Commission to provide telecommunications services or facilities within the City;
 8. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide telecommunications services or facilities within the City; and
 9. Such other information as the City Clerk may reasonably require. *(Ord. 2008-12, 2/25/2008)*
- B. **REGISTRATION FEE.** Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee of twenty-five dollars (\$25.00).
- C. **PURPOSE OF REGISTRATION.** The purpose of registration is to:
1. provide the City with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the City, or that own or operate telecommunication facilities within the City;
 2. assist the City in enforcement of this Chapter;
 3. assist the City in the collection and enforcement of any municipal taxes, franchise fees, license fees or charges that may be due the City; and
 4. assist the City in monitoring compliance with local, State and Federal laws.

12-11-8 TELECOMMUNICATIONS LICENSE

A telecommunications license shall be required of any telecommunications carrier who desires to occupy specific public ways of the City for the sole purpose of providing telecommunications services to persons or areas outside the City.

- A. **LICENSE APPLICATION.** Any person that desires a telecommunications license pursuant to this Chapter shall file an application with the City which shall include the following information:
1. the identity of the license applicant, including all affiliates of the applicant;
 2. a description of the telecommunications services that are or will be offered or provided by licensee over its telecommunications facilities;
 3. a description of the transmission medium that will be used by the licensee to offer or provide such telecommunications services;

4. preliminary engineering plans, specifications and a network map of the facilities to be located within the City, all in sufficient detail to identify:
 - a. the location and route requested for applicant's proposed telecommunications facilities;
 - b. the location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public way along the proposed route;
 - c. the location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers; and
 - d. the specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;
5. if applicant is proposing to install overhead facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route;
6. if applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:
 - a. the excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities; and
 - b. the excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
7. if applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:
 - a. the location proposed for the new ducts or conduits; and
 - b. the excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
8. a preliminary construction schedule and completion date;
9. a preliminary traffic control plan in accordance with the IDOT Manual on Uniform Traffic Control Devices.
10. financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities;

11. information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application;
 12. information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services;
 13. all required fees, deposits or charges; and
 14. such other and further information as may be required by the City.
- B. DETERMINATION BY THE CITY. The City Council may enact an ordinance granting a license. In determining whether to grant a license the Council shall consider the following factors, in addition to any others it may deem relevant:
1. the financial and technical ability of the applicant;
 2. the legal ability of the applicant;
 3. the capacity of the public ways to accommodate the applicant's proposed facilities;
 4. the capacity of the public ways to accommodate additional utility and telecommunications facilities if the license is granted;
 5. the damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the license is granted;
 6. the public interest in minimizing the cost and disruption of construction within the public ways;
 7. the service that applicant will provide to the community and region;
 8. the effect, if any, on public health, safety and welfare if the license is granted;
 9. the availability of alternate routes and/or locations for the proposed facilities;
 10. applicable federal and state telecommunications laws, regulations and policies; and
 11. such other factors as may demonstrate that the grant to use the public ways will serve the community interest.
- C. AGREEMENT. No license granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions of the license.

- D. **NON-EXCLUSIVE GRANT.** No license shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.
- E. **RIGHTS GRANTED.** No license shall convey any right, title or interest in the public ways, but shall be deemed a license only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no license shall be construed as any warranty of title.
- F. **TERM OF GRANT.** Unless otherwise specified in a license agreement, a telecommunications license granted hereunder shall be in effect for a term of five (5) years.
- G. **LICENSE ROUTE.** A telecommunications license shall be limited to a grant of specific public ways and defined portions thereof.
- H. **LOCATION OF FACILITIES.** Unless otherwise specified in a license agreement, all facilities shall be constructed, installed and located in accordance with Article 9, Section 2 of the Code and with the following terms and conditions:
1. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility;
 2. A licensee with permission to install overhead facilities shall install its telecommunications facilities on pole attachments to existing utility poles only, and then only if surplus space is available;
 3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the City, a licensee with permission to occupy the same public way must also locate its telecommunications facilities underground;
 4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a licensee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the license term. Absent extraordinary circumstances or undue hardship as determined by the City Engineer, such relocation shall be made concurrently to minimize the disruption of the public ways; and
 5. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the licensee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future telecommunications carriers.
- I. **CONSTRUCTION PERMITS.** All licensees are required to obtain construction permits for telecommunications facilities as required in this Chapter provided, however, that nothing in this Chapter shall prohibit the City and a licensee from agreeing to alternative plan review, permit and construction procedures in a license agreement, provided such alternative

procedures provide substantially equivalent safeguards for responsible construction practices. In addition, licenses must comply with the permit requirements of Section 9-2-4.

(Ord. 2008-12, 2/25/2008)

- J. **COMPENSATION TO CITY.** Each license granted under this Chapter is subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the property rights granted to the licensee; provided, nothing in this Chapter shall prohibit the City and a licensee from agreeing to the compensation to be paid.
- K. **AMENDMENT OF GRANT.** A new license application and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public ways of the City which are not included in a license previously granted under this Chapter. If ordered by the City to locate or relocate its telecommunications facilities in public ways not included in a previously granted license, the City shall grant a license amendment without further application.
- L. **RENEWAL APPLICATIONS.** A grantee that desires to renew its license shall, not more than 180 days nor less than 90 days before expiration of the current license, file an application with the City for renewal of its license which shall include the following information:
1. the information required pursuant to Section 12-11-8A; and
 2. any information required pursuant to the license agreement between the City and the licensee.
- M. **RENEWAL DETERMINATIONS:** The City Council may renew a license in the same manner as provided for original issuance.
- N. **OBLIGATION TO CURE AS A CONDITION OF RENEWAL:** No license shall be renewed until any ongoing violations or defaults in the licensee's performance of the license agreement, or of the requirements of this Chapter have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City.

12-11-9 TELECOMMUNICATIONS FRANCHISE

A telecommunications franchise shall be required of any telecommunications carrier which desires to occupy public ways of the City and to provide telecommunications services to any person or area in the City.

- A. **FRANCHISE APPLICATION.** Any person that desires a telecommunications franchise pursuant to this Chapter shall file an application with the City which shall include the following information:
1. the identity of the franchise applicant, including all affiliates of the applicant;

2. a description of the telecommunications services that are or will be offered or provided by the franchise applicant over its existing or proposed facilities;
3. a description of the transmission medium that will be used by the franchisee to offer or provide such telecommunications services;
4. preliminary engineering plans, specifications and a network map of the facilities to be located within the City, all in sufficient detail to identify:
 - a. the location and route requested for applicant's proposed telecommunications facilities;
 - b. the location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public way along the proposed route;
 - c. the location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers; and
 - d. the specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate;
5. if applicant is proposing to install overhead facilities, evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route;
6. if applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:
 - a. the excess capacity currently available in such ducts or conduits before installation of applicant's telecommunications facilities; and
 - b. the excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's telecommunications facilities;
7. if applicant is proposing an underground installation within new ducts or conduits to be constructed within the public ways:
 - a. the location proposed for the new ducts or conduits; and
 - b. the excess capacity that will exist in such ducts or conduits after installation of applicant's telecommunications facilities.
8. a preliminary construction schedule and completion dates;
9. a preliminary traffic control plan in accordance with the IDOT Manual on Uniform Traffic Control Devices;

10. financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities;
 11. information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the telecommunications facilities and services described in the application;
 12. information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services;
 13. whether the applicant intends to provide cable service, video dial tone service or other video programming service, and sufficient information to determine whether such service is subject to cable franchising;
 14. an accurate map showing the location of any existing telecommunications facilities in the City that applicant intends to use or lease;
 15. a description of the services or facilities that the applicant will offer or make available to the City and other public, educational and governmental institutions;
 16. a description of applicant's access and line extension policies;
 17. the area or areas of the City the applicant desires to serve and a schedule for build-out to the entire franchise area;
 18. all required fees, deposits or charges; and
 19. such other and further information as may be requested by the City Manager.
- B. DETERMINATION BY THE CITY. The City Council may enact an ordinance granting a franchise. In determining whether to grant a franchise the Council shall consider the following factors, in addition to any others it may deem relevant:
1. the financial and technical ability of the applicant;
 2. the legal ability of the applicant;
 3. the capacity of the public ways to accommodate the applicant's proposed facilities;
 4. the capacity of the public ways to accommodate additional utility and telecommunications facilities if the franchise is granted;
 5. the damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the franchise is granted;

6. the public interest in minimizing the cost and disruption of construction within the public ways;
 7. the service that applicant will provide to the community and region;
 8. the effect, if any, on public health, safety and welfare if the franchise requested is granted;
 9. the availability of alternate routes and/or locations for the proposed facilities;
 10. applicable federal and state telecommunications laws, regulations and policies; and
 11. such other factors as may demonstrate that the grant to use the public ways will serve the community interest.
- C. **AGREEMENT.** No franchise shall be granted hereunder unless the applicant and the City have executed a written agreement setting forth the particular terms and provisions of the franchise.
- D. **NON-EXCLUSIVE GRANT.** No franchise granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.
- E. **TERM OF GRANT.** Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be valid for a term of ten (10) years.
- F. **RIGHTS GRANTED.** No franchise granted under this Chapter shall convey any right, title or interest in the public ways, but shall be deemed a franchise only to use and occupy the public ways for the limited purposes and term stated in the grant. Further, no franchise shall be construed as any warranty of title.
- G. **FRANCHISE TERRITORY.** A telecommunications franchise granted under this Chapter shall be limited to the specific geographic area of the City to be served by the franchisee, and the specific public ways necessary to serve such areas.
- H. **LOCATION OF FACILITIES.** Unless otherwise specified in a franchise agreement, all facilities shall be constructed, installed and located in accordance with Article 9, Section 2 of the Code and with the following terms and conditions:
1. telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility;
 2. a franchisee with permission to install overhead facilities shall install its telecommunications facilities on pole attachments to existing utility poles only, and then only if surplus space is available;

3. whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the City, a franchisee with permission to occupy the same public way must also locate its telecommunications facilities underground;
 4. whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a franchisee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the City Engineer, such relocation shall be made concurrently to minimize the disruption of the public ways;
 5. whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future carriers; and
- H. **CONSTRUCTION PERMITS.** All franchisees are required to obtain construction permits for telecommunications facilities as required in this Chapter provided, however, that nothing in this Chapter shall prohibit the City and a franchisee from agreeing to alternative plan review, permit and construction procedures in a franchise agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices. In addition, licenses must comply with the permit requirements of Section 9-2-4.
(Ord. 2008-12, 2/25/2008)
- I. **COMPENSATION TO CITY.** Each franchise granted under this Chapter is subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid for the property rights granted to the franchisee; provided, nothing in this Chapter shall prohibit the City and a franchisee from agreeing to the compensation to be paid.
- J. **NONDISCRIMINATION.** A franchisee shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for grantee's services; provided, however, that nothing in this Chapter shall prohibit a franchisee from making any reasonable classifications among differently situated customers.
- K. **SERVICE TO THE CITY.** A franchisee shall make its telecommunications services available to the City at its most favorable rate for similarly situated users, unless otherwise provided in a license or franchise agreement.
- L. **AMENDMENT OF GRANT.** A new franchise application and grant shall be required of any telecommunications carrier that desires to extend its franchise territory or to locate its telecommunications facilities in public ways of the City which are not included in a franchise previously granted under this Chapter. If ordered by the City to locate or relocate its telecommunications facilities in public ways not included in a previously granted franchise, the City shall grant a franchise amendment without further application.

- M. **RENEWAL APPLICATIONS.** A franchisee that desires to renew its franchise under this Chapter shall, not more than 240 days nor less than 150 days before expiration of the current franchise, file an application with the City for renewal of its franchise which shall include the following information:
1. the information required pursuant to Section 12-11-9A; and
 2. any information required pursuant to the franchise agreement between the City and the franchisee;
- N. **RENEWAL DETERMINATIONS.** The City Council may renew a franchise in the same manner as provided for original issuance.
- O. **OBLIGATION TO CURE AS A CONDITION OF RENEWAL** No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the franchise agreement, or of the requirements of this Chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City.

12-11-10 CABLE FRANCHISE

- A. **GENERAL** In addition to the provisions outlined in Section 12-11-9 regarding franchise application, grant and authority, Cable Operators other than holders of a State-issued authorization pursuant to Section 21-401 of the Cable and Video Competition Law of 2007 (220 ILCS 5/21-401) are subject to the provisions and the requirements outlined in this Section.
1. Cable Operators are subject to this Chapter in its entirety and the Cable Act.
 2. If a conflict arises between the language in Section 12-11-10 and the rest of this Chapter, Section 12-11-10 shall prevail.
- B. **DESCRIPTION OF SYSTEM**. The minimum capacity for a cable system shall be 450 MHz with at least 50 downstream channels. The Cable Operator shall, as a condition of the granting of a franchise, provide the City with a written description of the cable system within the City, including technical characteristics, channel capacity, channel carriage, and a strand map. The Cable Operator shall provide the City with an updated description, upon request or whenever substantial changes in the system are made.
- C. **CHANNEL ALLOCATION**. The Cable Operator shall, to the maximum extent possible, assign as dial locations for local broadcast stations carried on the system, numbers available by either a cable-ready television or a converter, which correspond to their respective FCC-assigned TV station call numbers, unless the station has negotiated a more favorable position in the channel line-up.

- D. ACCESS CHANNELS. The Cable Operator shall provide access channels on the subscriber network for the exclusive use of designated institutions.
1. The number and use of said channels will be prescribed in the franchise agreements.
 2. The City shall determine the channel allocations for such designated institutions.
 3. Such channels shall be available on the lowest tier of basic service.
 4. The Cable Operator shall make every reasonable effort to assign P.E.G. (Public, Educational, Government) channels to the same channels assigned by other providers within each municipality, and in contiguous municipalities.
 5. The Cable Operator shall list the specific assigned user on each channel in every channel line-up. A new channel chart shall be issued to subscribers by bill stuffer in the billing to be received prior to any changes.
 6. P.E.G. channels may not be reassigned without forty-five (45) days notice to the City. The franchise shall notify subscribers of any P.E.G. channel reassignments by bill messages or bill stuffer in the billing to be received prior to the change. P.E.G. channels may not be reassigned more than once in any twelve (12) month period.
 7. The Cable Operator shall be responsible for any established costs incurred by the City due to a change in channel assignment for any P.E.G. channel which was not requested by the user. These costs may include stationery, business cards, and public notices. The Cable Operator will incur these costs for no more than a one-month period. The Cable Operator shall discuss reimbursement of special promotional items, such as T-shirts or other special items, with the affected user on a case-by-case basis.
- E. EXTENSION OF SERVICE. Following the initial construction of the Cable Operator's telecommunications system, the Cable Operator shall extend its system and make service available as follows:
1. Unless otherwise specified in a license or franchise agreement, within forty-five (45) days after notification by the City of an annexation having a minimum density of twenty-five (25) units per street mile, begin construction of its telecommunications system within such annexed area to provide service to each person requesting such service. Weather permitting, construction and activation to the annexed area shall be completed within forty-five (45) days.
 2. The City shall notify the Cable Operator of the construction of any new development within the City by delivering to the Cable Operator a final plat of survey, to include final design for all utilities for that development. For developments having a minimum density of twenty-five (25) units per street mile, the Cable Operator shall deliver to the City its construction design plan and have applied for all necessary permits and licenses within thirty (30) days of said notification. Weather permitting, construction shall begin within

thirty (30) days after the receipt of all necessary permits and licenses. Construction, including restoration, shall be completed within forty-five (45) days.

3. Within thirty (30) days after signing a contract and approved design with any multiple dwelling unit for the provision of service, the Cable Operator shall begin construction and installation of its system in such multiple dwelling unit. Construction and installation shall be completed within thirty (30) days.
 4. Cable Operator shall provide service to areas not meeting the minimum density of twenty-five (25) units per street mile within six (6) months after notification by the City. If the Cable Operator determines that a line extension is not economically feasible, it may request relief from this provision. Approval of such request shall not be unreasonably withheld.
 5. Cable Operator further agrees that any litigation instituted by a third party shall not suspend Cable Operator's obligation to construct and install the cable communications system in accordance with the construction time schedule unless otherwise ordered by a court of competent jurisdiction.
- F. TECHNICAL STANDARDS. The distribution of all signals throughout the system, including the combined degradation effects of both upstream and downstream carriage, no matter where the signals originate or are terminated, shall meet the applicable industry standards set for the delivery method being used.
1. All applicable regulatory standards shall be observed as if each and every one were stated herein. In the event that enforcement of said regulatory standards is discontinued or the regulatory agency charged with enforcement is dissolved, the standards shall remain in full force and effect until the City exercises its right hereunder to amend this agreement to require such standards as it shall deem necessary.
 2. In the areas where standards have not been developed, the system shall operate at the equipment manufacturers' specifications until measurable standards have been developed. The Cable Operator shall be obligated to ensure that the signal quality is of the highest practicable level achievable for the components in question. For the first year that newer equipment for which no standards have been developed is in use, the Cable Operator will report monthly on the reliability and performance of said equipment. Thereafter, if the equipment is functioning within the levels anticipated, the Cable Operator may test and report on the same schedule as the rest of the communications system.
- G. TESTING. The Cable Operator shall conduct appropriate monitoring and measurements utilizing appropriate measuring devices, including devices capable of measuring signal leakage in microvolts/meter, to ensure that the system is performing within the applicable standards. When such monitoring or measurements indicate that performance has fallen below these standards, corrective action shall be taken to restore proper performance. All

channels on the system shall be monitored daily by a visual inspection of the picture and listening to the audio for general performance and audio level balance.

1. At a minimum, measurements shall be made monthly at the headend, and quarterly at two randomly selected, longest cascades in each community to ensure that all channels on the system are operating properly. Measurement of all operational parameters shall be made semi-annually at the headend and four geographically divided locations, at the ends of the longest cascades in each community, on all channels.
 2. If the City suspects an area is not performing in accordance with the applicable standards, it may order the Cable Operator to test in that location within forty-eight (48) hours notice from the City.
 3. Newly constructed sections shall be tested within one week of activation, and results reported to the City.
 4. The Cable Operator shall submit copies of its federally required proof-of-performance testing within thirty (30) days of its completion.
- H. RELIABILITY. The Cable Operator shall employ a professional engineer or equivalent, and a service and repair force of competent technicians, capable of maintaining the system in accordance with the technical performance service requirements in this agreement.
1. The Cable Operator shall install and maintain a standby power system that provides a minimum of three (3) hours duration throughout the distribution networks.
 2. System headends and distribution system as well as standby power will have remote status monitoring.
- I. MAINTENANCE. The Cable Operator shall perform routine maintenance within the following parameters:
1. The Cable Operator shall interrupt system service after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible and, except in emergency situations, only after cable-casting notice of service interruptions at least twenty-four (24) hours in advance.
 2. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance and repair with notification to the City, on any day except Saturday, Sunday, or legal holidays.
 3. Routine maintenance may be performed during the daylight hours of 7:00 a.m. to 5:00 p.m. on any day except Saturday, Sunday, or legal holidays, up to twice a year upon notification to the City.

- J. PERFORMANCE EVALUATION. The City and the Cable Operator shall hold performance evaluation meetings in the month of February of each calendar year to discuss the performance of the Cable Operator during the previous year.
1. The City may periodically do a more extensive evaluation of the Cable Operator's performance, which may include a financial or technical audit. The Cable Operator shall fully cooperate with the City during all reviews and evaluations.
 2. If, at any time, the City determines that reasonable evidence exists of inadequate performance, it may require the Cable Operator to perform tests directed toward the suspected inadequacies. The Cable Operator shall prepare results and a report within thirty (30) days after notice.
 3. Within thirty (30) to thirty-six (36) months prior to the expiration of the franchise agreement, the City shall begin an evaluation of the Cable Operator's performance over the life of the franchise.
 4. All evaluation meetings shall be open to the public and announced by the City in a newspaper of general circulation ten (10) days prior to such meeting. Cable Operator shall place an announcement of the highest use origination channel on the system no less than three (3) times during the hours of 7:00 p.m. for five (5) consecutive days preceding the meetings.
- K. RENEWAL. To the extent applicable, renewal shall be governed by the Cable Act.
- L. SERVICE TO THE CITY. Applications for franchises shall include proposals for the provision of public, educational and governmental access to the telecommunications system.
- M. EMERGENCY OVERRIDE. The Cable Operator shall provide the equipment required to automatically interrupt programming on all channels of the subscriber network by means of an audio message to present emergency information by public and law enforcement officials of the City. Such equipment shall be accessible through any City facility at no charge for the equipment, installation or maintenance.
- N. BOOKS AND RECORDS. The Cable Operator shall maintain books and records of its operation within the City to show total revenues by service category in sufficient detail, consistent with generally accepted accounting principles.
1. Cable Operator shall maintain all books and records required for regulation of rate by the appropriate governmental authority.
 2. Cable Operator shall maintain such books and records for the City separate from any other operation, provided, however, that any expenses, expenditures or revenues, which apply to both the system in the City and any other operation, shall be reasonably allocated between all such operations.

3. Cable Operator shall keep appropriate records of all requests for installation of service, service calls, and outages, showing the date completed and any corrective action taken. A summary of the above-listed information shall be submitted to the City prior to the annual performance evaluation meeting.
 4. The required books and records shall be made available in the Cable Operator's local office during normal business hours, for inspection and audit by the City within thirty (30) days after such request has been made.
- O. DUTY TO PROVIDE INFORMATION. The Cable Operator shall submit to the City copies of all decisions, correspondence and actions by any federal, state and local courts, regulatory agencies and other governmental bodies relating to its telecommunications operations within the City.
1. Copies of the Cable Operator's schedule of charges, contract or application forms, subscriber user services, policies regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the Cable Operator's policy in connection with subscriber or user services shall be filed with the City and updated as necessary, and shall be made available for public inspection by Cable Operator's local office.
 2. Copies of all correspondence, petitions, reports, applications and other documents filed by the Cable Operator with federal or state agencies having jurisdiction over telecommunications, or the same received from said agencies, shall be furnished simultaneously to the City by the Cable Operator.
 3. Within ten (10) days of a written request from the City, each Cable Operator shall furnish the City with information sufficient to demonstrate:
 - a. That the Cable Operator has complied with all requirements of this Chapter.
 - b. That all City sales, message and/or telecommunications taxes or applicable franchise fees due the City in connection with the telecommunications services and facilities provided by the Cable Operator have been properly collected and paid by the Cable Operator.
 - c. In addition to the annual filing required in this Chapter, all books, records, maps and other documents, maintained by the Cable Operator with respect to its facilities within the public ways shall be made available for inspection by the City at reasonable times and intervals.

12-11-11 FEES AND COMPENSATION

- A. **PURPOSE.** It is the purpose of this Section to provide for the payment and recovery of all direct and indirect costs and expenses of the City related to the enforcement and administration of this Chapter.

B. APPLICATION AND REVIEW FEE

1. Any applicant for a license or franchise pursuant to Sections 12-11-8 and 12-11-9 shall pay a fee of five hundred dollars (\$500.00) or one percent (1%) of the estimated cost of applicant's proposed telecommunications facilities, as certified by the applicant's professional engineer, whichever is greater.
2. The application and review fee shall be deposited with the City as part of the application filed pursuant to Sections 12-11-8 or 12-11-9.
3. An applicant whose license or franchise application has been withdrawn, abandoned or denied shall be refunded the balance of its deposit under this section, less:
 - a. five hundred dollars (\$500.00); and
 - b. all ascertainable costs and expenses incurred by the City in connection with the application.

C. OTHER CITY COSTS. All license or franchise grantees shall, within thirty (30) days after written demand therefor, reimburse the City for all direct and indirect costs and expenses incurred by the City in connection with any modification, amendment, renewal or transfer of the license or franchise or any license or franchise agreement.

D. RESERVED COMPENSATION FOR PUBLIC WAYS. The City reserves its right to annually fix a fair and reasonable compensation to be paid for the property rights granted to a telecommunications license or franchise grantee. Nothing in this Chapter shall prohibit the City and a grantee from agreeing to the compensation to be paid for the granted property rights.

E. COMPENSATION FOR CITY PROPERTY If the right is granted, by lease, license, franchise or other manner, to use and occupy City Property for the installation of telecommunications facilities, the compensation to be paid shall be fixed by the City.

F. CONSTRUCTION PERMIT FEE Prior to issuance of a construction permit, the permittee shall pay a permit fee equal to five hundred dollars (\$500.00) or one percent (1%) of the estimated cost of constructing the telecommunication facilities, as certified by the applicant's engineer and approved by the City Engineer, whichever is greater.

G. ANNUAL FEES. Unless otherwise agreed in a license or franchise grant agreement, each license or franchise grantee shall pay an annual license fee to the City equal to five hundred dollars (\$500.00) as reimbursement for the City's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways in behalf of the public and existing or future users.

- H. CABLE FEES. Cable television franchisees shall be subject to the franchise fees, payments and costs provided in Section 12-11-10.
- I. REGULATORY FEES AND COMPENSATION NOT A TAX. The regulatory fees and costs provided for in this Chapter, and any compensation charged and paid for the public ways provided for in Paragraph D. of this Section, are separate from, and additional to, any and all federal, state, local and city taxes as may be levied, imposed or due from a telecommunications carrier or provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services.

12-11-12 CONDITIONS OF GRANT

- A. LOCATION OF FACILITIES. All facilities shall be constructed, installed and located in accordance with Article 9, Section 2 of the Code and with the following terms and conditions, unless otherwise specified in a license or franchise agreement:
1. A grantee shall install its telecommunications facilities within an existing underground duct or conduit whenever excess capacity exists within such utility facility.
 2. A grantee with permission to install overhead facilities shall install its telecommunications facilities on pole attachments to existing utility poles only, and then only if surplus space is available.
 3. Whenever any existing electric utilities, cable facilities or telecommunications facilities are located underground within a public way of the City, a grantee with permission to occupy the same public way must also locate its telecommunications facilities underground.
 4. Whenever any new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a grantee that currently occupies the same public way shall relocate its facilities underground within a reasonable period of time, which shall not be later than the end of the grant term. Absent extraordinary circumstances or undue hardship as determined by the City Engineer, such relocation shall be made concurrently to minimize the disruption of the public ways.
 5. Whenever new telecommunications facilities will exhaust the capacity of a public street or utility easement to reasonably accommodate future telecommunications carriers or facilities, the grantee shall provide additional ducts, conduits, manholes and other facilities for nondiscriminatory access to future carriers.
- (Ord. 2008-12, 2/25/2008)*
- B. COMPLIANCE WITH J.U.L.I.E. All license or franchise grantees shall, before commencing any construction in the public ways, comply with all regulations of J.U.L.I.E.
- C. CONSTRUCTION PERMITS. All license or franchise grantees are required to obtain construction permits for telecommunications facilities as required in Section 12-11-13.

However, nothing in this Chapter shall prohibit the City and a grantee from agreeing to alternative plan review, permit and construction procedures in a license or franchise agreement, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

- D. **INTERFERENCE WITH THE PUBLIC WAYS.** No license or franchise grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public ways by the City, by the general public or by other persons authorized to use or be present in or upon the public ways. All such facilities shall be moved by the grantee, temporarily or permanently, as determined by the City Engineer.
- E. **DAMAGE TO PROPERTY.** No license or franchise grantee nor any person acting on a grantee's behalf shall take any action or permit any action to be done which may impair or damage any City property, public ways of the City, Other Ways or other property located in, on or adjacent thereto.
- F. **NOTICE OF WORK.** Unless otherwise provided in a license or franchise agreement, no license or franchise grantee, nor any person acting on the grantee's behalf, shall commence any non-emergency work in or about the Public Ways of the City or Other Ways without ten (10) working days advance notice to the City.
- G. **REPAIR AND EMERGENCY WORK** In the event of an unexpected repair or emergency, a grantee may commence such repair and emergency response work as required under the circumstances, provided the Grantee shall notify the City as promptly as possible, before such repair or emergency work or as soon thereafter as possible if advance notice is not practicable.
- H. **MAINTENANCE OF FACILITIES.** Each license or franchise grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.
- I. **RELOCATION OR REMOVAL OF FACILITIES.** Within thirty (30) days following written notice from the City, a license or franchise grantee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public ways whenever the corporate authorities shall have determined that such removal, relocation, change or alteration is reasonably necessary for:
1. the construction, repair, maintenance or installation of any City or other public improvement in or upon the public ways; and
 2. the operations of the City or other governmental entity in or upon the public ways.
- J. **REMOVAL OF UNAUTHORIZED FACILITIES** Within thirty (30) days following written notice from the City, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related

appurtenances within the public ways of the City shall, at its own expense, remove such facilities or appurtenances from the public ways of the City. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

1. upon expiration or termination of the grantee's telecommunications license or franchise;
2. upon abandonment of a facility within the public ways of the City;
3. if the system or facility was constructed or installed without the prior grant of a telecommunications license or franchise;
4. if the system or facility was constructed or installed without the prior issuance of a required construction permit; and
5. if the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications license or franchise.

K. **EMERGENCY REMOVAL OR RELOCATION OF FACILITIES.** The City retains the right and privilege to cut or move any telecommunications facilities located within the public ways of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

L. **DAMAGE TO GRANTEE'S FACILITIES.** Unless directly and proximately caused by the malicious acts of the City, the City shall not be liable for any damage to or loss of any telecommunications facility within the public ways of the City as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public ways by or on behalf of the City.

M. **RESTORATION OF PUBLIC WAYS, OTHER WAYS AND CITY PROPERTY.**

1. When a license or franchise grantee, or any person acting on its behalf, does any work in or affecting any Public Ways, Other Ways or City Property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.
2. If weather or other conditions do not permit the complete restoration required by this Section, the grantee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the licensee's or franchisee's sole expense and the licensee or franchisee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.
3. A grantee or other person acting in its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general

public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such ways or property.

- N. **FACILITIES MAPS.** Each license or franchise grantee shall provide the City with an accurate map or maps certifying the location of all telecommunications facilities within the public ways. Each grantee shall provide updated maps annually.
- O. **DUTY TO PROVIDE INFORMATION.** Within ten (10) days of a written request from the City Manager, each license or franchise grantee shall furnish the City with information sufficient to demonstrate:
1. that grantee has complied with all requirements of this Chapter;
 2. that all municipal sales, message and/or telecommunications taxes due the City in connection with the telecommunications services and facilities provided by the grantee have been properly collected and paid by the grantee; and
 3. all books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public ways shall be made available for inspection by the City at reasonable times and intervals;
- P. **LEASED CAPACITY** A license or franchise grantee shall have the right, without prior City approval, to offer or provide capacity or bandwidth to its customers; provided:
1. grantee shall furnish the City with a copy of any such lease or agreement; and
 2. the customer or lessee has complied, to the extent applicable, with the requirements of this Chapter.
- Q. **GRANTEE INSURANCE.** Unless otherwise provided in a license or franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents and employees as co-insureds:
1. comprehensive general liability insurance with limits not less than
 - a. five million dollars (\$5,000,000) for bodily injury or death to each person,
 - b. five million dollars (\$5,000,000) for property damage resulting from any one accident, and
 - c. five million dollars (\$5,000,000) for all other types of liability;
 2. automobile liability for owned, non-owned and hired vehicles with a limit of three million dollars (\$3,000,000) for each person and three million dollars (\$3,000,000) for each accident;

3. worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000); and
4. comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).
5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the telecommunications license or franchise, and such other period of time during which the grantee is operating without a franchise or license hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or not to renew."

6. Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the grantee shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.
- R. GENERAL INDEMNIFICATION. Each license or franchise agreement shall include, to the extent permitted by law, grantee's express undertaking to defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter.
- S. PERFORMANCE AND CONSTRUCTION SURETY. Before a license or franchise granted pursuant to this Chapter is effective, and as necessary thereafter, the grantee shall provide and deposit such monies, bonds, letters of credit or other instruments in form and substance acceptable to the City as may be required by this Chapter or by an applicable license or franchise agreement.
- T. SECURITY FUND. Each grantee shall establish a permanent security fund with the City by depositing the amount of \$50,000 with the City in cash, an unconditional letter of credit, or other instrument acceptable to the City, which fund shall be maintained at the sole expense of grantee so long as any of grantee's telecommunications facilities are located within the public ways of the City.

1. The fund shall serve as security for the full and complete performance of this Chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the City.
 2. Before any sums are withdrawn from the security fund, the City shall give written notice to the grantee:
 - a. describing the act, default or failure to be remedied, or the damages, cost or expenses which the City has incurred by reason of grantee's act or default;
 - b. providing a reasonable opportunity for grantee to first remedy the existing or ongoing default or failure, if applicable;
 - c. providing a reasonable opportunity for grantee to pay any monies due the City before the City withdraws the amount thereof from the security fund, if applicable;
 - d. that the grantee will be given an opportunity to review the act, default or failure described in the notice with the City Manager or his designee.
 3. Grantees shall replenish the security fund within fourteen (14) days after written notice from the City that there is a deficiency in the amount of the fund.
- U. CONSTRUCTION AND COMPLETION BOND Unless otherwise provided in a license or franchise agreement, a performance bond written by a corporate surety acceptable to the City equal to one hundred percent (100%) of the estimated cost of constructing grantee's telecommunications facilities within the public ways of the City shall be deposited before construction is commenced.
1. The construction bond shall remain in force until sixty (60) days after substantial completion of the work, as determined by the City Engineer, including restoration of public ways and other property affected by the construction.
 2. The construction bond shall guarantee, to the satisfaction of the City:
 - a. timely completion of construction;
 - b. construction in compliance with applicable plans, permits, technical codes and standards;
 - c. proper location of the facilities as specified by the City;
 - d. restoration of the public ways and other property affected by the construction;
 - e. the submission of "as-built" drawings after completion of the work as required by this Chapter; and

- f. timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.

V. COORDINATION OF CONSTRUCTION ACTIVITIES. All grantees are required to cooperate with the City and with each other.

1. By February 1 of each year, grantees shall provide the City with a schedule of their proposed construction activities in, around or that may affect the public ways.
2. Each grantee shall meet with the City, other grantees and users of the public ways annually or as determined by the City to schedule and coordinate construction in the public ways.
3. All construction locations, activities and schedules shall be coordinated, as ordered by the City Engineer, to minimize public inconvenience, disruption or damages.

W. ASSIGNMENTS OR TRANSFERS OF GRANT. Ownership or control of a telecommunications system, license or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein.

1. No grant shall be assigned or transferred in any manner within twelve (12) months after the initial grant of the license or franchise, unless otherwise provided in a license or franchise agreement.
2. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.
3. Grantee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the City not less than one hundred and fifty (150) days prior to the proposed date of transfer:
 - a. complete information setting forth the nature, terms and condition of the proposed transfer or assignment;
 - b. all information required of a telecommunications license or franchise applicant pursuant to Sections 12-11-8 and 12-11-9 of this Chapter with respect to the proposed transferee or assignee; and
 - c. any other information reasonably required by the City.

4. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this Chapter.
 5. Unless otherwise provided in a license or franchise agreement, the grantee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a telecommunications license or franchise.
 6. Any transfer or assignment of a telecommunications grant, system or integral part of a system without prior approval of the City under this Section or pursuant to a license or franchise agreement shall be void and is cause for revocation of the grant.
- X. **TRANSACTIONS AFFECTING CONTROL OF GRANT.** Any transactions which singularly or collectively result in a change of ten percent (10%) or more of the ownership or working control of the grantee, of the ownership or working control of a telecommunications license or franchise, of the ownership or working control of affiliated entities having ownership or working control of the grantee or of a telecommunications system, or of control of the capacity or bandwidth of grantee's telecommunication system, facilities or substantial parts thereof, shall be considered an assignment or transfer requiring City approval pursuant to Section 12-11-12V. Transactions between affiliated entities are not exempt from City approval.
- Y. **REVOCAION OR TERMINATION OF GRANT.** A license or franchise granted by the City to use or occupy public ways of the City may be revoked for the following reasons:
1. construction or operation in the City or in the public ways of the City without a license or franchise grant of authorization;
 2. construction or operation at an unauthorized location;
 3. unauthorized substantial transfer of control of the grantee;
 4. unauthorized assignment of a license or franchise;
 5. unauthorized sale, assignment or transfer of grantee's franchise or license assets, or a substantial interest therein;
 6. misrepresentation or lack of candor by or on behalf of a grantee in any application to the City;
 7. abandonment of telecommunications facilities in the public ways;
 8. failure to relocate or remove facilities as required in this Chapter;
 9. failure to pay taxes, compensation, fees or costs when and as due the City;

10. insolvency or bankruptcy of the grantee;
 11. violation of material provisions of this Chapter; and
 12. violation of the material terms of a license or franchise agreement.
- Z. NOTICE AND DUTY TO CURE In the event that the City Manager believes that grounds exist for revocation of a license or franchise, he shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time not exceeding thirty (30) days to furnish evidence:
1. that corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
 2. that rebuts the alleged violation or noncompliance; and
 3. that it would be in the public interest to impose some penalty or sanction less than revocation.
- AA. HEARING. In the event that a grantee fails to provide evidence reasonably satisfactory to the City Manager as provided in Section 12-11-12Y, the Manager shall refer the apparent violation or non-compliance to the corporate authorities. The corporate authorities shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.
- BB. STANDARDS FOR REVOCATION OR LESSER SANCTIONS. If persuaded that the grantee has violated or failed to comply with material provisions of this Chapter, or of a franchise or license agreement, the corporate authorities shall determine whether to revoke the license or franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:
1. whether the misconduct was egregious;
 2. whether substantial harm resulted;
 3. whether the violation was intentional;
 4. whether there is a history of prior violations of the same or other requirements;
 5. whether there is a history of overall compliance; and
 6. whether the violation was voluntarily disclosed, admitted or cured.

12-11-13 CONSTRUCTION STANDARDS

- A. GENERAL. No person shall commence or continue with the construction, installation or operation of telecommunications facilities within the City except as provided in this Chapter and as required by Article 9, Chapter 2.
- B. CONSTRUCTION CODES. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Safety Code.
- C. CONSTRUCTION PERMITS. No person shall construct or install any telecommunications facilities within the City without first obtaining a construction permit in accordance with Article 9, Chapter 2, therefore, provided, however:
1. no permit shall be issued for the construction or installation of telecommunications facilities within the City unless the telecommunications carrier has filed a registration statement with the City;
 2. no permit shall be issued for the construction or installation of telecommunications facilities in the public ways unless the telecommunications carrier has applied for and received a license or franchise; and
 3. no permit shall be issued for the construction or installation of telecommunications facilities without payment of the construction permit fee.
- D. APPLICATIONS. Applications for permits to construct telecommunications facilities shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
1. that the facilities will be constructed in accordance with all applicable codes, rules and regulations;
 2. the location and route of all facilities to be installed on existing utility poles;
 3. the location and route of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public ways;
 4. the location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public ways along the underground route proposed by the applicant;
 5. the location of all other facilities to be constructed within the City, but not within the public ways;

6. the construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public ways; and
 7. the location, dimension and types of all trees within or adjacent to the public ways along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.
- E. ENGINEER'S CERTIFICATION. All permit applications shall be accompanied by the certification of a registered professional engineer that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.
- F. TRAFFIC CONTROL PLAN. All permit applications which involve work on, in, under, across or along any public ways shall be accompanied by a traffic control plan demonstrating the protective measures and devices that will be employed, consistent with Uniform Manual of Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic.
- G. ISSUANCE OF PERMIT. The City Engineer, if satisfied that the applications, plans and document comply with all requirements of this Chapter, shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he may deem necessary or appropriate.
- H. CONSTRUCTION SCHEDULE. The permittee shall submit a written construction schedule to the City Engineer ten (10) working days before commencing any work in or about the public ways. The permittee shall further notify the City Engineer not less than two (2) working days in advance of any excavation or work in the public ways.
- I. COMPLIANCE WITH PERMIT. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The City Engineer and his representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements.
- J. DISPLAY OF PERMIT. The permittee shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the City Engineer or his representatives at all times when construction work is occurring.
- K. SURVEY OF UNDERGROUND FACILITIES: If the construction permit specifies the location of facilities by depth, line, grade, proximity to other facilities or other standard, the permittee shall cause the location of such facilities to be verified by a registered Illinois land surveyor. The permittee shall relocate any facilities which are not located in compliance with permit requirements.

- L. NONCOMPLYING WORK. Upon order of the City Engineer, all work which does not comply with the permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall be removed.
- M. COMPLETION OF CONSTRUCTION. The permittee shall promptly complete all construction activities so as to minimize disruption of the city ways and other public and private property. All construction work authorized by a permit within city ways, including restoration, must be completed within 120 days of the date of issuance.
- N. AS-BUILT DRAWINGS. Within sixty (60) days after completion of construction, the permittee shall furnish the City with two (2) complete sets of plans, drawn to scale and certified to the City as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit.
- O. RESTORATION OF IMPROVEMENTS Upon completion of any construction work, the permittee shall promptly repair any and all public and provide property improvements, fixtures, structures and facilities in the public ways or otherwise damaged during the course of construction, restoring the same as nearly as practicable to its condition before the start of construction.
- P. LANDSCAPE RESTORATION:
1. All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation maintenance, repair or replacement of telecommunications facilities, whether such work is done pursuant to a franchise, license, permit replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.
 2. All restoration work within the public ways shall be done in accordance with landscape plans approved by the City Engineer.
- Q. CONSTRUCTION SURETY. Prior to issuance of a construction permit, the permittee shall provide a performance bond, as provided in Section 12-11-12T.
- R. EXCEPTIONS. Unless otherwise provided in a license or franchise agreement, all telecommunications carriers are subject to the requirements of this Section.
- S. RESPONSIBILITY OF OWNER. The owner of the facilities to be constructed and, if different, the license or franchise grantee, are responsible for performance of and compliance with all provisions of this Chapter.

(Ord. 2008-12, 2/25/2008)

12-11-14 DEFINITIONS

For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

- A. AFFILIATE means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.
- B. ANNUAL GROSS REVENUE Reserved.
- C. CABLE ACT shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. §532, et seq., as now and hereafter amended.
- D. CABLE OPERATOR means a telecommunications carrier other than the holder of a State-issued authorization pursuant to Section 21-401 of the Cable and Video Competition Law of 2007 (220 ILCS 5/21-401) providing or offering to provide "cable service" within the City as that term is defined in the Cable Act.
(Ord. 2008-12, 2/25/2008)
- E. CABLE SERVICE for the purpose of this Chapter shall have the same meaning provided by the Cable Act.
- F. CITY means the City of Park Ridge.
- G. CITY PROPERTY means and includes all real property owned by the City, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the City, which are not subject to right-of-way licensing and franchising as provided in this Chapter.
- H. CORPORATE AUTHORITIES means the Mayor and City Council of the City.
- I. EXCESS CAPACITY means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities.
- J. FCC OR FEDERAL COMMUNICATIONS COMMISSION means the Federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.
- K. ICC OR ILLINOIS COMMERCE COMMISSION means the State administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the State of Illinois.
- L. OTHER WAYS means the highways, streets, alleys, utility easements or other rights-of-way within the City, but under the jurisdiction and control of a governmental entity other than the City.
- M. OVERHEAD FACILITIES means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

- N. PERSON means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers.
- O. PUBLIC STREET means any highway, street, alley or other public right of way for motor vehicle travel under the jurisdiction and control of the City which has been acquired, established, dedicated or devoted to highway purposes not inconsistent with telecommunications facilities.
- P. PUBLIC WAY means and includes all public streets and utility easements, as those terms are defined herein, now or hereafter owned by the City, but only to the extent of the City's right, title, interest or authority to grant a license or franchise to occupy and use such streets and easements for telecommunications facilities.
- Q. STATE means the State of Illinois.
- R. SURPLUS SPACE means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Illinois Commerce Commission, to allow its use by a telecommunications carrier for a pole attachment.
- S. TELECOMMUNICATIONS CARRIER means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City, used or to be used for the purpose of offering telecommunications service.
- T. TELECOMMUNICATIONS FACILITIES means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.
- U. TELECOMMUNICATIONS PROVIDER means and includes every person who provides telecommunications service over telecommunications facilities without any ownership or management control of the facilities.
- V. TELECOMMUNICATIONS SERVICE means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.
- W. TELECOMMUNICATIONS SYSTEM. See TELECOMMUNICATIONS FACILITIES.
- X. UNDERGROUND FACILITIES means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for Overhead Facilities.

- Y. **USABLE SPACE** means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Illinois Commerce Commission.
- Z. **UTILITY EASEMENT** means any easement owned by the City and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.
- AA. **UTILITY FACILITIES** means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the public ways of the City and used or to be used for the purpose of providing utility or telecommunications services.

12-11-15 TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

A. Definitions.

As used in this Section, the following terms shall have the following meanings:

1. "Gross Charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the City, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the City, charges for the channel mileage between each channel point within the City, and charges for that portion of the interstate inter-office channel provided within the City. However, "gross charges" shall not include:
 - a. any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;
 - b. charges for a sent collect telecommunication received outside the City;
 - c. charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

- d. charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
 - e. charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the City;
 - f. charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;
 - g. bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncorrectable, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
 - h. charges paid by inserting coins in coin-operated telecommunications devices;
 - i. charges for telecommunications and all services and equipment provided to the City.
2. "Public Right-of-Way" means any municipal street, alley, waterway or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the City has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal City property that is not specifically described in the previous sentence and shall not include City buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.
 3. "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.
 4. "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration,

other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

5. "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.
6. "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value-added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable television services through a cable television system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the City through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. "Telecommunications" includes the provision of cable service or video service to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Illinois Commerce Commission pursuant to Section 21-401 of the Cable and Video Competition Law of 2007, 220 ILCS 5/21-401.
(Ord. 2008-12, 2/25/2008)
7. "Telecommunications provider" means (a) any telecommunications retailer; and (b) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.
8. "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this

Section. The City may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the City, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the City.

9. "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

B. Registration of telecommunications providers.

1. Every telecommunications provider as defined by this Section shall register with the City within 30 days after (a) the effective date of this Section or (b) becoming a telecommunications provider, whichever is later, on a form to be provided by the City, provided, however, that any telecommunications retailer that has filed a return pursuant to Section 2-7.1-6 of this Code shall be deemed to have registered in accordance with this Section.
2. Every telecommunications provider who has registered with the City pursuant to paragraph (1) above has an affirmative duty to submit an amended registration form or current return as required by Section 2-7.1-6, as the case may be, to the City within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the City.

C. Municipal telecommunications infrastructure maintenance fee.

1. A City telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1.0% of all gross charges charged by the telecommunications retailer to service addresses within the City for telecommunications originating or received in the City.
2. Upon the effective date of the infrastructure maintenance fee authorized in this Section, the City infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the City by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Section does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

D. Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.

Supp. 17 (January 1998)

1. A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the City infrastructure maintenance fee attributable to that customer's service address.
2. Unless otherwise approved by the Director of Finance the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the City not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two percent (2%) of the City infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.
3. Remittance of the municipal infrastructure fee to the City shall be accompanied by a return, in a form to be prescribed by the Director of Finance, which shall contain such information as the Director may reasonably require.
4. Any infrastructure maintenance fee required to be collected pursuant to this Section and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the City. The charge imposed under paragraph (1) above by the telecommunications retailer pursuant to this Section shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.
5. If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Section, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Section, from the telecommunications retailer who made the erroneous payment; provided, however, the Director of Finance may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (a) the credit is used only to offset a claim of underpayment made by the City within the applicable statutory period of limitations, and (b) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.
6. Amounts paid under this Section by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:
 - a. "gross charges" for purposes of the Telecommunications Excise Tax Act;
 - b. "gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
 - c. "gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;

- d. "gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.
 7. The City shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Section to determine whether the telecommunications retailer has properly accounted to the City for the City infrastructure maintenance fee. Any underpayment of the amount of the City infrastructure maintenance fee due to the City by the telecommunications retailer shall be paid to the City plus five percent (5%) of the total amount of the underpayment determined in an audit, plus any costs incurred by the City in conducting the audit, in an amount not to exceed five percent (5%) of the total amount of the underpayment determined in an audit. Said sum shall be paid to the City within twenty-one (21) days after the date of issuance of an invoice for same.
 8. The Director of Finance may promulgate such further or additional regulations concerning the administration and enforcement of this Section, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to this Section of such regulations.
- E. Compliance With Other Laws. Nothing in this Section shall excuse any person or entity from obligations imposed under any law, including but not limited to:
1. generally applicable taxes; and
 2. standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free-standing towers and other structures upon the public rights-of-way, as provided; and
 3. any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
 4. compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.
- F. Existing Franchises and Licenses. Any franchise, license, or similar agreements between telecommunications retailers and the City entered into before the effective date of this Section regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.
- G. Penalties. Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Section shall be subject to fine in accordance with the general penalty provisions of the Municipal Code.
- H. Enforcement. Nothing in this Section shall be construed as limiting any additional or further remedies that the City may have for enforcement of this Section.

Section 3. Severability If any paragraph, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. Conflict. This Ordinance supersedes all parts of Article 12, Chapter 11, of the Municipal Code adopted prior hereto which are in conflict herewith, to the extent of such conflict.

Section 5. Waiver and Fee Implementation.

- A. The City hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the City by a telecommunications retailer pursuant to any existing City franchise, license, or similar agreement with a telecommunications retailer during the time the City imposes the Telecommunications Infrastructure Maintenance Fee. This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided for in this Ordinance is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.
- B. The City Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the City has a franchise.
- C. The City infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on the first day of the month not less than ninety (90) days after the City provides written notice by certified mail to each telecommunications retailer with whom the City has an existing franchise, license, or similar agreement that the City waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the City. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 12 GARAGE OR YARD SALES

SECTION

12-12-1	Definition
12-12-2	Permit Required
12-12-3	Person Eligible to Obtain Permit
12-12-4	Limitation on Number of Permits
12-12-5	Signs and Banners
12-12-6	Days and Hours of Sale
12-12-7	Obtaining and Posting Permit
12-12-8	Enforcement and Penalty

12-12-1 DEFINITION

Garage sale means any activity in which personal property, whether new or used, other than titled vehicles is offered for sale to the public and displayed in the yard, driveway or garage of residential property.

12-12-2 PERMIT REQUIRED

A permit from the City is required for every garage sale.

12-12-3 PERSON ELIGIBLE TO OBTAIN PERMIT

A garage sale permit may be issued only to the supervising resident of the property where the garage sale is to occur.

12-12-4 LIMITATION ON NUMBER OF PERMITS

No more than three (3) permits may be issued for the same location in any calendar year.

12-12-5 SIGNS AND BANNERS

Signs or banners advertising the garage sale or giving directions to the location of the sale may not be attached to any utility pole, traffic control device or tree, nor placed anywhere within the public right-of-way, including the sidewalk, berm, parkway or street, anywhere within the City. The supervising resident of the property where the garage sale is located shall be presumed to be the person placing or causing the placement of signs or advertising. Any signs or advertising, which violates this section, may be removed by any person and discarded in any trash container.

12-12-6 DAYS AND HOURS OF SALE

Garage sales are permitted only between the hours of 8:00 a.m. and 8:00 p.m. A permit shall authorize the garage sale to take place on no more than three (3) consecutive calendar days.

12-12-7 OBTAINING AND POSTING PERMIT

Application for a garage sale permit shall be made to the City identifying the location of the sale, the name and telephone number of the supervising resident, and the dates of the sale. The permit shall be displayed at the location of the garage sale at all times when the sale is in progress.

(Ord 2005-113, 11/21/05, S24)

12-12-8 ENFORCEMENT AND PENALTY

Any person who shall conduct a garage sale without a permit, or in violation of any provision of this Chapter shall be fined, upon conviction, in an amount not less than \$50.00.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 13 VALET PARKING BUSINESSES

SECTION

12-13-1	Definitions
12-13-2	License Required--Application--Fee
12-13-3	Issuance Conditions
12-13-4	Rules and Regulations
12-13-5	Violation; Penalty

12-13-1 DEFINITIONS

For the purpose of this Chapter, the following terms shall have the following meanings:

“Valet parking operator” means a person who provides a valet parking service for patrons of any business establishment, including his own business.

“Valet parking service” means a service provided to patrons of any business establishment, which service is incidental to the business of the establishment and by which a person on behalf of the establishment takes temporary custody of the patron's motor vehicle and moves, parks, stores or retrieves the vehicle for the patrons' convenience.

“Director” means the Director of Public Works of the City of Park Ridge.

12-13-2 LICENSE REQUIRED—APPLICATION—FEE

(a) No person shall conduct a valet parking service unless he has a valid valet parking operator license issued in accordance with this Chapter.

(b) Application for a valet parking operator license shall be made to the Director on forms provided by him for that purpose. Each valet parking operator license issued shall be for a one-year period only, commencing on January 1, and shall have designated thereon the name and address of the licensee and the business establishment(s) to be served by the licensee.

(c) Applications for the renewal of a valet parking operator license shall be made to the Director on forms provided by him for that purpose not less than 60 days prior to the expiration of the license to be renewed.

(d) A valet parking operator license shall be nontransferable, and any attempt to transfer a license shall result automatically in the immediate expiration of the license.

(e) The fee for a valet parking operator license or renewal thereof shall be \$ 100.00.

12-13-3 ISSUANCE CONDITIONS

(a) No valet parking operator license, or renewal thereof, shall be issued unless the applicant provides proof to the Director that he has obtained liability insurance covering all locations at which he operates or seeks to operate in the minimum amounts of \$1,000,000.00 per occurrence for general liability and property damage, and \$100,000.00 per occurrence for garage keeper's legal liability. The insurance policy shall be for a term at least coextensive with the duration of the license and shall not be subject to cancellation except upon 30 days' prior notice to the Director. Upon termination or lapse of the licensee's insurance coverage, any license issued to him shall automatically expire.

(b) No valet parking operator license, or renewal thereof, shall be issued unless the applicant provides proof to the Director that each business establishment for which the valet parking service is to be provided has made available a loading zone at least 25 feet in length within 100 yards of its premises for the pickup and delivery of the patrons vehicles. Where the loading zone is to be on-street, the business establishment must have obtained approval of the Director for the location of the loading zone. A single loading zone may serve more than one business establishment served by a single valet parking operator.

(c) No valet parking operator license, or renewal thereof, shall be issued to any applicant who has been found in violation of any provision of this chapter two or more times within the 180-day period prior to the date of the application or three or more times within the 365-day period prior to the date of the application.

12-13-4 RULES AND REGULATIONS

(a) Every valet parking operator shall, during the hours of service display an 18-inch by 24-inch valet parking license sign in front of the business establishment being served and, if the loading zone for that establishment is not immediately adjacent to the business establishment, a similar sign at the loading zone. The sign shall display the name of the operator and cost, if any, on the valet parking license sign in four-inch dark blue lettering.

(b) No valet parking operator shall park or permit its agent to park patrons' vehicles upon any public property except at locations approved by the Director, nor upon any private property except with permission of the owner thereof.

(c) Every valet parking operator shall place or cause his agent to place on the dashboard of each patron vehicle a sign or placard of a size no smaller than eight and one-half inches by 11 inches in such a manner so as to be conspicuously visible through the windshield of the patron vehicle. The sign or placard shall contain the following information in red or black letters no less than one inch high: "This Vehicle Parked By (valet parking operator) For Customer Of (business establishment)." In addition each attendant of a valet parking operator shall while on duty, wear conspicuously placed on his clothing an insignia which identifies the valet parking operator for whom the attendant is working.

(d) All valet parking attendants must, upon taking custody of a patron's vehicle, issue a numbered receipt to each customer containing the name, address and telephone number of the company providing the valet service, a statement that the company has liability insurance as required by law, the cost of the valet service, and the time and date the valet parking operator took custody of the vehicle from the patron.

(e) Upon presentation by the patron to the parking attendant of the numbered receipt, the patron's vehicle shall be delivered in a timely manner to the loading zone. Upon returning a vehicle to a patron, the parking attendant shall time stamp the receipt with the time and date the valet parking operator surrendered custody of the vehicle. No valet parking operator shall cease operation until all vehicles have been returned to all patrons.

12-13-5 VIOLATION; PENALTY

A valet parking operator license may be suspended or revoked by the Director upon not less than 48 hours notice to the licensee and an opportunity to be heard, and a finding by the Director that the licensee has violated any provision of this Chapter. In addition, any person convicted in a court of law of a violation of any provisions of this Chapter shall be fined not less than \$50.00 and not more than \$500.00 for each offense, and each day that an offense continues shall constitute a separate and distinct offense.

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 14 CABLE AND VIDEO CUSTOMER PROTECTION LAW

(Ord. 2007-80, 10/15/2007)

SECTION

- 12-14-1 Customer Service and Privacy Protection Law
- 12-14-2 Enforcement
- 12-14-3 Penalties
- 12-14-4 Customer Credits

12-14-1 CUSTOMER SERVICE AND PRIVACY PROTECTION LAW

(a) Adoption. The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the City's boundaries.

(b) Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the corporate authorities of the City.

12-14-2 ENFORCEMENT

The City does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the City.

12-14-3 PENALTIES

The City, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral

basis and shall not exceed \$750.00 for each day of the material breach, and shall not exceed \$25,000.00 for each occurrence of a material breach per customer.

(a) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

(b) The City shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.

(c) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (b).

12-14-4 CUSTOMER CREDITS

The City hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

(Ord 2007-80, 10/15/07)

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 15 CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS SUPPORT FEE

(Ord. 2007-81, 10/15/2007)

SECTION

- 12-15-1 Definitions
- 12-15-2 Cable/Video Service Provider Fee Imposed
- 12-15-3 PEG Access Support Fee Imposed
- 12-15-4 Applicable Principles
- 12-15-6 Audits of Cable/Video Service Provider
- 12-15-7 Late Fees / Payments

12-15-1 DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings:

- (a) "Cable service" means that term as defined in 47 U.S.C. § 522(6).
- (b) "Commission" means the Illinois Commerce Commission.
- (c) "Gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the City.
 - (1) Gross revenues shall include the following:
 - (i) Recurring charges for cable or video service.
 - (ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
 - (iii) Rental of set top boxes and other cable service or video service equipment.
 - (iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

- (v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
 - (vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
 - (vii) A *pro rata* portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the City. The allocation shall be based on the number of subscribers in the City divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
 - (viii) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (ix).
 - (ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
 - (x) The service provider fee permitted by 220 ILCS 5/21-801(b).
- (2) Gross revenues do not include any of the following:
- (i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
 - (ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
 - (iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or nonvideo service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

- (iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the City and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
 - (v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
 - (vi) Security deposits collected from subscribers.
 - (vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.
- (d) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.
- (e) "PEG" means public, education and governmental.
- (f) "PEG access support fee" means the amount paid under this Chapter and 220 ILCS 5/21-801(d) by the holder to the City for the service areas within its territorial jurisdiction.
- (g) "Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.
- (h) "Service provider fee" means the amount paid under this Chapter and 220 ILCS 5/21-801 by the holder to a City for the service areas within its territorial jurisdiction.
- (i) "Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

12-15-2 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED

- (a) Fee Imposed. A fee is hereby imposed on any holder providing cable service or video service in the City.
- (b) Amount of Fee. The amount of the fee imposed hereby shall be five percent (5%) of the holder's gross revenues.
- (c) Notice to the City. The holder shall notify the City at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the City.
- (d) Holder's Liability. The holder shall be liable for and pay the service provider fee to the City. The holder's liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Chapter by the holder. The ordinance adopting this Chapter shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the City.
- (e) Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- (f) Exemption. The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the City in which a fee is paid.
- (g) Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 12-15-2(b).

12-15-3 PEG ACCESS SUPPORT FEE IMPOSED

- (a) PEG Fee Imposed. A PEG access support fee is hereby imposed on any holder providing cable service or video service in the City in addition to the fee imposed pursuant to 12-15-2
- (b) Amount of Fee. The amount of the PEG access support fee imposed hereby shall be one percent (1%) of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the City or its designee for PEG access support in the City.

(c) Payment. The holder shall pay the PEG access support fee to the City or to the entity designated by the City to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in Section 12-15-2(d).

(d) Payment Due. The payment of the PEG access support fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(e) Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that that operator owes under Section 12-15-3(b).

12-15-4 APPLICABLE PRINCIPLES

All determinations and calculations under this Chapter shall be made pursuant to generally accepted accounting principles.

12-15-5 NO IMPACT ON OTHER TAXES DUE FROM HOLDER

Nothing contained in this Chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the City's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

12-15-6 AUDITS OF CABLE/VIDEO SERVICE PROVIDER

(a) Audit Requirement. The City will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the City imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the City. If all local franchises between the City and cable operator terminate, the audit requirements shall be those adopted by the City pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(b) Additional Payments. Any additional amount due after an audit shall be paid within thirty (30) days after the City's submission of an invoice for the sum.

12-15-7 LATE FEES / PAYMENTS

All fees due and payments which are past due shall be governed by ordinances adopted by this City pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

ARTICLE 12

BUSINESSES AND OCCUPATIONS

CHAPTER 16 TEMPORARY OVERNIGHT SHELTERS

(Ord. 2008-82, 11/17/2008)

SECTION

- 12-16-1 Definitions
- 12-16-2 License Required
- 12-16-3 Application for License
- 12-16-4 Regulations
- 12-16-5 Revocation of License
- 12-16-6 Penalty

12-16-1 DEFINITIONS

- A. Client. A person using the services of an overnight shelter.
- B. Director. The Director of Community Preservation and Development.
- C. Person. Any person, firm, partnership, association, corporation or company or any organization of any kind.
- D. Temporary Overnight Shelter or Shelter. As defined in Section 16.3 of the Zoning Ordinance.

12-16-2 LICENSE REQUIRED

- A. It shall be unlawful for any person to conduct, operate or maintain or to permit to be conducted, operated or maintained or participate in the conduct, operation or maintenance of a temporary overnight shelter in the City of Park Ridge without a valid license issued by the City. Any entity required to be an applicant for a Special Use Permit for a temporary overnight shelter shall also be required to be an applicant for the license for such a shelter.
- B. A temporary overnight shelter license shall be valid for a period of one (1) year from the date of issuance and may be renewed for additional one-year periods provided that it complies with all applicable Code provisions and ordinances of the City.

- C. Licenses shall be not transferable either as to location or to person or organization.
- D. Upon completion of all inspections of the premises and a review of a completed application, the Director shall make a recommendation to the City Council regarding whether to issue a temporary overnight shelter license to an applicant that meets the required standards set forth in this Chapter and all applicable sections of the Park Ridge Municipal Code and ordinances of the City. The City Council shall vote whether to accept or reject the Director's recommendation.
- E. At the second City Council meeting in May of each year, the City Manager shall issue a written report to the City Council on the number, location and status of temporary overnight shelters in the City. This shall include, but not be limited to, the number and nature of complaints received for each location and the number and nature of any calls for police assistance at each location.

12-16-3 APPLICATION FOR LICENSE

- A. Application for a temporary overnight shelter shall be made to the Director of Community Preservation and Development on forms provided and shall include:
 - 1. The location of the premises for which the license is sought;
 - 2. The proposed maximum number of persons to be housed in the shelter;
 - 3. The total square footage, and calculation of same, of the sleeping area;
 - 4. The name and address of the applicant or applicants if an individual and, if a firm, partnership, corporation or association, the principal address of the entity and name and address of its officers;
 - 5. The name, address and telephone number of an individual that will be responsible for the supervision and management of the shelter;
 - 6. The date of special use approval;
 - 7. An Operation Plan. Such plan must include:
 - (a) Guidelines to be used for the shelter, including but not limited to, policies regarding admission criteria, including health screening, background checks and provision of identification cards, procedures for termination of stay and procedures to limit length of stay;
 - (b) A communication plan that describes how the applicant will communicate with the local community, neighborhood, business owners and adjacent neighbors on a regular basis, and how community issues and concerns will be addressed;
 - (c) Rules to prevent loitering by clients of the Shelter.
 - 8. If food is to be served, the plan for the service and/or preparation of such food; and
 - 9. Such other information as determined by the Director in order to implement this Chapter.
- B. The annual fee for a temporary overnight shelter license shall be fifty dollars (\$50.00).

12-16-4 REGULATIONS

- A. Inspection – Upon receipt of an application for a license, the Director shall cause an inspection to be made of the proposed shelter by the City’s Fire Department and Health and Building Divisions. The applicant shall allow the City’s staff and inspectors reasonable opportunity to inspect the applicant’s location for which the license is requested and to interview the applicant’s agents and employees. During the term of licensure, the shelter shall be open to inspection by any authorized City police official and fire, building or health inspector.
- B. Display of License – The license issued by the City shall be posted in a conspicuous place within ten (10’) feet of the main entrance to the shelter.
- C. Insurance – Any person engaged in the ownership, operation or management of a temporary overnight shelter shall obtain and maintain in full force and effect during the operation of the shelter, liability and property damage insurance in the amount of \$1,000,000 for general liability per occurrence, \$1,000,000 for bodily injury and \$2,000,000 for general aggregate from an insurance company licensed to do business in the State of Illinois and subject to the approval of the City Manager. The applicant shall submit a certificate of insurance.
- D. Not-For-Profit – No person shall own, operate or manage a temporary overnight shelter except on a not-for-profit basis and without charge to the temporary overnight shelter’s occupants.
- E. Maximum Daily Hours of Operation – No owner, operator, or manager of a shelter shall operate a shelter for more than twelve (12) hours per twenty-four (24) hour period and no occupant may remain in any temporary overnight shelter for more than twelve (12) consecutive hours. No owner, operator or manager shall allow any person to remain in the temporary overnight shelter for a period in excess of twelve (12) consecutive hours.
- F. Staff Requirements – At all times that a shelter is actually serving clients, there shall be present at least two (2) persons whose duty it is to assure compliance with all rules governing the operation of the shelter. If there are more than twenty (20) clients, the shelter shall be required to have one (1) additional staff person for each multiple of ten (10) occupants and an additional staff person for each fraction over a multiple of ten. For example, if there are fifteen (15) clients, two staff persons are required. If there are thirty-one (31) clients, four staff persons are required. Staff persons must remain awake the entire time the shelter is open.
- G. Separation of Sleeping Areas – Each shelter shall provide separate sleeping areas: (1) for men, (2) for women; and (3) for parents with children, if applicable.
- H. Medical Care - Medical care, nursing care or clinical services may not be offered as a regular service at any temporary overnight shelter. The prohibition in the prior sentence shall not apply to the following: (1) seasonal vaccines such as flu shots; (2) non-prescription items such as aspirin, aspirin substitutes or band-aid type dressings; (3) medical care or treatment in the event of an emergency; and (4) routine blood pressure or similar non-invasive testing.
- I. Evacuation Diagram – In each temporary overnight shelter, a diagram shall be posted on each floor of a shelter that illustrates evacuation routes from the floor and the shelter in the event of

an emergency. Such diagram shall measure no less than twenty inches (20") square, and shall be posted in a place and manner where it will be readily visible to occupants.

- J. Smoking Materials Prohibited – No person shall use smoking materials in any temporary overnight shelter.
- K. Smoke Detectors –As part of the inspection required by this Chapter, the Fire Department will determine the number of smoke detectors required and the placement of such smoke detectors. All required smoke detectors must be in place and operational prior to each opening of the temporary overnight shelter.
- L. Automatic Sprinkler Systems – A temporary overnight shelter shall be protected throughout by an automatic sprinkler system in accordance with the National Fire Protection Association Requirements, as amended, adopted and modified in Article 7, Chapter 1 of the Park Ridge Municipal Code.
- M. Fire Extinguishers – Fire extinguishers shall be installed and maintained in each temporary overnight shelter in accordance with the standards established by International Fire Code and the Life Safety Code.
- N. Fire Alarms – Each temporary overnight shelter shall have a fire alarm as required by Article 7, Chapter 1 of the Park Ridge Municipal Code.
- O. Sanitary Requirements – Each temporary overnight shelter shall provide a minimum of one (1) water closet for each twenty (20) occupants.
- P. Food preparation – Only an operator of a food service establishment that has received a permit pursuant to Article 5, Chapter 3 of the Park Ridge Municipal Code may serve food at a temporary overnight shelter. This shall be accomplished in accordance with all applicable state and local codes and regulations.
- Q. Means of Egress – Each temporary overnight shelter shall maintain adequate exits in accordance with all applicable codes. All exit routes shall remain clear, unaltered and unobstructed.
- R. Additional Restrictions and Prohibitions –
 - 1. No Licensee shall knowingly allow any occupant to bring weapons, alcohol or unprescribed drugs into the shelter.
 - 2. No Licensee shall allow any occupant of the shelter to store personal belongings at the shelter during hours when the shelter is not in operation.

12-16-5 REVOCATION OF LICENSE

- A. The Director may revoke a temporary overnight shelter license for violating any federal, state or local law, rule or regulation, or for making a false statement on the license or special use application; or for interfering with any governmental, official or other authorized City employee in the performance of his or her duties.
- B. Prior to revocation, the Director shall notify, in writing, the licensee of the specific reasons for which the license is to be revoked and that the license shall be revoked at the end of ten (10) days following service of such notice, unless the licensee files a written request for a hearing with the Director within such ten (10) day period. If no request for a hearing is filed within the ten (10) day period, the revocation of the license becomes final.
- C. The Director may also suspend a license and close a shelter, without providing notice, whenever an inspection reveals that a shelter is in violation of any regulation and poses an immediate threat to the public health or safety. In cases of such emergency closure, notice and an opportunity for a hearing on the revocation shall be provided to the licensee after the shelter has been closed. The licensee will have ten (10) days to file a written request for a hearing as provided in Paragraph B. If no written request is filed within the ten (10) day period, the revocation of the license becomes final.
- D. If a written request for a hearing is filed, a hearing shall be held before the Director. The Director shall issue written factual findings and a written recommendation regarding revocation to the City Council who shall act on the recommendation within thirty (30) days of receiving the recommendation of the Director.

12-16-6 PENALTY

Any person violating any provision of this Chapter shall be fined not less than one hundred dollars (\$100.00) for each violation. Each day such violation occurs shall constitute a separate violation.