

CHAPTER 24

MISCELLANEOUS REGULATIONS

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ARTICLE I. EXPLOSIVES AND FIREWORKS

Sec. 24.1 Fireworks

It shall be unlawful for any person, firm or corporation to sell, keep, expose for sale, loan, or give away any toy pistol, toy gun, toy cannon, blank cartridge, or any fireworks, firecrackers, torpedoes, bombs, squibs, rockets, spin wheels, fire balloons, roman candles, detonating canes or ammunition therefor, or any substance or articles of any explosive nature designed or intended to be used as fireworks, anywhere in the Village.

Sec. 24.2 Discharge of Fireworks

It shall be unlawful for any person, firm or corporation to be possessed of or to discharge anywhere in the Village any of the articles enumerated in the first section of this Article; provided, however, that the President and Board of Trustees may issue a permit for the discharge of fireworks and for pyrotechnical displays as hereinafter provided.

Sec. 24.3 Application – Permits

Application for permits for the discharge of fireworks or for pyrotechnical displays shall be in writing and shall state the name of the person, place of residence and age, the place where it is proposed to give such public display of fireworks, what experience the applicant has had, if any, in the discharge of fireworks, such application being sworn to before a notary public or other officer authorized by law to administer oaths.

The President shall upon receipt of such applicant's statement refer the same to the police and the Chief of the Fire Protection District who shall have an inspection made of the premises at the location given in said application where it is proposed to give such public display of fireworks, and if in their judgment it would not be hazardous to surrounding property or dangerous to any person or persons to permit such public display of fireworks at such location, they shall approve such application and return the same to the President, whereupon said President may issue a permit giving the applicant permission to conduct such public display of fireworks. Such permits shall designate the kinds and quantities of fireworks to be used at such public display, and no other kinds and no greater quantities of fireworks than therein specified shall be used at such public display.

Sec. 24.4 Nitroglycerin – TNT

It shall be unlawful to keep or store any nitroglycerin or the explosive commonly known as TNT in the Village in any quantities, excepting for medicinal or laboratory purposes and for such purposes no more than one quarter pound shall be stored in any one building or premises.

Sec. 24.5 Rules of the State Fire Marshal

All explosives must be kept or stored in accordance with the rules of the State Fire Marshal, subject to the provisions of this Article.

Sec. 24.6 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.7 – 24.19 Reserved

ARTICLE II. PUBLIC BUILDINGS

Sec. 24.20 Responsibility

The owner, agent, occupant or person charged with the custody of any public building, auditorium, hotel, theater, lodge hall, or church, and in the case of schools, the President of the Board of Education, or the person in charge thereof and owning the same, shall be held liable for the equipment and maintenance of such apparatus as is required in this Article for the maintenance and safety of all exits, stairs, doors, windows, or passageways.

Sec. 24.21 Enforcement

It shall be the duty of the police to inspect all apparatus to be installed, and their location, and to make or cause to be made periodic inspections concerning the operation and accessibility of regular and emergency exits in such public places.

Sec. 24.22 Location and Number of Appliances

The locations and number of fire appliances shall be as follows (unless other locations shall be more accessible and convenient for protection against fires):

- a. Public buildings, auditoriums, lodge halls, and hotels: five gallon pump and fire axe at or near the main entrance on the ground floor; five gallon hand pump at or near the foot of all basement stairways; two pails in boiler room unless oil burner, then two and one-half gallon special chemical hand extinguisher just outside boiler room doors; one quart chemical hand extinguisher on the stage, and one quart chemical hand extinguisher in the lobby.
- b. Churches: one five gallon pump at or near main entrance on ground floor; one five gallon hand pump and fire axe in boiler room.
- c. Schools: one five gallon hand pump and fire axe at or near main entrance on ground floor, same at head of each stairway; same in boiler room.

Sec. 24.23 Fire Drills

It shall be the duty of the principal or other person in charge of pupils in every school in the Village to establish and maintain a good and efficient fire drill which shall be practiced at least once a month during the time the building is used for school purposes. A written report shall be made by the principal or person in charge of such building on each fire drill held, and of the time elapsed from the first fire signal until the last person was out.

Sec. 24.24 Removal of Apparatus

It shall be unlawful to remove from its proper place any fire apparatus or appliances except for inspection or in case of emergency.

Sec. 24.25 Doors

All public buildings which may be or are used for church, school, opera performances, theater, lecture room, hotel, public meeting or similar purposes, or which may be or are used for the collection of people for worship, amusement or instruction, and all buildings used for stores to which the public is invited, shall be so built that all doors which lead from the main hall or place of assembly shall open outward; and all means of egress for persons within such buildings shall be by means of doors which shall open outward from the main hall and from the building.

All doors of schools and educational institutions shall remain unlocked during school hours.

Sec. 24.26 Exit Lights

In all theaters and public meeting halls a red light illuminating the word "EXIT" shall be kept burning over each regular and emergency exit while the theater or hall is occupied by an audience or by patrons.

Sec. 24.27 Compliance With Federal/State Laws

All public buildings shall comply with the requirements of the federal Americans With Disabilities Act, as amended from time to time, and all federal and State laws and regulations regarding such matters and safety.

Sec. 24.28 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.29 – 24.39 Reserved

ARTICLE III. PUBLIC GATHERINGS

Sec. 24.40 Regulations

It shall be unlawful to hold, manage or conduct any meeting or entertainment of any kind in the Village, in any premises other than a building constructed in full compliance with the ordinances and laws, if any, pertaining thereto for auditorium, theater or lodge room purposes, excepting in compliance with the provisions of this Article.

Sec. 24.41 Inspections

No such gathering or entertainment shall be held or presented in any premises other than a building as described in the preceding Section, unless such premises have been examined by the Zoning Officer not more than three days before the date of such gathering and found to be free from any fire hazard and found to be suitable for the purpose. No structure enclosed by a roof shall be used for such purposes unless the same is constructed of nonflammable materials; provided that tents or structures covered by canvas or similar materials may be so used if such canvas or other material have been properly treated so as to be rendered fire resistive.

Sec. 24.42 Exits

Adequate unobstructed exits shall be provided in all premises used for such purposes to permit rapid egress of all persons attending, and there shall be at least two separate exits located at least thirty feet from each other. There shall be two lineal feet of doorway or exit space for each one hundred people accommodated.

Sec. 24.43 Seats

Any stands or rows of seats used in such premises shall be so constructed as to be safe for the use designated, and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors or theater buildings, not less than one pound per square foot. It shall be unlawful to admit to any such premises a number of persons to exceed the number of actual seats maintained for their accommodation.

Sec. 24.44 Doors

All doors or gates or exits from premises used for such purposes shall open outward and no such exit shall be so constructed or locked that egress from inside the premises is blocked.

Sec. 24.45 Notice

It shall be the duty of any person or persons conducting, calling for or managing any gathering in any premises other than a theater, lodge room or auditorium building constructed as provided in the first paragraph of this Article, to notify the Village Clerk of the date of such intended use at least ten days before such meeting is to take place; upon such notice the Zoning Officer shall inspect the premises to determine

whether or not they comply with the provisions hereof. Any permit issued for any such gathering shall be subject to the condition that this Article be fully complied with, whether or not such condition is embodied in the permit.

Sec. 24.46 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.47 – 24.59 Reserved

ARTICLE IV. TAG DAYS

Sec. 24.60 Permit Required

It shall be unlawful for any person, firm, or corporation to go from house to house soliciting funds or subscriptions, or to publicly solicit either in person or by agent, upon the public streets, sidewalks, or any other public place in the Village, subscriptions for charitable or religious or educational or other organizations or purposes, whether presents or gifts of money or promises are sought, without having first secured a permit therefor.

Sec. 24.61 Applications

Applications for such permits shall be made to the Village Clerk and shall be referred to the President and Board of Trustees; and no such permit shall be issued except upon the order of the President and Board of Trustees.

Sec. 24.62 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.63 – 24.69 Reserved

ARTICLE V. SOUND AMPLIFIERS

Sec. 24.70 License Required

It shall be unlawful to maintain or operate any loud speaker or amplifier connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or public place without having first secured a permit therefor.

Sec. 24.71 Applications

Any person, firm, or corporation desiring a license for the use or operation of such device, shall file an application therefor with the Village Clerk, upon a form provided by him/her, setting forth the name and address of the applicant, the name of the owner of such device, the date upon which it is intended to be used, and such other information as may be prescribed.

Sec. 24.72 Issuance of License

Such license, if warranted, shall be issued and shall permit the use of any such device subject to the terms and conditions of this Article, only upon the date specified on such license and no other.

Sec. 24.73 Restrictions

No licensee shall use or operate or employ any such device within the Village limits on Sunday, or after the hours of 8:00 o'clock P.M. prevailing time of any day, or before the hour of 8:00 o'clock A.M. prevailing time of any day; no licensee shall use, operate or employ any such device within a radius of two blocks from any hospital or within the radius of two blocks from any church while funeral services are being held there.

This Section shall not apply to radios in homes or in private pleasure vehicles, where the same are operated in such manner as not to be audible at a distance of fifty feet from such vehicle, nor to noise devices, bands, or other musical devices used in any public parade or procession which is operated under a permit in accordance with the ordinances of this Village.

No licensee shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane or indecent language or sounds, or any false representation of any matter, produce, or project advertised thereby the sale of which is prohibited by any law, ordinance or statute.

Sec. 24.74 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense and not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person desiring to plead guilty to an

offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.75 – 24.79 Reserved

ARTICLE VI. PLANTS/WEEDS AND DEBRIS

Sec. 24.80 Weeds – Nuisance

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds; of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Sec. 24.81 Height

It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

Sec. 24.82 Barberry Bushes

It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common, or European barberry, further known as *Barberis Vulgaris*, or its horticulture varieties within the Village.

Sec. 24.83 Refuse and Debris

It shall be unlawful for any person, firm, occupant, user, or corporation to deposit anywhere in the Village any type of refuse, rubbish, trash, debris, garbage, offal, carcasses of dead animals, or anything else that has been thrown aside or left as worthless, and any such material or thing is hereby declared to be a nuisance.

Sec. 24.84 Removal – Notice

It shall be the duty of the President or his/her designated appointee to serve or cause to be served upon the owner, person, firm, corporation, user, or occupant of any such premises or property on which such nuisances, weeds or plants are located, and to demand the abatement thereof within 10 days.

Sec. 24.85 Abatement

If the owner, person, firm, corporation, user, or occupant so served does not abate the nuisance within 10 days after such notice, the President or his/her designated appointee may proceed to abate such nuisance, keeping an account of the expense of the abatement; and, such expense shall be charged to and paid by such owner, person, firm, corporation, user, or occupant within 30 days of the receipt of an invoice therefore. Any such charge not paid within such time shall become a lien on the premises affected upon the filing of a notice thereof with the Recorder of Deeds of Peoria County, Illinois. The Village may proceed to sue to collect such amount or foreclose such lien like foreclosure of a mortgage.

Sec. 24.86 Penalty

In addition to all other remedies provided for herein or otherwise allowed by law, any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues unabated after ten (10) days notice. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.87 – 24.99 Reserved

ARTICLE VII. INOPERATIVE MOTOR VEHICLES

Sec. 24.100 Definitions – Inoperable Motor Vehicle

“Inoperable motor vehicle” means any motor vehicle including farm implements, trucks, or other vehicles which, for a period of at least 7 days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or on which there are no license plates, or for which the license plates or vehicle registration has expired. For purposes of this Article, a vehicle shall be presumed to be “inoperable” if it cannot be legally operated on the public highways of the Village, County of Peoria, or State of Illinois. The term “inoperable motor vehicle” does not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. (2011-8; 11/7/11)

Sec. 24.101 Definition – Abandoned Vehicle

“Abandoned vehicle” means any motor or other vehicle, including but not limited to every kind of trailer, camper, and boat on or off of a trailer, which is left on property for such time and under such circumstances as to cause the vehicle to reasonably appear to be unused for transportation or abandoned. The term “abandoned vehicle” shall include but not be limited to vehicles left or stored on property for 30 days or more without being significantly used for transportation or moved for any purpose other than to avoid the appearance of abandonment under this Article. The term “abandoned vehicle” shall not include vehicles that are used seasonally but are not abandoned, such as recreational vehicles used occasionally during the year, provided that such vehicle otherwise complies with this Ordinance. (2012-7; 7/2/12)

Sec. 24.102 Inoperable and Abandoned Vehicles a Nuisance

The Village finds that abandoned, unused, dilapidated, inoperable, derelict, and disabled motor vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety, and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment; and adversely affect land values and the proper maintenance and continuing development of the Village. (2011-8; 11/7/11)

Sec. 24.103 Violation

No person shall allow or cause an inoperable motor vehicle or abandoned vehicle to be parked, stored, or left on public or private property so that the inoperable vehicle is in view of the general public. “General public” shall include but not be limited to owners and occupants of property adjacent to that on which the vehicle in question is parked, stored, or left.

The prohibition stated above in this Section 24.103 does not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to motor vehicles on the premises of a place of business legally engaged in the wrecking or junking of motor vehicles. (2011-8; 11/7/11)

Sec. 24.104 Removal of Inoperable and Abandoned Vehicles

The Village President, or his designee, shall first serve a written notice upon the owner, person in possession or person in control of any property upon which any inoperable motor vehicle or abandoned vehicle is parked, left, or stored, advising such person of the violation and requesting that the inoperable motor vehicle or abandoned vehicle be removed or relocated to an enclosure so that it is not in view of the general public, within five days of receipt of the notice. The written notice shall be delivered by personal service or by certified mail and delivered to the last known address of the person, firm, corporation, or entity who owns or is in possession of such vehicle or of the property on which the vehicle is located.

If the written notice is sent by certified mail and the notice is returned to the Village by the United States Post Office because of its inability to make delivery thereof, the Village is authorized to remove the inoperable motor vehicle or abandoned vehicle, and to tax the same against the owner or person in control of the vehicle or property on which the vehicle is located.

Upon the failure of the person receiving the written notice to remove or relocate the inoperable motor vehicle or abandoned vehicle, the Village shall be entitled to remove the vehicle or parts thereof, no sooner than the 10th day from the issuance of the written notice. (2011-8; 11/7/11)

Sec. 24.105 Notice to Abate Nuisance – Action on Non-compliance

After the expiration of 10 days from the receipt of the notice provided for in the preceding Section, if the person, firm or corporation so notified has failed, neglected or refused to comply with the directions or such notice, the responsible Village officials are hereby authorized and empowered to pay for the removal and disposal of such inoperative motor vehicles, motor vehicle bodies, parts, equipment, motors and materials, or to order the removal and disposal by the Village.

Sec. 24.106 Liability for Expense of Disposal

In the event the Village is required to remove and dispose of inoperative motor vehicles, motor vehicle bodies, parts, equipment, motors, and materials, the person, firm or corporation in control of the premises on which such item is located, or the owner of or person, firm or corporation in control of such item found and located on public property, shall be liable to the Village for the expenses incurred by the Village. A statement shall be rendered to the person, firm or corporation liable for the cost thereof, and, if not paid, suit shall be instituted.

Sec. 24.107 Penalty for Violation of Article

Any person, firm or corporation violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such. The penalty specified in this Section shall be in addition to liability for the expense provided for in any preceding Section.

Sec. 24.108 – 24.119 Reserved

ARTICLE VIII. CURFEW

Sec. 24.120 Definitions

As used in this Article, the following terms mean:

- a. *Establishment*: Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.
- b. *Minor*: Any male person under the age of eighteen (18) years and any female person under the age of eighteen (18) years.
- c. *Operator*: Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment, and whenever used in any clause prescribing a penalty, the term “operator” as applied to associations or partnerships shall include the members or partners thereof, and as applied to corporations shall include the officers thereof.
- d. *Parent*: Any natural parent of a minor, a guardian, or any adult person, eighteen (18) years of age or over, responsible for the care and custody of a minor.
- e. *Public Place*: Any public street, highway, road, alley, park, playground, public building, or vacant lot.
- f. *Remain*: To loiter, idle, wander, stroll or play in or upon.

Sec. 24.121 Times When in Effect

It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of ten (10) o'clock P.M. and six (6) o'clock A.M. of the following day, except that on Fridays and Saturdays the hours shall be from twelve (12) o'clock P.M. to six (6) o'clock A.M.

Sec. 24.122 When Not Applicable

The provisions of this Article shall not apply to any minor accompanied by a parent or to a minor upon an errand or other legitimate business directed by such minor's parents, or to any minor who is engaged in gainful, lawful employment.

Sec. 24. 123 Obligations of Operators of Public Establishments

It shall be unlawful for any operator of an establishment or their agents or employees to knowingly permit any minor to remain upon the premises of said establishment between the hours of ten (10) o'clock P.M. and six (6) o'clock A.M. of the following day, except that on Fridays and Saturdays the hours shall be from twelve (12) o'clock P.M. to six (6) o'clock A.M.

Sec. 24.124 Obligations of Parents and Guardians

It shall be unlawful for a parent, legal guardian, or other person to knowingly permit a person in his custody or control to violate this Article.

Sec. 24.125 Penalty

Any person, parent, minor, legal guardian, or operator who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.126 – 24.139 Reserved

ARTICLE IX. ADULT USES

Sec. 24.140 Definitions

For the purpose of this Article, the following words and phrases shall have the meanings respectfully prescribed to them by this section:

- a. *Adult book stores*: An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities,” or “specified anatomical areas” or an establishment with a segment or section devoted to the sale or display of such material.
- b. *Adult motion picture theater*: An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- c. *Adult mini motion picture theater*: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observation by patrons therein.
- d. *Adult entertainment cabaret*: A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers.
- e. *Body shop or model studio*: Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display “specified anatomical areas” are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” are provided for observation by or communication to persons paying such consideration or gratuity.
- f. *Massage establishment*: Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activities mentioned in subsection i. of this Section, except for health and recreational facilities and clubs which contain ten thousand (10,000) square feet of enclosed and finished space equipped for exercise rooms, gymnasiums, tennis courts, racquet ball

courts, swimming pools or similar uses directly related to and used in exercising the human body and which establishment does not derive more than five percent (5%) of its yearly income from the massage services.

g. *Specified sexual activities* are any of the following conditions:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation;
- (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breast;
- (4) Excretory functions as part of or in connection with any activities set forth in (1) through (3) above.

h. *Specified anatomical areas* are any of the following conditions:

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region, or pubic hair,
 - (b) Buttock, and
 - (c) Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

i. *Massage*: Any method of pressure on or friction against or stoking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids or rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

Sec. 24.141 Adult Uses Enumerated

The following shall be considered adult uses for the purposes of this Article:

- a. Adult book store;
- b. Adult motion picture theater;
- c. Adult mini motion picture theater;

- d. Adult entertainment cabaret:
- e. Massage establishment;
- f. Body shop or model studio.

Sec. 24.142 Limitations on Adult Uses

Adult uses shall be permitted subject to the following restrictions:

- a. An adult use shall not be allowed within one thousand (1,000) feet of another existing adult use.
- b. An adult use shall not be located within seven hundred (700) feet in any zoning district which is zoned R-1 District: (one-family residential), R-2 District: (multiple-family residential), A District: (agricultural) within the Village or any similar zoning district within Peoria County adjoining the Village.
- c. An adult use shall not be located within five hundred (500) feet of a preexisting school or place of worship.
- d. An adult use shall not be located within five hundred (500) feet of a preexisting city park.
- e. An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.

The provisions stated in this Section shall not apply to any adult use in existence at the time this Article takes effect, so long as the adult use continues to conduct its business at the location it was doing business when this Article took effect and does not change the nature of the adult use.

Sec. 24.143 Measurement of Distances

For the purposes of this Article, measurements shall be made in a straight line, without regard to intervening structures, or objects, from the property line of the adult use to the nearest property line of another adult use, school, place of worship or district zoning.

Sec. 24.144 License Required; Filing of Application; Filing Fee

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the Village, the operation of an adult use as herein defined, without first having obtained a separate license for such adult use from the President of the Village.

Every applicant for a license to maintain, operate or conduct an adult use shall file an application in duplicate under oath with the President upon a form provided by the President and pay a nonrefundable

filing fee of Five Hundred Dollars (\$500.00) to the Village Clerk, who shall issue a receipt which shall be attached to the application filed with the President.

Within thirty (30) days of receiving the application, the President shall notify the applicant that his application is granted or denied. Whenever an application is denied, the President shall advise the applicant in writing of the reasons for such action.

“Person” as used in this Article includes, but is not limited to, any natural person, limited liability corporation, trustee, partnership, organization, association, club, or any other entity desiring to operate or engage in the operation of an adult use.

Sec. 24.145 Contents of Application for License

An applicant for a license shall furnish the following information under oath:

- a. Name and address.
- b. Written proof that the individual is at least eighteen (18) years of age.
- c. The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto.
- d. A statement by the applicant that he or she is familiar with the provisions of this Article and is in compliance with them.

Sec. 24.146 Issuance of Adult Use License

The President shall issue a license to maintain, operate or conduct an adult use unless he/she finds:

- a. That the applicant is under the age of eighteen (18) years or under any legal disability.
- b. The applicant, at the time of application for renewal of any license issued under this Article, would not be eligible for such license upon a first application.
- c. The operation as proposed by the applicant, if permitted, would not have complied with the zoning code of the Village or this Article.

Every adult use license issued pursuant to this Article will terminate at the expiration of one year from the date of its issuance, unless sooner revoked.

Sec. 24.147 Suspension or Revocation of License for Adult Use

Any license issued for an adult use may be revoked or suspended by the President if the President shall find:

- a. That the licensee has violated or caused or acquiesced in violation of any of the provisions of this Article regulating adult uses.
- b. The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Article or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.

The licensee shall be responsible for all the acts of his agents, servants and employees; provided, however, that in the case of a first offense by a licensee where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the President shall find that the licensee had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

The President before revoking or suspending any license shall give the licensee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the President at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

Sec. 24.148 Exterior Display

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use.

Sec. 24.149 Existing Adult Use

All existing adult uses at the time of the passage of this Article must submit an application for an adult use license within thirty (30) days of the passage and approval of this Article.

Sec. 24.150 Display of License and Permit

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.

Sec. 24.151 Employment of Person Under Age 18 Prohibited

It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.

Sec. 24.152 Illegal Activities on Premises

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or

about the licensed premises which is prohibited by any ordinance of the Village, this Code, or law of the State of Illinois or the United States.

Sec. 24.153 Severability Clause

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article, or any part thereof, or application thereof to any person, firm, corporation, public agency or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. It is hereby declared to be the legislative intent of the Village that this Article would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

Sec. 24.154 Violation and Penalty

Any person who shall violate any of the provisions of this Article shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

Sec.24.155 – 24.179 Reserved

ARTICLE X. RAFFLES

Sec. 24.180 Title

This Article shall be known, cited, and referred to as the “Raffle Ordinance of the Village of Brimfield.”

Sec. 24.181 Purpose

The purpose of this Article is to regulate and control the conduct of raffles within the corporate limits of the Village.

Sec. 24.182 Construction

In the construction of this Article the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise.

- a. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number; and the plural number shall include the singular number.
- b. The word “shall” is mandatory and not discretionary.
- c. The word “may” is permissive or discretionary.
- d. Words not defined shall be interpreted in accordance with definitions contained in the most recent edition of *Webster’s New Collegiate Dictionary*.

Sec. 24.183 Definitions

For the purposes of this Article, the words and phrases listed hereunder have the meaning designated herein, except when a particular context clearly requires a different meaning:

- a. *Annual aggregate retail value of prizes* means the total retail value of all prizes to be raffled by any organization, licensed under this Article, during the year beginning January 1, and extending through and including December 31 of the same calendar year.
- b. *Charitable organization* is an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.
- c. *Village* is the Village of Brimfield, Illinois.
- d. *Board* is the Board of Trustees of the Village.

- e. *Clerk or Village Clerk* is the Clerk of the Village.
- f. *Educational organization* is an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.
- g. *Fraternal organization* is an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.
- h. *Labor organization* is an organization composed of workers organized with the objective of the betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- i. *Licensee* is an organization which has been issued a license to operate a raffle.
- j. *Net proceeds* means the gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.
- k. *Non-profit* means organized, operated, and conducted on a not-for-profit basis with no personal profit incurring to anyone as a result of said operation.
- l. *Person* means an individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.
- m. *Raffle* means a form of lottery, as defined in S28-2(b) of the “Criminal Code of 1961,” conducted by an organization licensed under this Article in which:
 - (1) The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance; and
 - (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.
- n. *Religious organization* is any church, congregation, society, or organization founded for the purpose of religious worship.
- o. *Veterans organization* is an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of

veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Sec. 24.184 License Requirements

It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle unless said raffle has been licensed in accordance herewith.

Sec. 24.185 Multiple Raffles

A person eligible for licensure desiring to hold more than one raffle during a calendar year may apply for an annual license. For purposes of this paragraph only, a “raffle” is considered to be a single location and time of determining a winning chance(s). Multiple prizes and drawings may be held at any one time and location.

Sec. 24.186 Application

Any person seeking to conduct or operate a raffle shall file an application therefor with the Village Clerk on forms provided by the Clerk. Said application shall contain the following information:

- a. The name, address, and type of organization;
- b. The length of existence of the organization and, if incorporated, the date and state of incorporation;
- c. The name, address, telephone number, social security number, and date of birth of the organization’s presiding Officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;
- d. The annual aggregate retail value of all prizes to be awarded;
- e. The maximum retail value of each prize to be awarded;
- f. The maximum price charged for each raffle chance issued or sold;
- g. The estimated Gross Annual Sales of chances;
- h. The geographic area or areas in which raffle chances will be sold or issued;
- i. The time period during which raffle chances will be issued or sold;
- j. The time and location at which winning chances will be determined (NOTE: The application may be amended by a telephone call from an officer of the organization to the Clerk not less than 3 days prior to the drawing and confirmed in writing by the Organization);

- k. A sworn statement attesting to the not-for-profit character of the applicant organization, signed by its presiding officer and secretary; and
- l. A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

Sec. 24.187 Licensee Qualifications

Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious, and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five years or more immediately before making application for a license and which have had during that entire five-year period a bona fide membership engaged in carrying out their objects. The following are ineligible for any raffle license:

- a. Any person who has been convicted of a felony;
- b. Any person who is or has been a professional gambler or gambling promoter;
- c. Any person who is not of good moral character;
- d. Any organization in which a person defined in a., b., or c. above has a proprietary, equitable or credit interest, or in which such person is active or employed;
- e. Any organization in which a person defined in a., b., or c. above is an officer, director, or employee, whether compensated or not; and
- f. Any organization in which a person defined in a., b., or c. above is to participate in the management or operation of a raffle as defined herein.

Sec. 24.188 License Issuance

The Village Clerk shall review all raffle license applications within ten days from the date of application and shall, within thirty days from the date of application, approve or deny a raffle license application. If an application is approved, the Village Clerk shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of thirty days from and after its issuance in the instance of a single raffle license. Raffle licenses issued under the provisions of Section 24.185 (Multiple Raffles) shall be valid for the specific periods set forth in the application.

All licenses shall be numbered consecutively in the order in which they are issued. The Village Clerk shall keep an accurate record of the licenses and numbers issued.

Sec. 24.189 Conduct Of Raffles

The operation and conduct of raffles are subject to the following restrictions:

- a. The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee;
- b. No person except a bona fide member of the licensee may participate in the management or operation of the raffle;
- c. No person may receive remuneration or profit for participating in the management or operation of the raffle;
- d. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this ordinance;
- e. Raffle chances may be sold, offered for sale, conveyed, issued, or otherwise transferred for value only within the area specified on the license; and the winning chances may be determined only at the location specified on the license;
- f. Each chance shall bear the raffle license number as assigned by the Village Clerk. EXCEPTION: if all chances are sold only at the site of the drawing, on the day of the drawing the chances need not bear the raffle license number; in such an event, the license number shall be displayed in some prominent place on the premises;
- g. No person under the age of 18 years may participate in the operation or conduct of raffles. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or legal guardian; and
- h. No chance shall be sold, offered for sale, conveyed, issued, or otherwise transferred for value to any person under the age of 18 years; however, any person may make a gift of a chance to any person of any age.

Sec. 24.190 Raffles Manager

The operation and conduct of a raffle shall be under the supervision of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the Village not less than 30 days prior to its cancellation.

Sec. 24.191 Records

- a. Each licensee shall keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

- b. Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts. If bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, proceeds must be placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.
- c. Raffle records shall be preserved for three years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

Sec. 24.192 Fee Schedule

The following fees shall be paid to the Village Clerk at the time the application for a raffle license is filed. The fee shall be based upon the estimated GROSS ANNUAL SALE OF CHANCES by the organization.

<u>GROSS ANNUAL SALES</u>		<u>FEE</u>
Under	\$100.00	No Fee
	\$100.00 – \$499.99	\$10.00
	\$500.00 – \$1,499.99	\$20.00
	\$1,500.00 – \$2,499.99	\$30.00
	\$2,500.00 – \$4,999.99	\$40.00
	\$5,000.00 – \$10,000.00	\$50.00
Over	\$10,000.00	\$50.00 plus \$10.00 for each \$5,000 or multiples thereof in excess of \$10,000.

Said application fees are non-refundable even should the application be denied by the Village Clerk; provided, however, in no event shall the Board retain more than \$50.00 if any application is denied.

Sec. 24.193 Prize Limitations

The annual aggregate retail value of all prizes awarded in a single year by a single licensee shall not exceed \$50,000, and not the retail value of any one prize awarded in a single raffle shall not exceed \$50,000.00.

Sec. 24.194 Chance Limitation

The prize which may be charged for each raffle chance sold, offered for sale, conveyed, issued, or otherwise transferred for value shall not exceed \$100.00.

Sec. 24.195 Penalties

Failure to comply with any of the requirements of this Article shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than \$500 for each offense. Each day the violation continues shall be considered a separate offense.

Sec. 24.196 Severability Clause

If any provision of this Article or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this Article not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this Article are declared severable.

Sec. 24.197 Appeals

Any persons whose application is denied may appeal the denial to the Board. Such appeal shall be in writing and must be filed with the Village Clerk within 10 days of the date of the written notice of denial. The Board shall hear the appeal at its next regularly scheduled meeting. Any person appealing a denial may be represented by an attorney, may call witnesses and may cross examine. The President of the Board shall preside over such appeal and the majority vote of the Board members present in favor of issuance or denial shall prevail.

Sec. 24.198 Intergovernmental Agreement

The President is hereby authorized to enter into an Intergovernmental Agreement with the Peoria County Board for the purpose of allowing the Peoria County Clerk to administer the conduct of raffles pursuant to this Article in and for the Village upon such terms and provisions as the Board may approve. In the event such Intergovernmental Agreement is executed, the duties hereunder assigned to the Village Clerk shall be performed by the County Clerk and the duties hereunder assigned to the Village Board shall be performed by the County Board during the term of such Intergovernmental Agreement.

Sec. 24.199 – 24.219 Reserved

ARTICLE XI. PARKS

Sec. 24.220 **Definition – Parks**

As used in this Article, the term *park* shall mean the facilities and grounds owned by the Village located between Calhoun Street and Interstate 74 known as the *Brimfield Community Park* and at the Village Hall located at the Southeast corner of Knoxville Street and Galena Avenue. It shall also include all lands and facilities acquired by the Village after adoption of this Code used or for park purposes. The term *person* shall mean an individual, person, corporation and any other form of legal entity.

Sec. 24.221 **Building And Other Property**

a. **Disfiguration and Removal:**

- (1) No person in a park shall willfully deface, disfigure, tamper with or displace or remove any building, bridges, tables, benches, barricades, fireplaces, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, equipment, facilities or park property or appurtenances whatsoever, either real or personal.

b. **Restrooms and Washrooms:**

- (1) No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex.

c. **Removal of Natural Resources:**

- (1) No unauthorized person shall dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency within any park.

d. **Erection of Structures:**

- (1) No unauthorized person shall construct or erect any building or structure (including tents) of whatever kind within any park, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

e. **Animals:**

- (1) No person shall allow an unleashed dog, cat, or other domesticated animal on any park area and will not allow any dog, cat or other domesticated animal in any park area, on a leash longer than 10 feet.

- (2) No person shall allow any leashed animal to be left in any park unattended and not under the specific physical control of the owner or person designated by the owner. The owner person designated by the owner for dogs or other animals must have proof that their animal has a current rabies inoculation certificate or a valid license.
- (3) No person shall keep a noisy, or vicious, or dangerous dog or animal, or one which is disturbing to other persons, in any park and to remain therein after being asked by a Village official or assigned employee to leave.
- (4) No person shall ride or lead any horse in any park.
- (5) No person shall allow livestock to roam or graze in any park.
- (6) No person shall allow a dog or cat, or other domesticated animal in any park area designated as "NO PETS".
- f. No person shall build any fire in any park except in charcoal or other types of metal grills which are furnished by the visitor at a specific campfire site designated by the Village.
- g. No person shall swim, wade or bodily enter into the water or lake at any park.
- h. No person shall operate a snowmobile, motor driven bicycle, mini-bike, motorcycle or off-road vehicle in any park.

Sec. 24.222 Trees, Shrubbery, Lawns

- a. Injury and Removal:
 - (1) No unauthorized person shall damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant in any park. Nor shall any unauthorized person attach any rope, wire, or other contrivance to any tree or plant. No unauthorized person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any park area.
- b. Climbing Trees, etc.:
 - (1) No person in a park shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences or gun-carriages or upon any other property not designated or customarily used for such purposes.
- c. Spray or Disseminate Toxic Substances:
 - (1) No unauthorized person shall spray or disseminate any toxic substance for pest control or any other purpose.

Sec. 24.223 Wild Animals, Birds, Etc.

- a. Hunting/fishing/ice skating/boating:
 - (1) No person while on park property shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw missiles, destroy, capture, gig, spear, ensnare or lure any animal, bird, reptile, amphibian, crayfish or mussels nor shall he/she remove or have in his/her possession the young of any wild animal or the eggs, nest or young of any bird, reptile, amphibian, crayfish or mussel.
 - (2) It shall be unlawful to sell or barter or offer to sell or barter, buy or barter, or offer to buy or barter, or ship in any way any animal, reptile, fish, amphibian, crayfish or mussel taken from any park.
 - (3) No person shall fish in any body of water in any park without the proper license.
 - (4) No person in a park shall hunt, trap or pursue wildlife at any time. No person in a park shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with fire blank cartridges, or any kind trapping device. Shooting into park areas from beyond park boundaries is forbidden.
 - (5) No person shall ice skate on any lake in a park.
 - (6) No boats or rafts shall be allowed on any lake within a park.
- b. Feeding:
 - (1) No unauthorized person shall give or offer, or attempt to give to any animal or bird any food or known noxious substances in any park.

Sec. 24.224 Traffic

- a. No person in a park shall fail to comply with all applicable provisions of the State Motor Vehicles Traffic Laws in regard to equipment and operation of vehicles together with such regulations and speed limits as are contained in this Code.

Sec. 24.225 Behavior

- a. No person shall drink, use, possess or be under the influence of any alcoholic (intoxicating) beverages on any park property.
- b. No person shall use, possess or be under the influence or any controlled substance, as defined in the “Controlled Substance Act” or of cannabis, as defined in the “Cannabis Control Act” of the State of Illinois, as amended from time to time.

Sec. 24.226 Hours

- a. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be from 6:00 A.M. to 11:00 P.M. unless otherwise posted at the park entrance.

Sec. 24.227 Parental Responsibility – Definitions

- a. Unless the context otherwise requires, the terms specified have the meanings ascribed in them.
 - (1) *Legal Guardian* means a person appointed guardian, or given custody, of a minor by a Circuit Court of the State, but does not include a person appointed guardian, or given custody, of a minor under the Juvenile Court Act.
 - (2) *Minor* means a person who is above the age of seven (7) years, but not yet seventeen (17) years of age.

Sec. 24.228 Parental Responsibility – General Requirements

The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Article, upon the concurrence of the events described in a., b. , and c. below:

- a. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property; and
- b. Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service returned from police officials following adjudication or non-judicial sanction; and
- c. If at any time within one (1) year following receipt of the notice set forth in b. above, said minor is either adjudicated to be in violation of any ordinance, law or statute as described in a. above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in a. above.

Sec. 24.229 Penalty

Any person, who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred Fifty Dollars (\$250.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs. Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 24.230 – 24.249 Reserved

ARTICLE XII. LOCALLY IMPOSED/ADMINISTERED TAXES – REGULATIONS

Sec. 24.250 Scope

The provisions of this Article shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

Sec. 24.251 Definitions

Certain words or terms herein shall have the meaning ascribed to them as follows:

Act means the "Local Government Taxpayers' Bill of Rights Act."

Corporate Authorities means the Village's President and Board of Trustees.

Locally imposed and administered tax or *tax* means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees. It does not include sewer and water user charges, license or permit fees

Local tax administrator, the Village's Collector, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

Village means the Village of Brimfield, Illinois.

Notice means each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

Tax Ordinance means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

Taxpayer means any person or legal entity required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

Sec. 24.252 Notices

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than 7 calendar days prior to the day fixed for any applicable hearing, audit or other

scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- a. First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- b. Personal service or delivery.

Sec. 24.253 Late Payment

Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the Village on or before the due date, or (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the Village, with adequate postage prepaid.

Sec. 24.254 Payment

Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

Sec. 24.255 Certain Credits and Refunds

- a. The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
- b. The statute of limitations on a claim for credit or refund shall be 4 or less years after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.
- c. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
 - (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - (a) The name of the locally imposed and administered tax subject to the claim;
 - (b) The tax period for the locally imposed and administered tax subject to the claim;

- (c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - (d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - (e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.
- (2) Within 10 days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
- (a) Grant the claim; or
 - (b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 12.0% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

Sec. 24.256 Audit Procedure

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Article.

- a. Each notice of audit shall contain the following information:
 - (1) The tax;
 - (2) The time period of the audit; and
 - (3) A brief description of the books and records to be made available for the auditor.
- b. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.
- c. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than 7 days nor more than 30 days from the date the notice is given,

unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

- d. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the Village.
- e. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer (or tax collector) fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- f. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the Village's determination of the amount of overpayment.
- g. In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

Sec. 24.257 Appeal

- a. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:
 - (1) The reason for the assessment;
 - (2) The amount of the tax liability proposed;
 - (3) The procedure for appealing the assessment; and
 - (4) The obligations of the Village during the audit, appeal, refund and collection process.
- b. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.

- c. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
- d. If a written protest and petition for hearing is not filed within the 45 day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.
- e. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45 day period.

Sec. 24.258 Hearing

- a. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under Section 24.257, above, the local tax administrator shall conduct a hearing regarding any appeal.
- b. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.
- c. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- d. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

Sec. 24.259 Interest and Penalties

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

- a. Interest. Unless otherwise specified or provided for in the controlling tax ordinance, the Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 12.0% per annum, based on a year of 365 days and the number of days elapsed.
- b. Late Filing and Payment Penalties. Unless otherwise specified or provided for in the controlling tax ordinance, if a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of 5% of the amount of tax required to be

shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

Sec. 24.260 Abatement

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

Sec. 24.261 Installment Contracts

The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14 day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

Sec. 24.262 Statute of Limitations

The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

- a. No determination of tax due and owing may be issued more than 4 years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- b. If any tax return is not filed or if during any 4 year period for which a notice of tax determination or assessment may be issued by the Village the tax paid was less than 75% of the tax due, the statute of limitations shall be 6 years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
- c. No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

Sec. 24.236 Voluntary Disclosure

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application but not more than 4 years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

Sec. 24.264 Publication of Tax Ordinances

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

Sec. 24.265 Internal Review

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- a. Timely remove the lien at the Village's expense;
- b. Correct the taxpayer's credit record; and
- c. Correct any public disclosure of the improperly imposed lien.

Sec. 24.266 Application

This Article shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this Article, this Article shall be controlling.

Sec. 24.267**Severability**

If any section, paragraph or provision of this Article shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Article.