

**CHAPTER 21**

**BUSINESS REGISTRATION**

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21.01           **REGISTRATION REQUIRED.**

Any person engaged in the maintenance, operation or conduct of any business establishment, or doing business or engaging in any activity or occupation, shall be subject to the provisions of this ordinance if by himself or through an agent, employee or partner, he is held forth as being engaged in any business, activity or occupation, or if he solicits patronage therefor, actively or passively; or if he performs or attempts to perform any part of such business, activity, or occupation in the Village.

21.02           **APPLICATION AND NON-REFUNDABLE DEPOSIT.**

21.02 A           **Registrations; Permits; Fee:** Applications for all registrations and permits required by ordinance shall be made in writing to the Village Comptroller in the absence of provision in the contrary. Each application shall contain 1) the name of the applicant, 2) the permit or registration desired, 3) the location to be used, if any, and 4) the time covered. Each application also shall contain the number of the certificate of registration required under the Retailer’s Occupation Tax Act, Service Occupational Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the registration or permit applied for. The application shall be accompanied by a non-refundable deposit of thirty dollars (\$30.00). The balance of the registration fee, if any, shall be payable by the applicant to the Village upon issuance of the requisite registration.

21.02 B Forms and Signature: Forms for all registrations and permits, and applications therefor, shall be prepared and kept on file by the Village Comptroller.

21.03 INSPECTIONS (PRE-REGISTRATION).

21.03 A Upon receipt of an application for a new registration, new permit, registration renewal, where an inspection is required by ordinance before the issuance of such permit or registration, or where an inspection shall be deemed reasonably necessary or appropriate, the Village Comptroller, within forty eight (48) hours of such receipt, shall refer the application to the appropriate official(s) for the making of such inspection.

21.03 B The officials to whom the application has been referred shall make a report thereon, favorable or otherwise, within ten (10) days after receiving such application or a copy thereof.

21.03 C The McHenry County Health Department shall make or cause to be made an inspection regarding such permits and registrations as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Building Department shall make or cause to be made any inspections which relate to compliance with the Building Code, Zoning ordinance, and other related regulations. All other inspections, except where otherwise provided, shall be made by the Chief of Police, the Chief of the Fire Department, the Superintendent of the Public Works Department, or by some other person designated by the Village President.

21.03 D If, after due consideration of the information contained in the application and the related inspection reports, the Village Comptroller shall determine the application is satisfactory, the Village Comptroller shall approve the application. The applicant will be promptly notified that his application is approved, and the registration or permit may be issued.

21.03 E If it shall appear to the Village Comptroller that the matters and circumstances relating to an application require further information before a proper determination can be made; such application shall be returned to the applicant for the inclusion of such additional information as may be specified necessary and appropriate.

21.03 F If, after due consideration of the information contained within the application and related inspection reports, the Village Comptroller shall determine that the matters concerning the application are unsatisfactory, the Village Comptroller shall forward such reports, together with the application and the reasons for disapproval to the Village President and Board of Trustees for further evaluation and determination, notifying the applicant of said action and the reasons for disapproval.

21.03 G The applicant shall, within thirty (30) days of the date of application, satisfy and complete all requirements imposed upon the applicant as a condition to the issuance of the business registration, otherwise, a new application shall be required together with a new non-refundable deposit of thirty dollars (\$30.00).

21.04 EXPIRATION.

21.04 A All annual registrations shall be operative and the registration year for the Village shall commence on May 1 of each year and shall terminate on April 30 of the following year, where no provision to the contrary is made.

21.04 B The Village Comptroller shall notify all registered businesses of the Village of the time of expiration of the registration held by the business (if annual) three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification, or the failure of the business to receive it, shall not excuse the business from the obligation to obtain a new registration, or a renewal thereof, nor shall it be a defense in an action based upon operation without a registration.

21.04 C In the event a business who has been issued a registration the previous year fails to obtain a registration before May 1 of any year, the applicant shall pay to the Village Treasurer prior to the time the current registration is issued, a sum equal to twice the normal registration fee, it being determined by the corporate authorities that such a charge to offset the costs to be incurred by the Village in maintaining records and sending delinquency notices for a registered applicant who is late in securing a current registration. In the event a business who has been registered the previous year fails to obtain a registration before June 1 of any year, a citation may be issued by the Village and thereafter, the Village may institute legal proceedings for operating without the requisite business registration.

21.05 REGISTRATION TO BE POSTED. It shall be the duty of every person conducting a registered business in the Village to keep his registration posted in an entry door or window on the premises used for such business at all times.

21.06 FEES.

21.06 A All fees and charges for registrations or permits shall be paid in the amounts prescribed in the following schedule. For any business not otherwise listed, the fee shall be \$30.00. When an applicant has not engaged in the business or activity until after the expiration of part of the current registration year, the registration fee shall be prorated by quarters and the fee paid for the quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all registration and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any registration or permit fee, or part thereof, by reason of death or

departure of the registered business or permittee; nor shall any rebate or refund be made by reason of nonuse of the registration or discontinuance of the operation or conduct of the registered establishment, business, or activity.

21.06 B Registrations and fees shall be required for all businesses, including but not limited to the following:

Ambulances.....	\$30.00
Animal Kennel.....	30.00
Arborist.....	30.00
Athletic Contests.....	30.00
Auctioneers.....	30.00
Bakeries.....	30.00
Banks.....	30.00
Barber Shops.....	30.00
Bed and Breakfast Establishments.....	30.00 (Ord. 2002-8 05/01/02)
Bowling All.....	30.00
Breweries.....	30.00
Car Wash.....	30.00
Coffee Houses.....	30.00
Confectionery Stores.....	30.00
Contractor-Building/Remodeling.....	30.00
Convention Hall.....	30.00
Country Club.....	30.00
Currency Exchanges.....	30.00
Day Care Center.....	30.00
Delicatessens.....	30.00
Detective Agencies.....	30.00
Driving Schools.....	30.00
Dry Cleaning Establishments.....	30.00
Electrical Contractors.....	30.00
Electrical Equipment Sales.....	30.00
Exterminators.....	30.00
Filling Stations.....	30.00
Fish Markets.....	30.00
Flea Markets.....	30.00
Florists.....	30.00
Foundries.....	30.00
Fruit and Vegetable Stands.....	30.00
Funeral Homes.....	30.00
Garages (public) .....	30.00
Golf Course.....	30.00
Grocery Stores.....	30.00

Hardware and Paint Stores.....	30.00
Heating, Air Conditioning and Refrigeration Contractors.....	30.00
Hospitals - not exceeding 50 beds.....	30.00
Exceeding 50 beds.....	100.00
Hotels, Motels.....	30.00
Ice Cream Stores or Parlors.....	30.00
Itinerant Merchants (per day) .....	100.00
Junk Dealers.....	30.00
Laundries.....	30.00
Laundromats.....	30.00
Lumber Yards.....	30.00
Machine Shops.....	30.00
Manufacturing.....	30.00
Marinas.....	30.00
Mason Contractors.....	30.00
Meat Markets.....	30.00
Mini-Storage.....	30.00
Mobile Vending.....	30.00
Motor Vehicle Sales.....	30.00
Motor Vehicle Towing and Repair Establishments.....	30.00
Nursing Homes and Homes for the Aged Less than 50 beds.....	30.00
Exceeding 50 beds.....	100.00
Paint Factories.....	100.00
Parking Garages.....	30.00
Pharmacy.....	30.00
Plumbing Contractors.....	30.00
Printing Shop.....	30.00
Professional Offices- Medical/Dental.....	30.00
Real Estate.....	30.00
Others.....	30.00
Public Amusements Amusement Park.....	100.00
Auctions (per day) .....	30.00
Auto Show (per day) .....	30.00
Carnivals (per day) .....	30.00
Circus or sideshow (per day) .....	100.00
Concert, musical entertainment under canvas (per day).....	30.00
Professional Athletic Exhibition.....	30.00
Public Dance.....	30.00
Rodeo (per day).....	100.00

Theater - Indoor.....	30.00	
Outdoor or Drive-In.....	100.00	
Restaurants.....		<i>(Ord 1999-5 03/17/99)</i>
Drive-In or seating capacity 50 or less..	30.00	
Seating capacity 51-100.....	30.00	
Seating capacity 101 and over.....	30.00	
Retail Shops.....	30.00	
Secondhand Dealers.....	30.00	
Taverns.....	30.00	<i>(Ord 1999-5 03/17/99)</i>
Taxicabs.....	30.00	
Tobacco Dealers.....	30.00	
Tree Experts.....	30.00	

21.07 LOCATION.

21.07 A No registration for the operation of a business or establishment in the Village shall be construed to permit the operation of a registered business or establishment in more than one location in the Village; a separate registration shall be required for each location of a registered establishment. For the purposes of this Ordinance, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification. Notwithstanding anything herein to the contrary, a business or businesses conducted at a single location shall be considered separate businesses if each business holds a separate tax identification number.

21.07 B The location of any registered business or occupation, or the location of any permitted act, may be changed provided that ten (10) days' notice thereof is given to the Village Comptroller in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

21.08 BUILDING, PREMISES. No registration shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village and the State.

21.09 NUISANCES.

21.09 A. Prohibition: No business or establishment, whether or not registered, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. It shall be unlawful to sell or offer for sale, any candy, ice cream, confection, or any food or beverage for human consumption from any motor vehicle or any vehicle, cart or wagon of any kind on or from any public roadway

within the village unless properly registered under this ordinance. Vendors must have appropriate county health department licenses.

21.09 B. Unsafe or Unhealthful Business:

21.09 B(1) No building or structure utilized, constructed or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.

21.09 B(2) No substance, matter or thing of any kind whatsoever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

21.09 B(3) Refuse Disposals:

21.09 B(3)a. Duty to provide refuse containers: The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections. All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

21.09 B(3)b. Refuse Removal: It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.

21.10 WORKING CONDITIONS.

21.10 A. Health Requirements: No owner, lessee, manager or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

21.10 B Sanitation: All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be well ventilated.

21.10 C. Heating Required: It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop, to maintain a temperature within such factory or workshop at not less than sixty eight (68) degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than sixty eight (68) degrees Fahrenheit is necessary or expedient for the work or manufacturing processes of such business.

21.10 D. Inspection: The McHenry County Health Department and the Building Department shall visit or cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance of the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

21.11 INSPECTIONS.

21.11 A. Whenever inspections of the premises used for or in connection with the operation of a registered business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations thereof, it shall be the duty of the applicant or the person in charge of the premises to admit hereto for the purpose of making the inspection, any officer or employee of the Village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

21.11 B. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the registered or the person in charge of the premises to give to any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity.

21.11 C. In addition to any other penalty which may be provided, the Village President may revoke the registration of any owner or operator of a registered business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no registration shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the Village after first having presented a warrant authorizing such entry.

21.12 SUSPENSION OR REVOCATION.

21.12 A. When the conduct or operation of any business or establishment, whether or not registered, shall constitute a nuisance in fact and a clear and present danger, to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises and the suspension of any registration or permit for a period not to exceed ten (10) days.

21.12 B. Within two (2) days after he has so acted, the Village President shall call a hearing for the purpose of determining whether or not the registration or permit should be revoked. Notice of said hearing shall be given as set forth in subsection E of this Section and the hearing shall be conducted as provided in subsection F of this Section.

21.12 C. Registrations and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in subsections E and F of this Section for any of the following causes:

21.12 C(1) Any fraud, misrepresentation or false statement contained in the application for the registration or permit.

21.12 C(2) Any violation by the applicant or permittee of ordinance provisions relating to the registration or permit, the subject matter of the registration or permit, or premises occupied.

21.12 C(3) Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.

21.12 C(4) Failure of the registered business or permittee to pay any fine or penalty owing to the Village.

21.12 C(5) Refusal to permit an inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspection, as provided in section 21.11.

21.12 D. Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.

21.12 E. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the registered business or permittee at his last known address at least five (5) days prior to the date set for the hearing.

21.12 F. At the hearing the Village Attorney shall present the complaint and shall represent the Village. The registered business or permittee shall have the right to submit evidence and cross-examine the witnesses. The Village President shall preside and shall render the decision.

21.13 APPEAL. Any person aggrieved by the decision of the Village President in regard to the denial of the application for a business registration, as provided in Section 21.3 hereinabove, or in connection with the revocation of a registration or permit, as provided in Section 21.12 hereinabove, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Comptroller within ten (10) days after notice of a denial of an application or a revocation of a registration or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or permittee in the same manner as provided in subsections 21.12 E and 21.12 F. The decision of the Board of Trustees on such appeal shall be final.

21.14 PENALTY. Unless otherwise provided, any person who shall be convicted of violating any provision of this ordinance shall be fined pursuant to Appendix A of this Code.

21.15 RAFFLES AND POKER RUNS.

A. Definitions. For the purposes of this Section the terms defined in herein have the following meanings:

**Business:** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

**Charitable:** 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 on the public.

**Educational:** 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.

**Fraternal:** 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 that otherwise would be cared for by the government.

**Key location:** The location where the poker run concludes and the prize or prizes are awarded.

**Labor:** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

**Net proceeds:** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

**Non-profit:** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

**On-going raffle:** A raffle in which (1) there is one sale of chances before an initial drawing date; thereafter, the chances shall be valid at subsequent drawings in the same raffle; or (2) a specified number of raffles to be conducted during a specified period not to exceed one year.

**Poker run:** An event organized by an organization licensed under this Section in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. Poker run includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

**Raffle:** A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Section, 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 medium, one or more of which chances is to be designated the winning chance;
- (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.

Raffle does not include a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

**Religious:** Any church, congregation, society, or organization founded for the purpose of religious worship.

**Veterans:** 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.

B. Licensing:

- (1) Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a raffle license and which have had during that entire 5-year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.
- (2) Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a poker run license and which have had during that entire 5-year period a bona fide membership engaged in carrying out their objects. Licenses for poker runs shall be issued for the following purposes:
  - a. Providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster; or
  - b. To maintain the financial stability of the organization. A licensing authority may waive the 5-year requirement under this subsection; and/or
  - c. For a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is affiliated with and chartered by a national or state organization that meets the 5-year requirement.

C. License, Application, Issuance, Restrictions, Persons Ineligible: Licenses issued by the Village are subject to the following restrictions:

- (1) No person, firm or corporation shall conduct raffles or chances or poker runs without having first obtained a license therefor pursuant to this Section.
- (2) The license and application for license must specify the area or areas within the Village in which raffle chances will be sold or issued or a poker run will be conducted, the time period during which raffle chances will be sold or issued or a poker run will be conducted, the time of determination of winning chances and the location or locations at which winning chances will be determined.
- (3) The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.
- (4) The application for license shall be prepared in accordance with this Section.
- (5) A license authorizes the licensee to conduct raffles or poker runs as defined in this Section.
- (6) The following are ineligible for any license under this Section:
  - 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 firm or corporation in which a person defined in a, b or c has a proprietary, equitable or credit interest, or in which such a person is active or employed;
  - e. Any organization in which a person defined in a, b or c is an officer, director, or employee, whether compensated or not; or
  - f. Any organization in which a person defined in a, b or c is to participate in the management or operation of a raffle as defined in this Section.

D. Fee: Refer to Appendix B. Not-for-profit organizations shall be exempt from paying said license fee.

E. Limitations: Conditions and limitations on the conduct of raffles in the village are placed as follows, except as may be otherwise approved by the board of trustees:

- (1) Aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle is twenty thousand dollars (\$20,000.00).
- (2) The maximum retail value of each prize awarded by a licensee in a single raffle is twenty thousand dollars (\$20,000.00).
- (3) The maximum which may be charged for each raffle chance issued or sold is two hundred dollars (\$200.00).

F. Issuance of License:

- (1) The Board of Trustees shall review all raffle license applications and shall, within 30 days from the date of application, accept or reject a raffle license application. If an application is accepted a license shall be issued and, for a single raffle event, shall be valid for a period of 60 days from and after its issuance unless the Board of Trustees specifically authorizes a license for a longer period, but in no case for more than 120 days; and for on-going raffles as defined herein, shall be valid for the specified period not to exceed one year.
- (2) A raffle license shall show the following:
  - a. The area or areas in which raffle chances may be sold or issued;
  - b. The period of time during which the raffle chances may be sold or issued;
  - c. The maximum price which may be charged for each raffle chance issued or sold; and
  - d. The date, time and location on or at which winning chances will be determined.
- (3) Said license shall be prominently displayed at the time and location of the determination of the winning chances.
- (4) A license shall be valid for one raffle or for an on-going raffle as defined herein.

G. Conduct of Raffles and Poker Runs: The conducting of raffles and poker runs is subject to the following restrictions:

- (1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- (4) 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 Code. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license for a raffle.
- (6) A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

H. If a lessor rents premises where a winning chance or chances on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the Village under the provisions of this Section and Code.

I. Manager; Bond: All operation of and the conduct of raffles shall be under the supervision of a single manager designated by the organization. The manager shall give a fidelity bond in an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than 30 days prior to its cancellation. The Village may waive this bond requirement by including a waiver provision in the license issued to an organization under this Section, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. Nothing in this Section shall be deemed to apply to poker runs.

J. Records:

- (1) Each organization licensed to conduct raffles and chances or poker run events shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run 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.
- (2) Gross receipts from the operation of raffles programs or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Illinois Department of Revenue, and placed in a separate account. Each organization shall have separate records of its raffles and poker runs. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.
- (3) Each organization licensed to conduct raffles or poker runs shall report promptly after the conclusion of each raffle or poker runs to its membership. Each organization licensed to conduct raffles shall report promptly to the Village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required in this Section.
- (4) Records required by this Section shall be preserved for 3 years, and organizations shall make available their records relating to operation of raffles or poker runs for public inspection at reasonable times and places.

K. Violation of any provision of this Section is a Class C misdemeanor. Nothing in this Section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles or poker runs as provided for herein.

The imposition of penalties herein prescribed shall not preclude the Village from instituting appropriate action to prevent unlawful raffles or poker runs or to restrain, enjoin, correct or abate a violation of this Section or of the conditions of the license issued pursuant hereto. *(Ord. 2016-26; 8/18/16)*

21.16 GARAGE SALES.

21.16 A. Definition: The term “Garage Sale” shall be defined as all sales of miscellaneous merchandise to the public, including but not limited to, household furnishings, appliances, tools, clothing and equipment. The term garage sale shall further include sales commonly known as rummage and yard sales.

21.16 B. Restrictions: No individual garage sale shall run more than four consecutive days and no more than four days in any ninety (90) day period.

21.16 C. Penalties: Any individual violating the terms and provisions of this section shall be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*)

21.17 PROHIBITED BUSINESSES. (*Ord. 2002-15 06/19/02*)

The following types of businesses are prohibited within the corporate limits of the Village of Richmond.

1. Firearms Sales and/or Service

21.18 ADMINISTRATIVE FEE. Payment by credit card of any Village permit, fee, license, or any other charge or fee imposed by Village Ordinance in the amount of \$1,000 or greater shall require the payer to pay an administrative fee to the Village in the amount of 3% of the amount being paid. (*Ord. 2002-33; 12/18/02*)