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## **ARTICLE I. GENERAL LICENSING PROVISIONS**

§ 110.001. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Administrator. The administrator of the city's department of public health.

Advanced life support/mobile intensive care (ALS/MIC). An advanced level of pre-hospital emergency care that includes basic life support function (including CPR), plus cardiac

monitoring, cardiac defibrillation, telemetry/electrocardiography, administration of medication, drugs, and solutions, intravenous therapy, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures which are initiated for the treatment of real or potential acute life threatening conditions, under the direction of a physician licensed to practice medicine in the state, or a qualified registered professional nurse who has satisfactorily completed a course in training in emergency care approved by the state department of public health under the direction of the project medical director.

Agricultural commodities. Fresh fruits or fresh vegetables of every kind and character, or any of them, whether or not frozen or packed in ice.

Agricultural produce. Whole fresh fruit, whole fresh vegetables, honey, flowers, plants, herbs, and baked bread goods, rolls or buns not containing any cream filling or cream toppings.

Ambulance. Any motor vehicle that is specifically designed or constructed and equipped and is intended to be used for and is maintained or operated for the transportation of patients in compliance with the standards and guidelines of the Illinois Department of Public Health and the E.M.S. Act and responding to the CMED system as part of the central medical emergency dispatch system.

Applicant. Any person who applies for a license or permit pursuant to the terms of this chapter.

Approving authority. The mayor or the directors of the city or a designee as provided in the applicable licensing provision.

Attendant. A trained individual who must be a certified EMT-A, EMT-I or EMT-P responsible for the operation of an ambulance and the care of the patients.

Auction. Any sale of property to the highest bidder.

Auctioneer. Any person who sells property at auction for another or himself.

Automatic dialing device. Any device which is connected to a telephone line and is programmed to transmit to a selected telephone number a voice message or a code signal which indicates a need for an emergency response.

Beverage. Coffee, tea, and other nonalcoholic beverages.

Building department. The building department of the city office of development.

City clerk. The city clerk of the City of Springfield.

Certificate of use and occupancy. The certificate issued by the code official of the department of building and zoning which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and

occupancy of the building in its several parts together with any special stipulations or conditions of the building permit (BOCA, § 201.0).

**Coin-operated amusement device.** Any amusement machine or device which is operated or put into operation in whole or in part by the insertion of a coin, token, or similar object, is operated for amusement or skill only and does not dispense any form of payoff, prize, or reward other than free replays. The term excludes any bona fide vending machine, in which gaming or amusement features are not incorporated, or any gambling device or slot machine. In the case of devices which may be played with or without a coin-operated device, only the attached device which requires a coin to operate it shall be deemed to be a "coin-operated amusement device."

**Coins.** Minted metal pieces which are valuable because they are made of a precious metal or because of age, place of origin, rarity, or other numismatic characteristic. This term as used in this chapter, shall exclude United States money which has no significant value beyond the face value.

**Coin dealer.** Any person engaged in the business of purchasing coins from the public at large because of such coin's numismatic value.

**Coin-operated tobacco device.** Any vending machine or device that contains tobacco products including, but not limited to, cigarettes, cigars, and smoking or chewing tobaccos, which is operated or put into operation in whole or in part by the insertion of a coin, token, or similar object.

**Community antenna television system.** Any facility which is constructed in whole or in part in, on, or under or over any highway or other public place and which is operated to perform for hire the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable, or other means to members of the public who subscribe to such service; except that such definition shall not include any system which serves fewer than 50 subscribers, or any system which serves only the residents of one or more apartment dwellings under common ownership, control, or management and commercial establishments located on the premises of such dwellings.

**Consideration.** Any right, interest, gain, advantage, benefit, or profit to one party, usually the promisor, or some forbearance, detriment, prejudice, inconvenience, disadvantage, loss or responsibility, act or service given, suffered, or undertaken by the promises.

**Department of public health.** The Springfield Department of Public Health.

**Driver.** Any person who drives a taxicab or commercial vehicle.

**Dry cleaning.** The process of removing dirt, grease, paints, and other stains from wearing apparel, textiles, fabric, rugs, or other material by the use of nonaqueous liquids (solvents), and it shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.

Dwelling. Any structure and any attachment to same which is wholly or partly used or intended to be used for human habitation.

Emergency. A situation or condition identified by emergency medical personnel as requiring immediate ALS/MIC medical attention.

Emergency Medical Service Act. The act which was passed May 19, 1981, pertaining to emergency medical services.

Establishment. Any location, facility, or conveyance open to the general public or an organization or incorporated association or group.

Farmers market. The sale of agricultural produce on the Old State Capitol Mall held Tuesdays and Fridays from the first week in June through the last week in October of each year.

Florist. Any person engaged in the business of selling or offering for sale at retail any flowers, plants, trees, or shrubs.

Food. Any raw, cooked, or processed edible substance that is intended for immediate consumption without further preparation being required.

Food service establishment. Any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any place regardless of whether consumption is on or off the premises and regardless if there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include private homes where food is prepared or served for individual family consumption, the location of food vending machines and supply vehicles. The term "food service establishment" shall include, but not be limited to, lunch rooms, restaurants, tea rooms, soda fountains, buffets, grills, lunch counters, sandwich shops, hotels, clubs, taverns, cocktail lounges, drive-ins, chili parlors, food catering operations, and school cafeterias.

Funeral parlor operator. Any person who:

- (1) Provides for and maintains a place for the care and preparation for burial or transportation or disposal of dead human bodies;
- (2) Directs and supervises the burial or transportation of dead human bodies;
- (3) Embalms and prepares dead human bodies for the burial or transportation or disposal thereof.

Gaming table and implement. Any billiard, foosball, pool, shuffleboard, or other tables or implements kept for similar purpose in any establishment which do not require the insertion of a coin, token, or similar object to operate.

Garbage. Any organic waste material including, but not limited to, unused food and food residue.

Horse. An animal of the genus equus.

Horse drawn vehicle. Any carriage, cab, vehicle or other similar device drawn by any animal for the purpose of which any person is or may be transported upon a street, alley or other public way, in conjunction with the operation of a business; except for parades, festivals or special events.

Horse drawn vehicle operator's license. A license, issued to the owner of a horse drawn vehicle business by the office of city clerk of Springfield upon completion and approval of an application for same and payment of all fees in connection with operating said business.

Itinerant food service establishment. Any establishment where food is prepared and offered for sale, to be eaten, or consumed on or off the premises operating for a temporary period including in connection with a fair, carnival, circus, public exhibition, or similar gathering and shall also include kitchens operated under the same control, whether on the same premises as such eating establishment or on separate premises.

Itinerant merchant. Any person engaged in the business of selling or offering for sale any merchandise from a fixed location for a temporary period of time.

Jeweler. Any person engaged in the business of purchasing jewelry from the public at large.

Jewelry. Objects made from precious metals, stones, or gems which are intended to be decorative or items of personal adornment.

Junk. Any items of used material, such as old rope, rags, iron, brass, copper, aluminum, tin, glass, paper, or salvage from old motor vehicles which may be used again in some form.

Junk dealer. Any person engaged in the business of purchasing junk from the public at large.

License. A license issued pursuant to the terms of this chapter.

License inspector. Any person designated by an approving authority to:

- (1) Conduct inspections when necessary and review and recommend approval or denial of any application for a license or permit that the approving authority is empowered to approve or deny, and
- (2) Recommend revocation or suspension of a license or permit that the approving authority is empowered to revoke or suspend.

Manager. The person who has primary responsibility for the on-site operation of an establishment.

Manufactured house. A dwelling designed and built in accordance with the one and two family dwelling specifications of the Council of American Building Officials or an equivalent authority.

Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands, the feet or with the aid of any mechanical or electrical apparatus, with or without such supplemental aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

Massage parlor. Any establishment where any person engages in the practice of massage for consideration.

Masseur or masseuse. Any person who for any consideration engages in the practice of massage.

Masseuse. See "Masseur."

Meat. The flesh, carcass, and other parts of any animal, poultry, fish, or game designed or intended for human consumption.

Merchandise. Any item of tangible personal property, except bakery goods, ice cream, meat, milk, and perishable agricultural commodities.

Milk. As defined in 410 ILCS 635/3, as amended.

Milk products. As defined in 410 ILCS 635/3, as amended.

Mobile food service establishment. Any unit where food is prepared or stored and offered for sale which moves from place to place for such sales, and shall also include kitchens operated under the same control.

Mobile home. A dwelling designed for permanent habitation and so constructed as to meet the standards of the American National Standard Institute.

Mobile home park. An area of land or lands on which five or more independent mobile homes or manufactured houses are harbored either free of charge or for revenue purposes, and shall include any building used or intended for use as part of the equipment of such mobile home park.

Old State Capitol Mall. Those sidewalk and plaza areas between the curbs of Fifth and Sixth Streets created by the closure to vehicular traffic of the streets in the 500 Block of East Adams and East Washington Streets in the city.

Old State Capitol Mall Farmers Market Vendor. A person licensed to vend agricultural produce at the Old State Capitol Mall farmers market.

Old State Capitol Mall Vendor. A person licensed to vend food or beverages on the Old State Capitol Mall.

**Operate.** To own, conduct, engage in, maintain, carry on, or manage any business, occupation, activity, or establishment.

**Operate a mobile home park.** The supplying or maintaining of common water, sewer, or other utility supply or service, or the collection of rents directly or indirectly from five or more independent mobile homes or manufactured houses.

**Operator.** Any person who owns, conducts, engages in, maintains, operates, carries on, or manages any business, occupation, activity, or establishment either by himself or itself or through an agent, employee, partner, or corporate officer for which a license permit or registration is required by this chapter.

**Out-call massage service.** Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage parlor.

**Parking meter or parking meter zone.** Any metered space reserved for vehicular parking in the restricted parking district.

**Parking meter zone.** See "parking meter."

**Patient.** An individual who is sick, injured, wounded, or otherwise incapacitated.

**Pawnbrokers.** Any person engaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawner or pledger and requiring possession of the property on condition of returning same upon payment of a stipulated amount of money.

**Peddle.** The selling, bartering, or exchanging, or the offering for sale, barter, or exchange, of any merchandise on or along streets, highways, or public places of the city, whether at one place thereon or from place to place from any wagon, truck, pushcart, or other vehicle, or from movable receptacles of any kind, but shall not include the delivery of any merchandise previously ordered or the sale of merchandise along delivery routes where the purchaser has previously requested the seller to stop and exhibit his merchandise, nor shall "peddle" be taken to include the solicitation of orders by sample where the merchandise is not delivered at the time the order is taken.

**Permanent habitation.** A period of two or more months.

**Permit.** A permit issued pursuant to the provisions of this Code.

**Person.** Any individual, partnership, corporation, group, or association.

**Police department.** The City of Springfield Police Department.

**Precious metals.** The metallic elements of gold and silver in a pure state or any objects, utilitarian or decorative, made of or with some quantity of such elements regardless of weight or purity of the precious metal in the total object.

Precious metals dealer. Any person engaged in the business of purchasing precious metals, in whatever form, from members of the public. This definition specifically excludes purchases by a dealer from a reputable wholesale supplier or other licensed dealer of such elements or objects for resale to the public at retail.

Prior consent. The consent of the occupant given prior to the solicitor presenting himself in person to the occupant at his residence.

Pushcart. A wheeled conveyance propelled solely by human power, and constructed in accordance with the specifications prepared by the city traffic engineer and adopted by the city council.

Qualified firearms officer. Any person certified in writing by the chief of the police department to be knowledgeable of and competent in the use of firearms and ammunition, including the general rules of safety.

Recognized school. Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than 70 hours to be given in not more than three calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

Refuse hauler. Any person in the business of collecting garbage or rubbish for consideration.

Registration. A registration issued pursuant to the terms of this chapter.

Responsible authority. Any federal, state, county, or municipal regulatory agency.

Restricted parking district. The area included within the boundaries or lengths of streets, alleys or other public way where parking is limited in its duration or is prohibited during all or certain hours.

Retail food store. Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines. The term retail food store shall include, but not be limited to, grocery stores, food markets, convenience markets, bakeries, and meat markets.

Rubbish. Any inorganic waste material including, but not limited to, metal and glass.

Secondhand goods. Used merchandise such as clothing, household appliances, furniture, antiques, tires, photographic equipment, office equipment, and similar items which were, or appear to have been sold at retail to a consumer prior to being resold as secondhand goods.

Secondhand goods dealer. Any person engaged in the business of selling secondhand goods to or purchasing secondhand goods from the public at large.

Sell at retail. The sale or transfer, or the offer of sale or transfer, of the ownership of or title to tangible personal property to a purchaser, for use and consumption and not for resale.

Sell at wholesale. The sale or transfer, or offer of sale or transfer, of the ownership of or title to tangible personal property to a purchaser, for resale in the same tangible form.

Shooting gallery or gun club. Any establishment consisting of an area equipped with targets to be fired upon with firearms, including but not limited to handguns, rifles, shotguns, B-B guns or air guns.

Site. The lot on which a mobile home or manufactured house is located.

Skating rink. Any establishment containing a surface for roller or ice skating.

Soliciting. The business of calling in person at dwellings or establishments without the prior consent of the occupant for the purpose of determining opinion of obtaining orders, subscriptions or business of any kind.

Special event. An activity of limited duration, not exceeding one week in length, including but not limited to, a music festival, dance festival, art festival, public dance, show, or other gathering at which music or entertainment may be provided by professional or amateur performers or by prerecorded means that preempts other licensed activities at the same location.

Sponsor. To allow, permit, conduct, hold, maintain, encourage, organize, or promote a special event.

Stamp. A stamped or printed paper issued by a national government for the purpose of acting as postage which has significantly greater value over and above the original value as postage, due to rarity, design, eccentricity of an individual stamp or otherwise.

Stamp dealer. Any person engaged in the business of purchasing stamps from members of the public at large because of such stamp's philatelic value.

Stand. That portion of a curb lane designated by the city traffic engineer for loading and unloading of passengers for horse drawn vehicles and tour service vehicles.

Taxicab. Any vehicle used to transport passengers for hire, except any limousine solely used to transport passengers to or from Capital Airport, horse drawn vehicles and tour service vehicles.

Theater. Any establishment where the principal use thereof is for the presentation of motion pictures, theatrical exhibitions or stage performances and an admission fee is charged.

Tour service vehicle. Any motorized vehicle used or intended for carrying passengers on a fixed route for hire in conjunction with the operation of a tour or sight-seeing business.

Tour service vehicle operator's license. A license, issued to the owner of a tour service vehicle business by the office of city clerk of Springfield upon completion and approval of an application for same and payment of all fees in connection with operating said business.

Union square farmers market. The sale of agricultural produce at Union Square in Downtown Springfield bounded by the north side of Jefferson Street, the east side of 5th Street, the west side of 6th Street, south of the Union Station, and held Tuesdays and Fridays from the first week in June through the last week in October of each year.

Union Square Farmers Market Vendor. A person licensed to vend agricultural produce at Union Square in Downtown Springfield.

Vehicle. A vehicle or trailer as those terms are defined in the Illinois Vehicle Code, as amended.

Vendor. Any person holding an Old State Capitol Mall vendor license or Old State Capitol Mall farmers market license.

Vendor's stand. A portable display and sale stand, counter, or booth constructed in accordance with the specifications prepared by the city traffic engineer and adopted by the city council.

(Ord. No. 170-3-93, § 1(Exh. A), 3-2-93; Ord. No. 728-10-95, § 1(Ex. A), 10-3-95)

§ 110.002. Application of general licensing provisions.

The policies, procedures and regulations contained in sections 110.001 through 110.013 shall be known as the general licensing provisions of this Code. These policies, procedures, and regulations shall govern all situations where a more specific licensing section is silent, except where a specific licensing section is exempted by its terms from the general provisions or is in conflict with these general provisions.

§ 110.003. License permit or registration required.

No person, shall operate any business, occupation, activity, or establishment, either by himself or itself or through an agent, employee, partner, or corporate officer for which a license, permit, or registration is required by this Code or by any city ordinance, without first having obtained the required license, permit, or registration for the business, occupation, activity, or establishment.

State law reference(s)--Power of city relative to the issuance and revocation of licenses, 65 ILCS 5/11-60-1.

§ 110.004. Businesses or activities for which a license, permit, registration, or fees are required. The following businesses, occupations, activities, or establishments shall not be operated without a properly issued or renewed license or permit or registration, and without having paid the appropriate fees and filed the appropriate bond:

Regulatory Classification Provision Agricultural commodity § 110.170 Alarm (Fire) § 110.020 (Police) § 110.025 Ambulance, permit of eligibility § 110.601 Auction and auctioneer § 110.075 Boating Ch. 96 Bowling alley operator § 110.040 Building (Building, demolition, and reroofing) Ch. 170 Building mover § 110.245 (Non-use of public way) Ch. 170 (Use of street, alley, or public way) § 110.246 Cable television § 110.095 Camping (Lake Springfield) Ch. 96 Children's Hospital § 110.801 Circus and carnival Operator § 110.045 Coin dealer § 110.270 Coin-operated amusement device operator and device § 110.050 Commercial vehicle (Load zone) § 110.110 (Parking meter) § 110.115 (Transportation operator) § 110.120 Driveway, private Ch. 99 Electrical work Ch. 172 Excavation Ch. 99 Fence Ch. 155 Fireworks display Ch. 94 Florist § 110.165 Food service establishment operator § 110.171 Funeral parlor operator § 110.180 Gaming table and implement operator § 110.060 Gun club operator § 110.065 Horse-drawn vehicles § 110.190 Itinerant merchant § 110.360 Jeweler § 110.270 Junk dealer § 110.270 Liquor control Ch. 90 Massage parlor operator, masseur § 110.215, and masseuse § 110.222 Mechanical work Ch. 173 Mobile home park Operator § 110.235 Old State Capitol Mall Farmer's Market, vendor § 110.340 Old State Capitol Mall vendor § 110.340 Pawnbroker § 110.270 Peddler § 110.370 Plumbing work Ch. 171 Precious metals dealer § 110.270 Refuse hauler § 110.260 Retail food store operator § 110.172 Secondhand goods dealer § 110.270 Sewer, private Ch. 51 Shooting gallery operator § 110.065 Sign contractor § 110.280 Skating rink operator § 110.070 Solicitor § 110.380 Special events § 110.390 Stamp dealer § 110.270 Street and sidewalk obstruction Ch. 99 Taxicab and § 110.290, taxicab driver § 110.307 Theater operator § 110.315 Tobacco operator and coin-operated device § 110.325 Tour service vehicles § 110.701 Union Square Farmers

Market vendor § 110.354.01 Water service Ch. 52

(Ord. No. 728-10-95, § 1 (Exh. A), 10-3-95; Ord. No. 57-1-96, § 1, 1-17-96; Ord. No. 365-7-98, § 1, 7-21-98)

§ 110.005. Bond.

(a) Bonds shall be required for the following licenses or permits.

Regulatory Classification Provisions Building mover § 110.245 Circus and carnival operator § 110.045 Commercial transportation operator § 110.121 Electrical work Ch. 172 Excavation Ch. 99 Fire alarm system installer § 110.020 Liquor Ch. 90 Mechanical work Ch. 173 Plumbing work Ch. 171 Police security alarm system installer § 110.025 Refuse hauler § 110.264 Sign contractor § 110.285 Taxicab operator § 110.304

(b) Every bond shall have as security thereon a surety company qualified to do business in this state or a cashier's check, certified check, or money order payable to the city and conditioned upon faithful performance of the licensee's or permittee's responsibilities under this Code.

§ 110.006. Issuance of licenses, permits, certificates of use and occupancy and registrations; collection of fees; refunds.

(a) All licenses and permits shall be signed by the approving authority and all licenses, permits, and registrations shall be issued by the city clerk, unless otherwise provided in this Code.

(b) All fees shall be payable to the city and shall be paid to the city treasurer.

(c) Any license, permit, or registration fees paid in accordance with the provisions of this chapter shall not be refunded unless otherwise provided in this Code.

(d) If any tax payable to the city or other debt owed to the city remains unpaid after its due date and the delinquent taxpayer or debtor (henceforth debtor) holds a license, permit or certificate of use and occupancy for the benefit of the debtor or their property, issued by the city, or the debtor applies for such license, permit or certificate of use and occupancy, the director of the office of budget and management may request the licensing or issuing authority to suspend or refuse to issue, renew or extend such license, permit or certificate of use and occupancy. Such licensing or issuing authority shall then suspend or refuse to issue, renew or extend such license, permit or certificate of use and occupancy until such time as all taxes and outstanding debts are paid. Every licensee or applicant for a license, permit or certificate for use and occupancy shall state their capacity and attest, under the penalties of perjury that he has paid all taxes or other debts owed to the city.

(Ord. No. 393-5-93, § 1(Exh. A), 5-18-93; Ord. No. 57-1-96, § 1, 1-17-96)

§ 110.007. Application and issuance of licenses, permits, certificates of use and occupancy and registrations.

(a) Application for any license or permit shall be filed with and on the form provided by the city clerk, which form shall include the business address and telephone number of the establishment for which the license or permit is sought, and the business address and telephone number of the applicant unless otherwise provided in this Code. The application form shall contain the required information as to each person applying for a license or permit, and be signed by the

applicant. Where the applicant is a corporation, group, or association, the chief executive and chief fiscal officers shall sign, indicating their official capacity, and verify the application. Where a partnership is an applicant, all partners shall sign and verify the application. The application shall include an attestation clause stating the capacity of the applicant and that the licensee or applicant has paid all taxes or other debts owed to the city and inform them that this clause is subject to the penalties of perjury.

(b) The city clerk shall forward all completed application forms to the license inspector within three working days.

(c) The license inspector shall review all applications and conduct or cause to be conducted inspections when necessary to verify information contained in any application.

(d) If the provisions of this Code have been complied with, the license inspector shall recommend to the approving authority that the application be approved. If the provisions have not been complied with, he shall recommend denial.

(e) Each approving authority shall be responsible for approving or denying any license or permit for which he is designated in this Code to approve or deny. Upon receipt of any application, the approving authority shall approve it provided that the requirements of this Code have been complied with. He shall immediately forward the approved application to the city clerk who will notify the applicant. The city clerk shall issue the license or permit upon receipt of proof from the applicant that the required fees have been paid to the city treasurer.

(f) If, after due consideration, the approving authority determines that the provisions of this Code have not been satisfied, he shall deny the application. He shall notify the applicant and the city clerk, in writing, that the application has not been approved and the reasons therefore.

(g) Within ten days from service of the approving authority's notice of denial, the applicant may request, in writing, to the approving authority a hearing before the city council, at which the applicant may explain why the application should be approved. A hearing under this division shall take place within 30 days of the receipt of the applicant's request for a hearing. The applicant shall be permitted to be represented by counsel at no expense to the city.

(h) If the applicant does not request a hearing within ten days, said applicant shall have waived the opportunity for a hearing before the city council.

(i) Upon presentation of any evidence by the applicant, the city council shall decide whether the application should be approved or denied.

(j) Provided that the requirements of the Code are satisfied, the city council shall approve the application. The approved application shall be forwarded to the city clerk. The city clerk shall notify the applicant and issue the license or permit upon receiving proof of payment of fees by the applicant to the city treasurer.

(k) In the event the city council denies an application, the applicant shall be informed by the city clerk, in writing, of the reason for denial.

(Ord. No. 57-1-96, § 1, 1-17-96)

§ 110.008. License permit or registration term, expiration, and renewal.

(a) Each license, permit, or registration shall indicate its term. Such term shall commence on January 1 of each year, unless otherwise provided in this Code. No license, permit, or registration shall be granted for a period longer than one year. Every annual license, permit, or registration shall expire at the end of December 31 following the date of issuance, unless otherwise provided in this Code. Any licensee or permittee shall pay the full fees for any annual license, permit, or registration issued from the first day of the license or permit term through the end of the last day of the first six months of the term and pay one-half of the fees from the first day of the second six months of the license or permit term through the last day of the annual term, unless otherwise provided in this Code.

(b) The city clerk shall notify all licensees and permittees, no less than 30 days before the expiration of the existing license or permit, that they need to file an application for renewal of their license or permit. A renewal application shall be filed and processed in the same manner as an original application.

§ 110.009. Display of license, permit, or registration.

Unless otherwise provided in this Code every person who is issued a license, permit, or registration shall display such license, permit, or registration in a conspicuous place accessible to the public on the premises where the business, occupation, activity, or establishment is operated.

§ 110.010. Nature and transferability of license, permit, or registration; unlawful use.

(a) Any license, permit, or registration required and described in this Code shall be a purely personal privilege, not to exceed its designated term. It shall not constitute property and shall not be transferable except as provided in this Code.

(b) In the case of the death of any person licensed or permitted under the provisions of this Code or other ordinances of the city, before the term of the license or permit shall have expired, his surviving partners in the case of a partnership or the legal representative may continue to act under such license or permit for the unexpired term thereof, subject, however, to the conditions imposed on the person to whom it was originally issued.

(c) In the case of the sale of a licensed or permitted business by the current licensee or permittee, said current licensee or permittee may designate the purchasing person or entity to succeed him as licensee or permittee. Upon application of the purchaser, a new license or permit may be issued by the approving authority providing that the applicant meets all the criteria applicable to a new licensee or permittee. The purchaser shall pay the required fees for the duration of the license or permit term prior to being issued any license or permit.

(d) No person shall alter, deface, forge, counterfeit, or duplicate any license, permit, or registration issued by the city.

§ 110.011. Name and place of business; change of business location.

(a) No person granted a license or permit pursuant to this chapter shall operate under any name or operate his business under any designation not specified on his license or permit.

(b) Where a license, permit, or registration issued under the provisions of this Code is only valid for a particular location, the location of the licensed or permitted business, activity, occupation, or establishment may be changed provided that the licensee or permittee makes application to the city clerk not less than 14 days prior to the change of location and that the proposed location complies with all applicable zoning, building or similar ordinances and that the application is approved by the approving authority.

(c) Where application for change of location is denied, the denial may be reviewed pursuant to the hearing procedures contained in section 110.007.

§ 110.012. Inspections; admission to premises; samples.

(a) The city shall have authority to inspect any establishment that contains any business occupation or activity for which a license, permit, or registration is required by this Code.

(b) Whenever inspection of any establishment used for or in connection with the operation of a licensed or permitted business, activity, or occupation is provided for or required by ordinance or is reasonably necessary to secure compliance with any ordinance or to detect violations thereof, the licensee, or permittee or person in charge of the establishment shall admit thereto at any reasonable time any city official who is authorized or directed to make the inspections by the license inspector or the approving authority.

(c) Whenever an analysis of any commodity or material is reasonably necessary to secure compliance with the provisions of any ordinance or to detect violations thereof, the licensee, or permittee or person in charge of the establishment shall, upon request, give to any authorized city official samples of the material or commodities sufficient for this analysis.

(d) Written reports of any inspection conducted pursuant to this section shall be made available to the licensee or permittee of the inspected establishment upon written request to the license inspector.

§ 110.013. Revocation or suspension of license or permit.

(a) Any licensee or permittee found to be in violation of the provisions of this Code as hereinafter provided, may have the license or permit suspended for a period not to exceed 90 days, by the approving authority or have the license or permit revoked by the approving authority.

(b) Any license or permit may be suspended or revoked in accordance with the provisions of this chapter for any of the following reasons or for those reasons specified in other applicable licensing chapters:

(1) The licensee or permittee has knowingly made materially fraudulent or misleading statements in his application for any license or permit;

(2) The licensee or permittee has violated ordinance provisions relating to the license, permit, or registration, related thereto the subject matter of the license, permit, or registration, or the establishment occupied;

(3) The licensee or permittee has failed to pay the license, permit, or registration fee or any penalty owing the city;

(4) The licensee or permittee has refused to permit the inspection or investigation or sampling as authorized by this Code.

(c) The license inspector is authorized to receive allegations and issue notifications of noncompliance with the provisions of this chapter. Upon receipt of any allegation he shall cause an investigation to determine the accuracy of the allegations. Upon completion of the investigation the license inspector shall recommend to the approving authority any action to be taken.

(d) Upon receipt of the recommendation, the approving authority shall take appropriate action which may include the suspension or revocation of the license or permit. Any notice shall be set forth in writing and be served in person or be mailed by certified mail return receipt requested to the licensee or permittee.

(e) Upon receipt of a notice, the licensee or permittee may within three working days request in writing to the license inspector a hearing before the approving authority. A hearing under this subsection shall take place within ten days of the receipt of the licensee's or permittee's request for a hearing. At any hearing conducted in accordance with this chapter, the approving authority shall hear evidence that is material and relevant to the allegations in the complaint and shall render a decision as to the validity of the complaint. The licensee or permittee shall be permitted to be represented by counsel at no expense to the city and shall have the right to submit evidence and cross-examine all witnesses called.

(f) Where a licensee or permittee does not request a hearing within three working days, the licensee or permittee shall have waived the opportunity for a hearing.

(g) The approving authority shall render a decision in accordance with the provisions of this chapter.

(h) Any license or permit suspension or revocation, if ordered, shall not be in lieu of any penalty imposed for violation of any provision of this Code or other ordinance of the city.

§ 110.014. Restrictions on operation and location of certain business licenses.

(a) No person holding a solicitor, peddler, agricultural commodity or mobile food service establishment license shall:

(1) Transact business in the geographic area bounded by the south curb of Capitol Street; the north curb of Edwards Street; the west curb of Ninth Street; and the west curb of Seventh Street in the City of Springfield, Illinois.

(2) Transact business in such a manner so as to create or cause a vehicular or pedestrian traffic hazard or to jeopardize the safety of customers patronizing said business.

### ARTICLE III. AMUSEMENTS

#### DIVISION 1. BOWLING ALLEYS

§ 110.040. Bowling alley operator's license.

(a) Any operator of a bowling alley establishment shall obtain a bowling alley operator's license.

(b) The bowling alley operator's license fee shall be \$25 per alley annually.

(c) The approving authority shall be the mayor.

State law reference(s)--Power of municipalities to license, tax, regulate, or prohibit bowling alleys 65 ILCS 5/11-42-2.

#### DIVISION 2. CIRCUSES AND CARNIVALS

§ 110.045. Circus and carnival operator's permit.

(a) Any operator of a circus or carnival shall obtain a circus and carnival operator's permit.

(b) The circus and carnival operator's permit fee shall be as follows:

(1) \$75 up to one week.

(2) \$10 for each continuous day over one week.

(c) The applicant for a circus and carnival operator's permit shall file a continuing bond with the city clerk in the amount of \$1,000 executed by the applicant and a corporate surety authorized to do business in the state and conditioned upon the faithful observance of the provisions of this Code, and which shall indemnify and save harmless the city from damages, judgments or costs which the city may incur by reason of granting the permit.

(d) The approving authority shall be the mayor.

State law reference(s)--Authority of municipalities to require a permit for operation of a carnival, 65 ILCS 5/11-54-1 through 5/11-54.1-5.

### DIVISION 3. COIN-OPERATED AMUSEMENT DEVICES

§ 110.050. General and limited coin-operated amusement device operator's licenses and device registration.

(a) Any person who owns a coin-operated amusement device and places three or more of these devices in any establishment shall obtain a general coin-operated amusement device operator's license.

(b) Any person who owns a coin-operated amusement device and places two or less of these devices in any establishment shall obtain a limited coin-operated amusement device operator's license.

(c) Any person licensed as an operator shall register each coin-operated amusement device placed in any establishment.

(d) Any person licensed as a general coin-operated amusement device operator shall not be required to obtain a limited coin-operated amusement operator's license.

(e) The license term shall commence on January 1 and expire at the end of December 31.

(f) No person convicted of any gambling activity shall be issued a coin-operated amusement device operator's license.

(g) The approving authority shall be the mayor.

§ 110.051. License and registration fees.

(a) The general coin-operated amusement device operator's license fee shall be \$250 annually.

(b) The limited coin-operated amusement device operator's license fee shall be \$100 annually.

(c) The coin-operated amusement device registration fee shall be \$50 per device annually.

§ 110.052. Placement or use of unregistered devices.

No manager or operator of an establishment shall allow the placement or use of any coin-operated amusement device in an establishment unless the device has been registered pursuant to the provisions of this chapter.

§ 110.053. Decalcomania for registered coin-operated amusement devices.

(a) The city clerk shall issue to the operator of any coin-operated amusement device a decalcomania for each registered device placed on a registration list. This decalcomania shall indicate the device registration number and the year of issue.

(b) Any licensed operator may, upon proof of loss or destruction of a decalcomania and payment of a replacement fee of \$5 to the city clerk, obtain a new decalcomania. The city clerk shall note the destruction of the original decalcomania.

(c) The decalcomania shall be prominently displayed on the coin-operated amusement device or in a prominent place in the establishment in which the device is located.

(d) The name, address, and telephone number of the owner of any coin-operated amusement device shall be prominently displayed on the device.

§110.054. Devices constituting nuisances.

No coin-operated amusement device shall be operated so as to constitute a nuisance.

§ 110.055. Gambling prohibited.

(a) All managers shall be responsible for preventing the use of any coin-operated amusement device in connection with gambling of any kind.

(b) No gambling activities shall be conducted in any establishment where any coin-operated amusement device is located.

§ 110.056. Revocation.

In the event of a revocation, an operator shall not be issued any license provided for in this article for one calendar year following the revocation or any appeal thereof.

State law reference(s)--Authority of municipalities to tax and license coin-operated amusement devices, see 65 ILCS 5/11-55-1.

#### DIVISION 4. GAMING TABLES AND IMPLEMENTS

§ 110.060. Gaming table and implement operator's license and table and implement registration.

(a) Any operator who places any billiard, foosball, pool, shuffleboard or any other tables or implements kept for similar purpose in any establishment which do not require the insertion of a coin, token, or similar object to operate shall obtain a gaming table and implement operator's license.

(b) Any person licensed as an operator shall register each table placed in any establishment.

(c) The approving authority shall be the mayor.

§ 110.061. License and registration fees.

(a) The gaming table operator's license fee shall be \$75 annually.

(b) The gaming table registration fee shall be \$10 per table annually.

§ 110.062. Placement or use of unregistered tables.

No manager or operator of an establishment shall allow the placement or use of any billiard, foosball, pool, shuffleboard, or any other table or implement kept for similar purpose in any establishment unless it has been registered pursuant to the provisions of this chapter.

§ 110.063. Decalcomania for registered gaming tables and implements.

(a) The city clerk shall issue to the operator of any gaming table or implement a decalcomania for each registered table or implement placed on a registration list. This decalcomania shall indicate the table or implement registration number and the year of issue.

(b) Any licensed operator may, upon proof of loss or destruction of a decalcomania and payment of a replacement fee of \$5 to the city clerk, obtain a new decalcomania. The city clerk shall note the destruction of the original decalcomania.

(c) The decalcomania shall be displayed on the gaming table or implement or in a prominent place in the establishment in which the table or implement is located.

(d) The name of the owner of any gaming table or implement shall be prominently displayed on the table or implement.

State law reference(s)--Authority or municipalities to license, tax, regulate, or prohibit gaming tables and other implements kept for similar purposes, 65 ILCS 5/11-42-2.

## DIVISION 5. SHOOTING GALLERYS AND GUN CLUBS

§ 110.065. Shooting gallerys and gun club operator's license.

(a) Any operator of a shooting gallery or gun club establishment shall obtain a shooting gallery and gun club operator's license.

(b) Both the shooting gallery operator's license and gun club operator's license fee shall be \$55 annually.

(c) The approving authority shall be the mayor.

§ 110.066. Supervision by qualified firearms officer.

No person shall operate or maintain a gun club or shooting gallery except under the supervision of a qualified firearms officer.

§ 110.067. Inspection of ammunition; disposal of defective ammunition.

All ammunition shall be inspected and approved by a qualified firearms officer before permission to fire or discharge the same shall be granted. All ammunition that will not fire or discharge or which is otherwise defective shall be returned to the qualified firearms officer for the safe disposal thereof.

§ 110.068. Warnings.

Any gun club or shooting gallery which is not fenced or constructed to limit access shall be posted with warning posters or signs approved by the police department.

#### DIVISION 6. SKATING RINKS

§ 110.070. Skating rink operator's license.

(a) Any operator of an indoor skating rink establishment shall obtain a skating rink operator's license.

(b) The skating rink operator's license fee shall be \$50 annually.

(c) The approving authority shall be the mayor.

(d) Any skating rink and equipment provided for users of the rink, such as roller or ice skating shoes or boots, shall be maintained in a manner that is not a hazard to the public health, safety, and welfare.

#### ARTICLE IV. AUCTIONS

§ 110.075. Auctioneer's license.

(a) No person shall operate an auction for consideration within the city without first having obtained an auctioneer's license.

(b) The auctioneer's license fee shall be \$100 annually.

(c) The approving authority shall be the mayor.

State law reference(s)--Authority of city to license, tax, and regulate auctioneers, 65 ILCS 5/11-42-1.

§ 110.076. Prohibited acts generally.

An auctioneer shall not:

(a) Use deceit, fraud, or misrepresentation in a sale or attempted sale of any goods, wares, merchandise, or personal property.

(b) Use false bidders, cappers, or puffers.

(c) Use bells, buzzers, musical instruments, or street criers, provided that signs or flags may be used to attract attention to the auction.

(d) Use false or misleading advertising relating to the kind or quality of goods, wares, merchandise, or personal property to be sold at the auction.

(e) Substitute an unlicensed auctioneer in place of the licensed auctioneer.

(f) Fail to exhibit his license at the auction sale on demand of any police officer, license inspector, or other city official.

§ 110.077. Delegation of authority.

No licensed auctioneer shall delegate his authority to any clerk, partner, or person. Only the licensee shall be privileged to use the authority granted to him.

§ 110.078. Attracting crowds on streets.

An auctioneer shall not sell or attempt to sell any goods, wares, merchandise, or other property on any street or other public place of the city, so as to collect a crowd of people whereby the travel or passage of the street or public place is hindered or prevented.

§ 110.079. Substitution of articles.

No auctioneer shall substitute an article for that article which was actually bid on and purchased by a person.

§ 110.080. Terms and conditions.

Before beginning any auction, the auctioneer shall state the terms and conditions on which the sale is to be made.

§ 110.081. Fictitious bids.

No auctioneer shall procure any person to make a fictitious bid at any auction or conspire with any person to make a fictitious bid at the sale, and no auctioneer shall himself fictitiously raise any bid at any auction sale.

§ 110.082. Exemptions.

The provisions of this article shall not apply in the following cases:

(a) Sales made or held by a trustee in bankruptcy.

(b) Sales made by a committee of creditors or merchants engaged in business in this city for the disposal of inventoried stock by the merchants.

(c) Sales or persons making sales by order of a court of competent jurisdiction.

(d) Sales of property held by the police department in accordance with statutory law.

#### ARTICLE XVI. FLORISTS

##### § 110.165. Florist's license.

(a) Any operator of a florist establishment shall obtain a florist's license.

(b) The florist operator's license fee shall be \$25 annually.

(c) The approving authority shall be the mayor.

State law reference(s)--Authority of municipalities to license, tax, and regulate florists, 65 ILCS 5/11-42-1.

#### ARTICLE XIX. HORSE DRAWN VEHICLES

##### § 110.190. Horse drawn vehicle operator's license and registration required.

(a) No person shall operate a horse drawn vehicle business for the purpose of transporting persons for hire or as a contractual service without first having obtained a horse drawn vehicle operator's license from the office of city clerk.

(b) Any person licensed as an operator shall register each horse drawn vehicle used to conduct the horse drawn vehicle business.

(c) The approving authority shall be the mayor.

##### § 110.191. License and registration fee.

(a) The horse drawn vehicle operator's license fee shall be \$100 annually.

(b) The horse drawn vehicle registration fee shall be \$50 per horse drawn vehicle annually.

##### § 110.192. Decalcomania for registered horse drawn vehicles.

(a) The city clerk shall issue to each licensed horse drawn vehicle operator a decalcomania for each registered horse drawn vehicle. This decalcomania shall indicate the horse drawn vehicle registration number and the year of issue.

(b) The decalcomania shall be securely fastened to the registered horse drawn vehicle in a manner as to be readily discernible.

§ 110.193. Application for horse drawn vehicle operator's license.

In addition to information required in the general licensing provisions, the application for a horse drawn vehicle operator's license shall contain the following:

(a) The number of carriages to be operated pursuant to the horse drawn vehicle operator's license.

(b) The seating capacity, manufacturer and photograph of each carriage.

(c) The breed of all horse(s) (i.e., quarter horse, draft, etc.) that will be used to pull the vehicle.

(d) Proof of a health exam for each horse to be used in the horse drawn vehicle operation by a veterinarian of equine medicine who is licensed by the State of Illinois.

(e) Proof of age for each horse to be used in the horse drawn vehicle operation, the minimum age being four years.

(f) A route and operations schedule which shall contain the following:

(1) A map of the proposed routes on which the vehicles will operate.

(2) The location of the proposed site or sites to be used for off-street storage, stabling and loading of carriages and horses.

(3) The location of proposed curbside areas to be designated as stands for regular pickup and discharge of passengers.

(g) An insurance policy issued by a company currently authorized to do business in the State of Illinois, insuring the applicant against liability. This policy shall give a description of each horse drawn vehicle, the manufacturer's name and model number and the registration number. The public liability insurance policy may cover one or more horse drawn vehicles, but each horse drawn vehicle shall be insured for at least \$50,000 for property damage and \$100,000 for injuries to or death of any one person, and each horse drawn vehicle having seating capacity for not more than seven adult passengers shall be insured for the sum of at least \$300,000 for injuries to or death of more than one person in any one accident.

§ 110.194. Office and telephone service.

No person shall be issued or allowed to retain a horse drawn vehicle operators license unless the person shall be listed in the Springfield, Illinois telephone directory under the business name of the operator.

§ 110.195. Vehicles.

No horse drawn vehicle shall be operated unless it is equipped with the following:

- (a) Brakes, taillights, brake lights and turn signals on the rear of the vehicle.
- (b) Front lights on both sides which shall emit light to the front side and which shall be visible from a distance of 500 feet.
- (c) An approved fire extinguisher and first aid kit.
- (d) Seat belts for each occupant.
- (e) A chemical which shall be poured over horse urine so as to break down and eliminate accumulated agents and odor.

§ 110.196. Valid Illinois motor vehicle driver's license required.

No person shall drive a horse drawn vehicle carrying persons for hire or by contract, unless such person is the holder of a valid Illinois motor vehicle driver's license.

§ 110.197. Application for horse drawn vehicle driver's license.

In addition to information required in the general licensing provision, an application for a horse drawn vehicle driver's license shall include the following:

- (a) The applicant's license number from his/her valid Illinois Motor Vehicle Driver's License.
- (b) Written evidence that the applicant has experience in driving a horse drawn vehicle or successful completion of a course in such driving and shall upon request by the approving authority, demonstrate the ability to drive a horse drawn vehicle.
- (c) A verification by the applicant that he/she has good eyesight and is not subject to any infirmity of body or mind which might render him/her unfit for the safe operation of a horse drawn vehicle.
- (d) Age, height, weight, color of eyes, color of hair.
- (e) Name and address of previous employer, and name of immediate supervisor/horse drawn vehicle owner-operator.
- (f) All addresses for the previous three years.
- (g) Any prior felony convictions.
- (h) Any prior licenses as a driver or a chauffeur whether any licenses have ever been revoked,

and if so, the reasons therefor.

(i) Whether the applicant has ever been convicted of a moving violation within the five years prior to applying and, if so, the details thereof.

(j) Whether the applicant has ever been convicted of driving while intoxicated and if so, the details thereof.

(k) A photograph of the applicant taken at the police department which shall be 2 1/4 by 3 1/2 inches in size and made in triplicate.

(l) The annual horse drawn vehicle driver's license fee shall be \$10.00, plus a one-time non-refundable \$5.00 fee to cover expenses in connection with the investigation to verify the application, a total of \$15.00.

(m) The approving authority shall be the mayor.

§ 110.198. Issuance and display of horse drawn vehicle driver's license.

(a) On certification of the qualifications of the applicant and the payment of the license fee, the horse drawn vehicle driver's license shall be issued in a form so as to contain the year for which the license is valid, the photograph, name of the driver, the number of the license and the name of the horse drawn vehicle company.

(b) The chief of police shall deliver to each driver a plastic-coated identification card. The identification card shall display a photograph in color and driver's license number. The identification card, under penalty of revocation of license, shall be constantly and conspicuously displayed on the outside of the driver's coat or outer garment while he/she is engaged in his/her employment. No driver shall loan or permit the use of this card by any other person. On termination of employment, the driver must return his/her identification card to the police department.

§ 110.199. Denial of application, revocation of license, hearing for denial or revocation.

In addition to the procedures for hearings on a denial or revocation as set forth in the general provisions of this chapter, the following shall apply:

(a) Application for a horse drawn vehicle driver's or operator's license shall be denied if, after due consideration, the approving authority determines that the provisions of this Code have not been satisfied. The approving authority shall notify the applicant and the city clerk, in writing, that the application has not been approved and the reasons therefor.

(b) Within ten (10) days from service of the approving authority's notice of denial, the horse drawn vehicle driver applicant may request, in writing, to the approving authority, a hearing before the city council, at which time the applicant may explain why the application should be approved.

(c) If a horse drawn vehicle driver is twice convicted of reckless or drunken driving or is convicted of a felony, while holding said license, said license shall be revoked.

§ 110.200. Fares posted in public view.

(a) A schedule of fares shall be affixed to the horse drawn vehicle in a prominent location so as to advise all customers of the charges for services rendered.

(b) It shall be the duty of the horse drawn vehicle driver to inform any person hiring the horse drawn vehicle of all charges before any service is rendered.

§110.201. Operation of horse drawn vehicles.

(a) Horse drawn vehicle drivers or operators shall not solicit patronage in a loud tone of voice or in any manner to annoy or obstruct the peace or movement of persons, or follow any person for the purpose of soliciting patronage.

(b) Horse drawn vehicle drivers or operators are prohibited from smoking while carrying passengers.

(c) Horse drawn vehicle drivers or operators shall not allow the occupancy of the vehicle to exceed the rated seating capacity.

(d) Horse drawn vehicle drivers or operators shall not stop, stand or park at any location, other than those designated by the traffic engineer of the City of Springfield, for the purpose of picking up or discharging passengers; however, nothing shall prohibit a person from requesting said traffic engineer to consider certain locations as horse drawn vehicle parking stands.

(e) Horse drawn vehicles, when in motion, shall be operated only in the curb-most traffic lane on any public street.

(f) The driver or operator of any horse drawn vehicle shall not make left turns off of two-way streets consisting of four or more lanes.

(g) Horse drawn vehicle drivers shall comply with all provisions of the State of Illinois Motor Vehicle Code, as well as all applicable local traffic laws, ordinances and regulations.

§110.202. Passengers.

(a) No passenger shall be allowed to ride on any part of the vehicle while in motion, except while seated inside the vehicle.

(b) Passengers shall not be allowed to drink alcoholic beverages, be intoxicated or demonstrate disorderly conduct.

§ 110.203. Routes and schedules.

(a) Horse drawn vehicles shall operate only upon designated routes and schedules approved by the traffic engineer of the City of Springfield.

(b) A special designated route different from paragraph (a) above may be granted by the traffic engineer of the City of Springfield, provided that such request is received in writing not less than five days prior to the use of the special designated route.

(c) The approved schedule of operations shall not include the hours of 7:00 a.m. to 9:00 a.m., or 4:30 p.m. to 6:00 p.m., except on Saturdays, Sundays and state holidays.

#### § 110.204. Animal care and control.

(a) Horse drawn vehicle drivers or operators shall have control of the vehicle and carriage animals at all times.

(b) Horse drawn vehicle operators shall maintain their horses in good health abiding by the rules of good animal husbandry. This shall include an annual health examination of each animal by a veterinarian of equine medicine licensed by the State of Illinois. A copy of said examination shall be submitted to the city clerk with a new and each renewal application. Proof of age for each horse to be used must also be provided with a minimum age of four years.

(c) No animal shall be permitted to pull any vehicle for hire if the animal has open sores or wounds, is lame, or is found to have any ailment.

(d) All animals used to pull a vehicle for hire must be groomed daily and not have fungus, a dirty coat, or show symptoms of illness or irritations.

(e) All horses will have rubber compound-type horse shoes on the front two feet, and either a rubber shoe or barium cork shoe on the two rear feet to keep the animal from slipping on the pavement.

(f) Each animal pulling a carriage on the city streets shall be equipped with manure-catching devices to hold manure until the driver is able to place it in a standard wire-tie plastic bag which shall be carried with the driver for permanent disposal at the stabling grounds of the business. Each horse drawn vehicle shall be equipped with a water hose bottle containing a water and bleach solution which the driver shall use to dilute urine discharged onto the street from any animal used in pulling a carriage.

#### ARTICLE XX. LIQUOR CONTROL

##### § 110.210. License required.

For provisions regarding liquor control, see Chapter 90.

#### ARTICLE XXXII. TAXICABS AND TAXICAB DRIVERS

## DIVISION 1. TAXICABS

### § 110.290. Taxicab operator's license and registration.

- (a) No person shall operate a taxicab business without first having obtained a taxicab operator's license. Persons required to obtain this license shall include, but are not limited to, any person who owns a taxicab and provides taxi service, or provides the cab by lease, contract, or other arrangement to another person who provides taxi service.
- (b) Any person licensed as an operator shall register each taxicab used to conduct the taxicab business.
- (c) The approving authority shall be the mayor.
- (d) Suspension and revocation. The general licensing provisions of this chapter, including the provisions for suspension and revocation of licenses and decalcomania, are applicable hereto.
- (e) Every act or omission constituting a violation of any provision of city ordinances or state law by any officer, director, manager, agent, taxicab driver, or employee of any taxicab operator licensee shall be deemed and held to be the act of such taxicab operator licensee, and the licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him personally.
- (f) The expiration of all taxicab operator licenses shall be the last regularly scheduled workday of the month of July.

(Ord. No. 632-8-93, § 1, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

### § 110.290.1. Restrictions on issuance of taxicab operator's licenses.

No taxicab operator's license may be issued to:

- (1) An applicant who is not a citizen of the United States.
- (2) An applicant who has not provided required documentation demonstrating each taxicab to be operated under the applicant's operator's license is adequately insured in accordance with this Code and state law.
- (3) An applicant who has not provided required documentation demonstrating that each taxicab to be operated under the applicant's operator's license has been issued a certificate of safety issued by an official testing station licensed by the state.
- (4) An applicant who at the time of application for renewal of an operator's license issued hereunder would not be eligible for such license on initial application.
- (5) An applicant who fails to furnish information or make the statements required in the application for license as set forth in this Code.
- (6) An applicant who knowingly furnishes false or misleading information or falsely answers the statements required in the application for license, or an applicant who knowingly furnishes any false or misleading information to any investigator during the application process.
- (7) An applicant who previously had an operator's license issued under this Code revoked or denied renewal.
- (8) An applicant who is a limited partnership or corporation who has not been issued a certificate of good standing by the Illinois Secretary of State.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.290.2. Application procedure for taxicab operator's license.

Any person, partnership, limited partnership or corporation desiring a taxicab operator's license, shall make application to the city clerk on a form provided by the approving authority. In addition to the information required by the general licensing provisions of this chapter, the application shall contain the following information and statements:

- (1) The name, address and phone number of the individual or individuals required to sign the taxicab operator's license application.
- (2) The business name, address and phone number of the taxicab company for which the license is sought.
- (3) Where the applicant is a corporation, the chief executive and chief fiscal officers shall sign, indicate their official capacity and verify the application.
- (4) Where the applicant is a partnership, or limited partnership all partners shall sign and verify the application.
- (5) Certificate of good standing issued by the secretary of state, respectively, to a corporation or limited partnership.
- (6) Other information and statements which the approving authority deems necessary in order to effectuate the purposes of this chapter.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§110.290.3. Renewal of operator's license.

- (a) An operator's license shall be subject to a yearly renewal and holders of operator's licenses shall file application therefor not less than sixty (60) days before the last regularly scheduled workday of the month of July.
- (b) All applications for renewal of existing operator's licenses shall contain the same information as the original application. An annual review shall be made to determine whether the holder of the license is in compliance with all state and city requirements and to determine whether the holder is in compliance with or has violated or is responsible, directly or indirectly under these ordinances or other laws, for the violations of other persons of any federal, state or municipal laws, ordinances or regulations.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.291. License and registration fee.

- (a) The taxicab operator's license fee shall be \$100 annually.
- (b) The taxicab registration fee shall be \$50 per taxicab annually.

§ 110.292. Issuance of decalcomania for operator's taxicabs.

Upon approval of an operator's license and payment of requisite fees for the operator's license and each taxicab registered with licensee, the city clerk shall issue to the licensee one decalcomania for each taxicab duly registered. The city clerk shall indicate on each decalcomania the taxicab registration number and the year of issue. Each decalcomania shall be

affixed to the front windshield of each taxicab for which it is issued. Each taxicab must have a valid decalcomania as a condition of operation.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.292.1. Transfer of decalcomania.

(a) Validation of transfers. No decalcomania provided by this chapter shall be affixed to any vehicle other than the one for which it was issued unless the following requirements of this section have first been met:

(1) The operator licensee shall file an application for transfer with the city clerk on a form provided by the city clerk;

(2) The vehicle to which the decalcomania is to be transferred shall have been issued a certificate of safety by an official testing station licensed by the state within 30 days prior to application and a copy of such certificate is attached to the application; and the vehicle from which the decalcomania is transferred shall be identified by the vehicle identification number, year, make, model and license plate;

(3) The vehicle to which the decalcomania is to be transferred shall be insured in accordance with section 110.304 of this Code.

(b) Upon investigation and approval of transfer applications, all decalcomania shall be transferred between the taxicabs specified in the application by an employee of the department of licensing at a time the operator licensee may arrange with the department of licensing.

(c) The fee for each transfer of one decalcomania shall be \$5.

(d) Penalty. Transfer of decalcomania in violation of this section shall be grounds for suspension or revocation of an operator's license.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.292.2. Replacement of decalcomania.

(a) Whenever an operator licensee has lost or destroyed a decalcomania issued as provided herein, the licensee shall make an application in writing on a form provided by the city clerk stating that the decalcomania has been lost or destroyed, and the department of licensing shall authorize the city clerk to issue a substitute decalcomania upon payment of \$5.

(b) Penalty. Replacement of a decalcomania in violation of this section shall be grounds for suspension or revocation of an operator's license.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.292.3. Suspension or revocation of decal.

The department of licensing may suspend or revoke the taxicab decalcomania of any taxicab not in compliance with any part of article I of this chapter. Upon suspension or revocation, the taxicab decalcomania of the vehicle in noncompliance shall be surrendered to the city clerk, and a new decalcomania shall not be issued until the cause for the suspension or revocation has been removed to the satisfaction of the manager of the department of licensing. No refund of fees

shall be made to the operator licensee in the event of suspension or revocation of a decalcomania under this section. The operator licensee shall not be charged a fee for the return of a suspended decalcomania; however, a new decalcomania shall be purchased by the operator licensee for a fee of \$5 to replace a decalcomania which has been revoked.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.293. Meters required.

Every registered taxicab shall be equipped with an approved taximeter which has been inspected by a qualified person designated by the mayor and found to be accurate. This meter shall be inspected at the time of installation and shall thereafter be periodically inspected to determine its accuracy. A meter shall be deemed accurate if the distance it registers is within five percent of a measured test distance which the taxicab may be required to drive. The meter shall record the amount to be charged on each trip, which amount shall be shown in figures visible to the passenger.

(a) No person shall operate or drive a taxicab unless the fare to be charged is determined by an approved taximeter. No other or different fare shall be charged to passengers than is recorded on the reading fare of the taximeter except as otherwise provided herein.

(b) No taximeters shall be used between sunset and sunrise unless the face thereof is illuminated by a suitable light so arranged as to throw a continuous steady light thereon. No person shall use or permit to be used for hire a taxicab equipped with a taximeter, the case of which is unsealed, and which does not have its cover and gear intact.

(c) No driver or operator of a taxicab equipped with a taximeter, while carrying passengers or under employment, shall display the signal affixed to the taximeter in a position as to denote that the vehicle is not employed.

(Ord. No. 632-8-93, § 3, 8-3-93)

§ 110.294. Schedule of rates.

(a) General rates. The schedule of meter rates shall be as follows:

(1) For a nonstop trip, \$1.80 for the first 1/10th mile or fraction thereof and \$0.15 for each additional 1/10th mile or fraction thereof; for each one-half minute of waiting, or fraction thereof, \$0.10.

(2) \$0.50 for each additional passenger over six years of age.

(3) Waiting time. Waiting time shall be charged only for that time actually consumed:

a. Beginning five minutes after arrival at the place to which the taxicab has been called and until the trip is started;

b. While standing at the direction of the passenger.

(b) No extra charge shall be made for baggage or parcels carried into the cab by a passenger. As to baggage or parcels carried into the cab by the driver at the request of the passenger, no extra charge shall be made for the first three pieces of baggage or parcels. For every piece of baggage or parcels beyond the three pieces carried into the cab by the driver, an extra charge of \$0.10 per piece of baggage or parcel shall be permitted.

(c) No extra charge shall be made for trips which originate and conclude within the corporate

limits of the city.

(d) Hiring by day. For the use of any taxicab for the day, the rate may be any amount fixed by written agreement between the parties. The taximeter required by section 110.293 is permitted not to be used subject to agreement between parties, however all other sections of this chapter shall apply.

(e) Fee where summoned by licensed liquor establishment. Not with standing any other provision in this chapter, the rate for any trip originating at an establishment selling liquor for consumption on the premises shall be \$7 per person when the taxicab has been summoned by the licensee, their employee, officer or agent. Such fee may be required by the driver in advance. The taximeter required by section 110.293 shall not be used during these trips. This subsection, however, shall not be interpreted as requiring the driver of any taxicab to accept as a passenger any person who is intoxicated and disorderly if the driver so notifies the licensed establishment licensee or any employee of the licensee.

(f) Notwithstanding any other provision in this section, passengers who are physically disabled and passengers who are over the age of 62 shall receive a 10% discount on rate charges.

(g) Upon paying the fare, each taxicab passenger may demand a receipt. Upon such demand, it shall be the duty of the driver to give the passenger a receipt in legible type or writing showing the date and amount paid, the name of the taxicab company, and the name and the license number of the driver.

(Ord. No. 787-9-90, 9-18-90; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.294.1. Schedule of rates--Additional passengers generally.

(a) No metered charge shall be made for an additional passenger who embarks at a common point of origin, except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled, except as provided in this article.

(b) Two persons who embark at a common point of original and disembark at a common point of destination shall be carried at no extra meter fare.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.294.2. Schedule of rates--Group passengers.

On all trips where two or more persons embark at a common point of origin, but disembark at different locations, the metered fare for each passenger shall be the amount shown on the meter at the time of arrival at the destination of each passenger. The driver shall throw the flag to the "off" position at the point of destination of each passenger and restart it when he continues so that the additional distance traveled for each passenger shall be considered as a separate trip.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.295. Duty to pay lawful fare.

No passenger shall fail or refuse to pay the lawful fare at the termination of a trip or in advance of a trip as authorized in section 110.294 of this Code.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.296. Daily activity report.

(a) Each taxicab driver and each taxicab operator shall maintain a record of the daily activity of the driver, on a form adopted by the department of licensing. The daily activity report shall include the following information:

- (1) Day, month, year and time of day.
- (2) Driver's name and badge number.
- (3) Number of cab and name of company.
- (4) Beginning mileage of each fare.
- (5) Mileage at conclusion of each fare.
- (6) Address or location of commencement and conclusion of each fare.
- (7) Amount charged to each passenger.
- (8) Other information as may be required by the department of licensing.

(b) This daily activity report shall be kept current and shall be submitted for inspection to police officers or representatives of the department of licensing upon request, at any time for a period of 90 days from the date of the report.

(Ord. No. 632-8-93, § 4, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.297. Rates to be posted.

The schedule of rates as required by section 110.294 shall be inserted in a frame provided therefor on the rear of the partition between the front and the rear seat of the taxicab. In addition, rates required in § 110.294(a)(1) and (2) and (e) of this chapter shall be exhibited on the exterior of the taxicab so as to provide public notice of the base rate charges.

(Ord. No. 787-9-90, 9-18-90; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.298. Drivers to remain in vehicles; exceptions.

The drivers of any taxicab shall remain on the driver's seat, or inside their taxicab at all times while the taxicab is standing on a public stand, provided, that nothing in this section shall prohibit the drivers from leaving their position in the cab for any time as may be necessary to assist any aged or infirm passengers into or out of their taxicab, or from leaving the cab for the length of time as may be necessary for them to use the telephone in connection with the operation of the cab or to eat during their scheduled mealtime or to use restroom facilities.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.299. Carrying persons other than passengers.

No driver of a licensed taxicab shall, while carrying any passenger paying a fare, transport any other person in a taxicab excepting a passenger by whom he has been engaged and who is paying a fare.

§ 110.300. Vehicles.

(a) All taxicabs shall have affixed upon it a valid state license plate duly issued under the Illinois Vehicle Code.

(b) In addition to a properly functioning air conditioner and heater, all taxicabs shall be operated, at a minimum, with the following equipment functioning to the standards established by the Illinois Vehicle Code;

- (1) Brakes
- (2) Lights
- (3) Tires
- (4) Horn
- (5) Muffler
- (6) Rear vision mirror
- (7) Two windshield wipers
- (8) Safety seat belts.

(c) While in operation, every taxicab shall be kept in a neat, clean condition and the interior shall be clean and free of foreign material or substance; the windows shall be clear, free from cracks, and shall be kept clean; the upholstery shall be free of dirt or other foreign substance likely to soil clothing and it shall be free of cracks, holes, tears, or loss of padding. Vehicle exteriors shall be free of excessive rust, excessive paint damage, and excessive dents or scrapes or other body damage.

(d) Every taxicab, while in operation, shall have painted on the body of the taxicab on each side, in letters no less than three inches high and no less than two inches wide, the name of the licensee operating it, the word "taxicab" and if more than one cab is operated by a licensee, a different number to be assigned by the licensee for each taxicab.

(e) Every taxicab shall be subject to inspection, so often as may be necessary, by a qualified person designated by the mayor to ensure compliance with the provisions of this section. Such inspections may be conducted at a reasonable time and location in a random fashion and without notice.

(f) All taxicabs shall be examined at an official testing station licensed by the state, and certificate of safety issued thereto as a condition of registration for an operator licensee.

(g) All taxicab vehicles shall be well painted and so constructed that the occupants can be plainly seen from the outside of the vehicles at all times.

(h) If any licensed taxicab is involved in an accident, the vehicle at the discretion of the chief of police, may be required to be tested at a state official testing station following the accident.

(i) All taxicabs shall be prohibited from being equipped with, or have anywhere within it, any device capable of monitoring two-way radio communication frequencies or monitoring the communications of other taxicab businesses.

(Ord. No. 632-8-93, § 5, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.301. Passengers.

(a) It shall be the duty of the driver of any taxicab to accept as a passenger any person who thus seeks to use the taxicab, provided the person is not intoxicated, conducts himself in an orderly manner, and is not directly threatening the driver or committing a criminal offense. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger. No driver shall solicit or admit additional passengers without the prior consent of the passenger and only after notifying the first passenger or passengers that they do not have to consent and they do consent.

(b) All taxicab drivers shall take their passenger(s) to their destination by the most direct available route unless otherwise instructed by the passenger(s).

(c) Notwithstanding any other provisions of this chapter, no person shall be denied acceptance as a passenger by the driver of a taxicab because of the persons race, ethnicity or physical or mental disability.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.302. Unlawful use.

No person shall knowingly permit any taxicab to be used in the perpetration of a criminal offense.

§ 110.303. Telephone and 24-hour service.

(a) Every taxicab operator must maintain a telephone by which to receive calls for taxi service, and the number must be listed in the telephone directory under the operator's business name. Calls to a taxicab operator's telephone number may not be forwarded to a different taxicab operator, except with permission of the other taxicab operator and a statement of agreement to this effect has been signed by the operators entering such agreement and has been filed with the department of licensing. Nothing contained in this subparagraph shall be interpreted as exempting an operator from any other provisions of this chapter.

(b) Every taxicab operator with more than one taxicab must provide taxi service 24 hours daily. Any taxicab operator which has only one taxicab and elects not to provide 24-hour service must notify the department of licensing of its hours of operation.

(c) No taxicab operator may refuse to provide service to any person on the basis of the location of the fare's origin or destination.

(d) No taxicab operator may give false information regarding the availability of service to any person who requests service.

(e) No taxicab operator may respond to calls for service that are directed to another taxicab operator, except with permission of the other taxicab operator. Nothing in this subparagraph shall be interpreted as exempting an operator from any other provisions of this chapter.

(Ord. No. 632-8-93, § 6, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304. Insurance; bond.

No taxicab shall be operated by a taxicab operator licensee unless the licensee has in full force and effect and on file with the city clerk proof of financial liability provided by the Illinois Vehicle Code, as amended, and this chapter.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

State law reference(s)--Proof of financial responsibility, see 625 ILCS 5/8-101 et seq.; Power of municipalities to license, tax, and regulate taxicab operators, see 65 ILCS 5/11-42-6.

§ 110.304.1. Insurance; bond--Alternate methods of giving proof of financial responsibility.

(a) Proof of financial responsibility may be given by filing with the city clerk one of the following:

(1) A bond as provided in the Illinois Vehicle Code, as amended (625 ILCS 5/8-101 et seq.).

(2) An insurance policy or other proof of insurance as provided in the Illinois Vehicle Code, as amended (625 ILCS 5/8-101 et seq.).

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.2. Insurance; bond--Bond as proof of financial responsibility.

(a) As provided in the Illinois Vehicle Code, as amended, the following bonds shall provide proof of financial responsibility:

(1) A bond of the owner of motor vehicles subject to the provisions of section 8-101 of the Illinois Vehicle Code, as amended, with a solvent and responsible surety company authorized to do business under the laws of this state as surety thereon; or

(2) A bond of such owner, with one or more personal sureties, owning real estate in the State of Illinois, of the value in the aggregate of \$250,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended, over and above all encumbrances, when approved by the manager of the department of licensing and confirmed to be valid by the Illinois Secretary of State shall be proof of financial responsibility as required by section 8-101 of the Illinois Vehicle Code, as amended, and this chapter.

(3) The bond shall not be approved unless accompanied by affidavit of the personal sureties, attached, stating the location, legal description, market value, nature and amount of encumbrances (if any), and the value above all encumbrances of such real estate scheduled to qualify on such bond as provided for by state law and this code have been met.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.3. Requirements of bond.

(a) A surety bond or real estate bond filed as proof as provided in section 8-103 of the Illinois Vehicle Code, as amended, and section 110.304.2 of this chapter shall be in the sum of \$250,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended for each motor vehicle operated by the owner providing the motor vehicle is subject to section 8-101 of

the Illinois Vehicle Code, as amended.

(b) The surety of real estate bond shall provide for the payment of each judgment by the owner of the motor vehicle (giving its manufacturer's name and number and state license number) within 30 days after it becomes final, provided each judgment shall have been rendered against such owner or any person operating the motor vehicle with the owner's express or implied consent, for any injury to or death of any person or for damage to property other than such motor vehicle, resulting from the negligence of such owner, his agent, or any person operating the motor vehicle with his express or implied consent, provided that the maximum payment required of the surety or sureties, on all judgments recovered against an owner hereunder, shall not exceed the sum of \$250,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended, for each motor vehicle operated, under section 8-101 of the Illinois Vehicle Code, as amended.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

#### § 110.304.4. Action on bond.

The surety bond shall, by its terms, insure to the benefit of the person recovering any such judgment, and shall provide that an action may be brought in any court of competent jurisdiction upon such bond by the owner of any such judgment; and such bond, for the full amount thereof shall, by its terms, be a lien for the benefit of the beneficiaries of said bond on such real estate so scheduled, and shall be recorded in the office of the recorder in each county in which such real estate is located.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

#### § 110.304.5. Withdrawal by sureties from bond--Notice.

Any surety or sureties may withdraw from any such bond by serving ten days previous notice in writing upon such owner and the city clerk, either personally or by registered mail, whereupon it shall be the duty of such owner to file another bond or insurance policy in accordance with the provisions of the Illinois Vehicle Code, as amended, and this chapter. Upon the expiration of said ten days the manager of the department of licensing shall mark said bond "withdrawn", with the date such withdrawal became effective, and thereupon the liability of the sureties on such bond shall cease as to any injury or damages sustained after the date such withdrawal becomes effective.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

#### § 110.304.6. Authority to require replacement of bond.

If, at any time, in the judgment of the manager of the department of licensing and confirmed by the Illinois Secretary of State, said bond is not sufficient for any good cause, he or she may require the owner of such motor vehicle who filed the same to replace said bond with another good and sufficient bond or insurance policy, in accordance with the provisions of the Illinois Vehicle Code, as amended, and this chapter, and upon such replacement, the liability of the

surety or sureties on such prior bond shall cease as to any injury or damage sustained after such replacement and file such with the city clerk.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.7. Insurance policy as bond.

A policy of insurance in a solvent and responsible company authorized to do business in the State of Illinois and having admitted net assets of not less than \$300,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended, insuring the owner, his agent or any person operating the motor vehicle with the owner's express or implied consent against liability for any injury to or death of any person or for damage to property other than the motor vehicle resulting from the negligence of such owner, his agent or any person operating the vehicle with his express or implied consent, when accepted by the manager of the department of licensing and confirmed to be valid by the Illinois Secretary of State, shall be proof of financial responsibility as required by section 8-101 of the Illinois Vehicle Code, as amended.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.8. Requirements of policy.

- (a) The policy of insurance may cover one or more motor vehicles and for each such vehicle shall insure such owner against liability upon the owner to a minimum amount of \$250,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended, for bodily injury to, or death of, any person, and \$50,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended, for damage to property provided that the maximum payment required of such company on all judgments recovered against an owner hereunder shall not exceed the sum of \$300,000, or as hereafter may be provided in the Illinois Vehicle Code, as amended, for each motor vehicle operated under the provisions of 625 ILCS 5/8-101 et seq. of this section.
- (b) The policy of insurance shall provide for payment and satisfaction of any judgement within 30 days after it becomes final rendered against the owner or any person operating the motor vehicle with the owner's express or implied consent for such injury, death or damage to property other than the motor vehicle, and shall provide that suit may be brought in any court of competent jurisdiction upon such insurance policy by the owner of any such judgment.
- (c) The insurance policy shall contain a description of each motor vehicle, giving the manufacturer's name and number and state license number.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.9. Cancellation of insurance policy--Notice.

- (a) In the event said policy of insurance be cancelled by the issuing company, or the authority of said issuing company to do business in the State of Illinois be revoked, the manager of the department of licensing shall require the owner who filed the same either to furnish a bond or to replace said policy with another policy according to the provisions of the Illinois Vehicle Code, as amended, and this chapter and file such with the city clerk.

(b) Said policy of insurance shall also contain a provision that the same cannot be cancelled by the company issuing it without giving ten days' notice in writing of such cancellation to the owner and the city clerk either personally or by registered mail.

(c) Whenever the issuing company gives such notice of cancellation, the manager of the department of licensing shall, at the expiration of said ten days, mark said insurance policy "Withdrawn" with the date such withdrawal became effective, and thereupon the liability of such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.10. Proof required after cancellation.

If, at any time, in the judgment of the manager of the department of licensing and confirmed by the Illinois Secretary of State, said policy of insurance is not sufficient for any good cause, he or she may require the owner of such motor vehicle who filed the same, to replace said policy of insurance with another good and sufficient bond or insurance policy, in accordance with the provisions of the Illinois Vehicle Code, as amended, and this chapter, and upon such replacement, the liability of the company on said insurance policy shall cease as to any injury or damage sustained after such replacement and file such with the city clerk.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.11. When bond or policy to expire.

All bonds and policies of insurance filed with the city clerk, under this chapter, shall expire not sooner than the 31st day of December as to a vehicle registered on a calendar year basis and not sooner than the 30th day of June as to a vehicle registered on a fiscal year basis in each year, provided, that the expiration of same shall not terminate liabilities upon such bonds and policies of insurance were filed.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.12. Suspension of decal when bond or policy of insurance is cancelled.

In the event that a bond or policy of insurance is cancelled or withdrawn with respect to a vehicle or vehicles, subject to the provisions of section 8-101 of the Illinois Vehicle Code, as amended, and this chapter, for which the bond or policy of insurance was issued, then the manager of the department of licensing shall suspend the decal with respect to such motor vehicle or vehicles, and said decal shall remain suspended until the owner of the motor vehicle shall have filed proof of financial responsibility as provided by section 8-101 of the Illinois Vehicle Code, as amended, and this chapter.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.304.13. Failure to comply with provisions--Punishment.

Any person who fails to comply with the provisions of this chapter, or who fails to obey, observe or comply with any order of the approving authority issued in accordance with the provisions of this chapter shall be subject to fine and suspension or revocation of the taxicab operator's license.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

## DIVISION 2. TAXICAB DRIVERS

### § 110.307. Taxicab driver's license.

(a) No person shall drive a taxicab unless he has been issued a taxicab driver's license and a taxicab operator's license. However, a taxicab operator's license shall not be required if the driver is employed by, contracted with, leasing a taxicab from or providing taxicab driver's services by other arrangement with a licensed taxicab operator.

(b) The taxicab driver's license fee shall be \$15 for the driver's first year, and \$10 annually thereafter for renewal.

(c) The approving authority shall be the mayor.

(Ord. No. 632-8-93, § 7, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

### § 110.308. Application.

(a) In addition to information required in the general licensing provision, the application for a taxicab driver's license shall include the following:

(1) The applicant's name, address, date of birth and Social Security number.

(2) The applicant's Illinois driver's license number.

(3) A photocopy of the applicant's Illinois driver's license to be taken upon submittal of application.

(4) A photocopy of the applicant's Social Security card to be taken upon submittal of application.

(5) The written endorsement of the licensed taxicab owner.

(6) A verification by the applicant that he has good eyesight and is not subject to any infirmity of body or mind which might render him unfit for the safe operation of a taxicab.

(7) A verification by the applicant that he is able to speak, read, and write the English language plainly.

(8) All previous addresses of the applicant.

(9) Age.

(10) Height, weight, color of eyes, color of hair.

(11) Name, address and phone number of previous employer, and name of immediate supervisor.

(12) Listing of any prior felony convictions; the year of felony conviction; the felony charge for which the applicant was convicted; the jurisdiction in which the felony occurred; the disposition or sentence for the felony.

(13) Listing of any prior misdemeanor convictions or a disposition involving court supervision;

the year of misdemeanor convictions or supervision; the misdemeanor charge for which the applicant was convicted or supervision given; the jurisdiction in which the misdemeanor occurred; the disposition or sentence for the misdemeanor.

(14) Any prior licenses as a driver or a chauffeur, whether any licenses have ever been suspended or revoked, and if so, the reasons therefor.

(15) Whether the applicant has ever been convicted of a moving violation within the five years prior to applying and if so, the details thereof.

(16) Whether the applicant has ever been convicted of driving while intoxicating and if so, the details thereof.

(17) A photograph of the applicant taken at the police department which shall be 2 1/4 by 3 1/2 inches in size and made in triplicate.

(Ord. No. 632-8-93, § 8, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96; Ord. No. 697-10-96, § 1, 10-22-96)

#### § 110.308.1. Restrictions for issuing a taxicab driver's license.

In addition to the reasons set forth in general licensing provisions, no taxicab driver's license shall be issued to any person unless such person:

(1) Is 18 years of age or older.

(2) Has truthfully answered and fully disclosed all information requested in written application and all other information which may be requested.

(3) Submits to fingerprinting and photographing by the city police department and signs a consent to a background investigation, including authorization for the release of employment, insurance, driving and criminal history records which may be relevant to such background investigation, relating to the applicant's qualifications to hold a taxicab driver's license.

(4) Has a valid and properly classified driver's license issued by the Illinois Secretary of State. A restricted driver's permit or judicial driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid and properly classified driver's license for the purposes of this subsection (a) unless the permit directly authorizes the permittee to drive a taxicab.

(5) Has not been convicted of, or placed on supervision by a court for more than three offenses against the traffic regulations governing the movement of vehicles within two years of the date of application; provided, however that the approving authority may issue a driver's license to an applicant where the applicant has been convicted of, or placed on supervision for only one offense in the past year, if after receipt and review of relevant evidence, the approving authority finds that the violation does not demonstrate careless or reckless driving habits which may endanger the life or safety of the driver's passengers.

(6) Has not been convicted of or placed on supervision for reckless driving, driving under the influence of intoxicating liquor or drugs, drag racing, fleeing or attempting to elude a police officer, leaving the scene of or failure to report an accident involving death or injury within five years of the date of application.

(7) Has never been convicted of or placed on probation for or received a disposition of court supervision or deferred judgment for murder, manslaughter, reckless homicide, aggravated kidnapping, kidnapping, unlawful restraint, aggravated unlawful restraint, forcible detention, child abduction, juvenile pimping, aggravated battery of a child, stalking, aggravated stalking,

criminal transmission of HIV, rape, aggravated criminal sexual assault, criminal sexual assault, child sexual assault, indecent liberties with a child, contributing to the sexual delinquency of a child, indecent solicitation of a child or adult, aggravated incest, prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping, child pornography, handling of harmful material, heinous batter, home invasion, arson, robbery, armed robbery, armed violence, criminal usury, illegal manufacturing or delivery of controlled substances, illegal manufacture or delivery of more than 500 grams of cannabis, or any offense substantially similar to the foregoing offenses under the laws of this state or any other state or of the United States and has never been adjudicated a sexually dangerous person or a sexual predator; provided, however that the approving authority may issue a taxicab driver's license to an applicant who has been convicted of any offense listed in this subsection (7) if a period of more than 10 years has elapsed since the date of the conviction or of the release of the applicant from the confinement imposed for that conviction, whichever is the later date, and if the approving authority determines after the receipt and review of relevant evidence that reasonably demonstrates the applicant will not be a threat to the general public safety or the life or safety of their taxicab passengers.

(8) Has not had a taxicab driver's license issued under this code revoked within five years of the date of application.

(9) Has not knowingly furnished false or misleading information or withheld information required by this code or caused or permitted another to furnish or withhold information on applicant's behalf.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

#### § 110.309. Issuance of driver's license.

On certification of the qualifications of the applicant and the payment of the license fee, the taxicab driver's license shall be issued by the chief of police in a form as to contain the year for which the license is valid, the driver's photograph, name of the driver, the number of the license, and the name of the taxicab company. Each driver shall forfeit their driver's license for the preceding year upon being issued a driver's license renewed for the forthcoming year.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

#### § 110.309.1. Renewal of taxicab driver's license.

(a) A driver's license shall be subject to a yearly renewal and holders of driver's licenses shall file application therefor not less than 60 days before the last regularly scheduled workday of the month of July.

(b) All applications for renewal of existing driver's licenses shall contain the same information as the original application. An annual review shall be made to determine whether the taxicab driver licensee is in compliance with all state and city requirements and to determine whether the taxicab driver is in compliance with or has violated any federal, state or municipal laws, ordinances or regulations that would bar the taxicab driver from holding a taxicab driver's license.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.309.2. Provisional taxicab driver's license.

(a) The approving authority may issue a provisional taxicab driver's license to a person who has applied for a taxicab driver's license if the approving authority finds the applicant is qualified for a taxicab driver's license, but at the time of issuance, the approving authority has not received information from the State of Illinois regarding the existence or nonexistence of a criminal history of the applicant.

(b) Such provisional license shall be valid for 30 days from the date of issuance, but shall expire sooner upon the issuance of an annual taxicab driver's license the applicant applied for.

(c) The provisional license shall be revoked and surrendered immediately upon receipt of information that would disqualify the applicant under section 110.308.1. The applicant shall be notified of such in writing.

(Ord. No. 580-9-96, § 1(Exh. A), 8-20-96)

§ 110.309.3. Issuance of driver's identification card.

The chief of police shall deliver to each driver a plastic-coated identification card. The identification card shall display a photograph in color and driver's license number. The identification card, under penalty of revocation of license, shall be constantly and conspicuously displayed on the outside of the driver's coat or outer garment while engaged in taxicab driver employment. No driver shall loan or permit the use of this card by any other person. On termination of employment, the driver must return his identification card to the police department.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.310. Display of taxicab driver's license.

No person shall drive a taxicab unless the driver's license and photograph are displayed in the frame provided therefore on the rear of the partition between the front and rear seat of the taxicab.

§ 110.311. Suspension and revocation of licenses.

(a) Except as otherwise provided for in this section and section 110.311.1, suspension and revocation of a taxicab driver's licenses shall be in accordance with the general provisions of this chapter.

(b) A taxicab driver's license shall be revoked by the approving authority if the licensee has:

(1) Been convicted of an offense listed in section 110.308.1(7).

(2) Had their Illinois driver's license revoked by the Illinois Secretary of State.

(3) Been convicted of reckless driving.

(c) A taxicab driver's license shall be suspended by the approving authority if the licensee's Illinois driver's license has been suspended by the Illinois Secretary of State and shall be

effective for the duration of the suspension imposed by the secretary of state.

(d) The licensee must surrender the taxicab driver's license and taxicab driver identification card to the department of licensing on the effective date of the suspension of his/her Illinois driver's license. Failure to comply with the provisions of this paragraph shall be grounds for revocation.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.311.1. Reinstatement of suspended taxicab driver's license.

The following procedures shall be required for an individual to have the approving authority reinstate any taxicab driver's license suspended pursuant to section 110.311:

(1) The individual must apply to the approving authority for reinstatement on a form provided by the approving authority.

(2) The form shall include, but not be limited to documentation from the Illinois Secretary of State demonstrating the validity of the individual's Illinois driver's license.

(3) The approving authority shall be the mayor.

(4) The suspended taxicab driver's license reinstatement application fee shall be \$25.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.312. Compliance with Springfield traffic code.

All taxicab drivers shall comply with the provisions of chapters 70 through 82 of the 1988 Springfield City Code of Ordinances, as amended, (the Springfield Traffic Code).

(Ord. No. 632-8-93, § 9, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

§ 110.312.1. Dress code.

No person shall drive a taxicab; while in barefeet or wearing sandals, thongs, or similar footwear; wearing sweatpants, sweatshirt or hooded sweatshirt; or while wearing torn or ripped clothing or clothing in need of mending. A taxicab driver, while driving a taxicab, may wear shorts only if the short pants are hemmed at the bottom, the hemline is not more than four (4) inches above the kneecap, made of material not otherwise prohibited and are not torn, ripped, soiled or in need of mending.

(Ord. No. 632-8-93, § 10, 8-3-93; Ord. No. 580-8-96, § 1(Exh. A), 8-20-96; Ord. No. 697-10-96, § 1, 10-22-96)

§ 110.312.2. Discourtesy, assault, abusive behavior; operating under the influence; reckless driving.

Taxicab drivers shall be courteous to passengers, prospective passengers and other drivers at all times.

Taxicab drivers shall not assault, threaten, abuse, insult, provoke, interfere with, use profane language or obscene gestures around, impede or obstruct any person in connection with the operation of their vehicles.

No taxicab driver shall operate his taxicab under the influence of alcohol or illegal substances or illegal drugs, nor shall he consume or possess any of these while operating his taxicab.

(Ord. No. 580-8-96, § 1(Exh. A, 8-20-96)

### DIVISION 3. ENFORCEMENT

§ 110.313. Enforcement; violation; notice.

(a) Notice of violation. On a violation of any of the provisions of this chapter, the manager of the department of licensing and other department of licensing employees specifically designated by the manager of the department of licensing, shall be authorized to issue an ordinance violation notice on a reasonable belief that any person has violated any provisions of this chapter.

(b) Ordinance violation notices shall be issued on forms approved by the manager of the department of licensing.

(c) Ordinance violation notices shall be issued personally to the violator, mailed to the business address of the violator if the violator is a taxicab operator licensee, or mailed to the residence of the violator.

(d) Abatement to avoid prosecution. Any person issued an ordinance violation notice may avoid prosecution of the violation(s) by abating the violation(s) within the time specified in the ordinance violation notice.

(e) Payment to avoid prosecution. Any person who is issued an ordinance violation notice may avoid prosecution for the violation(s) by paying within ten (10) days from the date of issuance of an ordinance violation notice the monetary penalty specified in the ordinance violation notice to the city treasurer's office.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

### DIVISION 4. OTHER PROVISIONS

§110.314. Incorporation into article.

(a) Sections 110.001 through 110.013 of this chapter shall be expressly incorporated within this article.

(b) Section 110.099 of this chapter shall be expressly incorporated within this article.

(c) In case of conflict between provisions of this article and the articles, or sections thereof, incorporated within this article the provisions of article XXII shall prevail.

(Ord. No. 580-8-96, § 1(Exh. A), 8-20-96)

### ARTICLE XXXIII. THEATERS\*

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\*State law reference(s)--Authority of municipalities to license, tax, regulate, or prohibit theatricals, exhibitions and shows, 65 ILCS 5/11-42-5.  
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§ 110.315. Theater operator's license.

- (a) No person may operate a theater without first having obtained a theater operator's license.
- (b) The theater operator's license fee shall be \$200 annually. Where a person operates more than one theater within the same building or location, the annual license fee shall be \$200 for the first theater and \$100 for each additional theater.
- (c) The approving authority shall be the director of public safety.

§ 110.316. Separate license required.

A separate license shall be obtained for each theater to be operated. A person desiring to operate more than one theater within the same building or location shall apply for and obtain a license for each theater to be operated within the building or location.

§ 110.317. Application.

- (a) In addition to the information required in the general provisions of this chapter, each completed application for a theater license shall contain the following information:
  - (1) The name and address of the person or persons who are to operate the theater, and, in addition, if the person who is to operate the theater is a corporation, the name and address of its registered agent.
  - (2) The name and address of the manager of the theater.
  - (3) The name and address of the theater to be operated.
  - (4) An affidavit of the person applying for the license that he is the person to operate the theater or has been authorized by the person or persons who are to operate the theater to apply for the license, and that the information provided in the application is true and to the best of the applicant's knowledge.
- (b) In addition to the above information, the license fees shall be included with each application for a theater license. No application may be accepted by the city clerk without this fee. This fee shall not be refunded if a license is not issued.

§ 110.318. Processing of application; issuance of license; denial of license.

- (a) Within three business days after a completed application for a theater license has been submitted to the city clerk, the city clerk shall refer the application to the director of public safety.
- (b) Within ten business days after the application has been referred to the director of public safety, he shall have the theater inspected to determine whether the theater complies with applicable building, fire, zoning, or other health and safety codes.
- (c) Within three business days after the inspection of the theater has been completed, the

director of public safety shall:

(1) Approve a license application if the theater meets the requirements of the applicable health and safety codes.

(2) Deny a license application if the theater does not meet the requirements of the applicable health and safety codes. If the license application is denied, the director of public safety shall attach to the application form an explanation of the reasons for denial, including a list of the specific code provisions allegedly violated. If the applicant corrects the alleged code violations within 30 days after the receipt of the written explanation describing the violations, the director shall then approve the theater license application. If the applicant does not correct the violations within 30 days, the director shall notify the applicant, in writing, by certified mail return receipt requested that the application has been denied and the reasons therefor.

§ 110.319. Posting of license.

Every licensee shall post the license in public view at the theater for which the license was issued.

§ 110.320. Suspension or revocation of a license.

(a) After the issuance of a theater license, the licensee shall maintain the theater in compliance with applicable health and safety codes. If an inspection by the city shows that the theater does not meet applicable health and safety Codes, the director of public safety shall begin a proceeding to suspend or revoke the license of the licensee.

(b) The mayor shall specify in writing by certified mail return receipt requested to the licensee the particular code violations allegedly found at the theater. If the licensee corrects the alleged code violations within 15 days after the receipt of the written statement describing the violations, the suspension or revocation proceeding shall be terminated. If the licensee does not correct the violations within the 15 days, the mayor shall suspend the theater license for a period not to exceed 90 days, or revoke the license. Notice of suspension or revocation shall be made in writing to the licensee.

#### ARTICLE XXXIV. TOBACCO DEALERS

§ 110.325. Tobacco dealer's license.

(a) Any person who sells or offers for sale, any tobacco products regardless of the method of sale or dispensing, including sales and dispensing by self-help, manual service or coin-operated tobacco device, shall obtain a tobacco dealer's license.

(b) Every person licensed as a tobacco dealer shall register each coin-operated tobacco device placed in any establishment.

(c) The initial license term shall commence on July 1, 1983, and expire at the end of December 31, 1983, with fees at one-half the full rate. Thereafter, the license term shall commence January 1 and expire at the end of December 31 in accordance with the general licensing provisions.

(d) The approving authority shall be the mayor.

§ 110.326. License and registration fees; exemption.

- (a) The tobacco dealer's license fee shall be \$25 annually.
- (b) The coin-operated tobacco device registration fee shall be \$15 per device annually. Effective January 1, 1984, the fee shall be \$25 per device annually.

§ 110.327. Placement or use of unregistered devices.

No manager or operator of an establishment shall allow the placement or use of any coin-operated tobacco device in an establishment unless the device has been registered pursuant to the provisions of this article.

§ 110.328. Decalcomania for registered coinoperated tobacco devices.

- (a) The city clerk shall issue to the operator of any coin-operated tobacco device a decalcomania for each registered device placed on a registration list. This decalcomania shall indicate the device registration number and the year of issue.
- (b) Any licensed operator may upon proof of loss or destruction of a decalcomania and payment of a replacement fee of \$5 to the city clerk, obtain a new decalcomania. The city clerk shall note the destruction of the original decalcomania.
- (c) The decalcomania shall be displayed on the coin-operated tobacco device or in a prominent place in the establishment in which the device is located.
- (d) The name of owner of any coin-operated tobacco device shall be prominently displayed on the device.

§ 110.329. Sale to minors.

No person shall sell, furnish, or give away tobacco, tobacco products, or tobacco smoking paraphernalia in any form within the city to any person under the age of 18 years except on the written order of parent or guardian of the minor or unless sold in the presence of the parent or guardian.

State law reference(s)--Sale or furnishing of tobacco to minors, 720 ILCS 675/1 et seq.

§ 110.330. Sale of tobacco containing deleterious or poisonous drugs.

No person shall sell, offer, or keep for sale, furnish or give away any tobacco containing opium, morphine, jimson weed, belladonna, strychnia, cocaine or any deleterious or poisonous drugs or any other drugs or substance prohibited by the laws of this state or the United States.

ARTICLE XXXV. VENDORS, ITINERANT MERCHANTS, PEDDLERS, AND SOLICITORS

DIVISION 3. UNION SQUARE MERCHANT EVENT

§ 110.355.01. General provision.

The general licensing provisions shall be expressly incorporated within this division.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.02. License required.

No person shall sponsor a Union Square merchant event without first having obtained a Union Square merchant event license.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.03. License fee.

The Union Square merchant event license shall be \$200.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.04. Authorized sales.

A Union Square merchant event licensee may sell or allow each participating merchant to sell only merchandise as defined in 110.001 of this chapter. Sales of participating merchants shall be considered contracted sales by the licensee.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.05. Application.

(a) In addition to information required in the general licensing provisions of this chapter, the application for a Union Square merchant event licensee shall include:

(1) The name, address and phone number of the applicant and participating merchants in the Union Square merchant event contracted by the licensee applicant.

(2) The date and beginning and ending times of the Union Square merchant event.

(3) A description of all merchandise of the applicant and each participating merchant to be offered for sale at the Union Square merchant event.

(4) A signed statement that the applicant shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Applicant shall furnish and maintain public liability and property damage insurance as will protect applicant, property owners, and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. The insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence and not less than \$50,000 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing, and shall have as additional insured the city, its officers and employees, and shall further provide, that the policy shall not terminate or be cancelled prior to the expiration of the license without 30 days' written notice to the city clerk.

(5) A signed statement that the applicant is registered with the sales tax division of the office of the city comptroller and the tax ID number of the applicant.

(6) If the applicant is a corporation or limited partnership, a copy of certificate of good standing issued by the Illinois Secretary of State.

(b) The application for a Union Square merchant event license shall be submitted at least ten working days prior to the date upon which the Union Square merchant event is to be held.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.06. Issuance of license.

(a) The approving authority shall be the mayor.

(b) Each applicant shall provide the city clerk and shall attach to the application a certificate of insurance as provided in section 110.355.05.

(c) A Union Square merchant event license shall authorize the selling of merchandise one weekend day beginning the first week of May and ending the last week in October.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.07. Hours of operation.

A Union Square merchant event shall take place only between the hours of 8:00 a.m. and 8:00 p.m.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.08. Exemptions.

All other applicable licenses and permits required by this Code must be obtained by a Union Square merchant event license and all participating merchants engaging in merchandise sales during a Union Square merchant event.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

§ 110.355.09. Conflicts.

If more than one applicant has submitted an application for a license under this division, the approving authority shall determine to whom the license shall be issued.

(Ord. No. 353-5-96, § 1(Exh. A), 5-21-96)

## ARTICLE XXXVI. ITINERANT MERCHANTS, PEDDLERS, AND SOLICITORS

### DIVISION 1. ITINERANT MERCHANTS

§ 110.360. Itinerant merchant's license.

(a) No person shall sell or offer for sale any merchandise without first having obtained an

itinerant merchant's license.

(b) Any person licensed as an itinerant merchant shall not be required to obtain the following licenses: Agricultural commodity license or florist's license.

(c) The itinerant merchant's license fees shall be as set forth below:

(1) Merchandise less than \$300

One week \$25

Each additional week 10

(2) Merchandise exceeding \$300 and less than \$1000

One week 50

Each additional week 25

(3) Merchandise exceeding \$1000 and less than \$2000

One week 100

Each additional week 50

(4) Merchandise exceeding \$2000 and less than \$3000

One week 150

Each additional week 50

(5) Merchandise exceeding \$3000 and less than \$4000

One week 200

Each additional week 50

(6) Merchandise exceeding \$4000 and less than \$5000

One week 250

Each additional week 50

(7) Merchandise exceeding \$5000 and less than \$7500

One week 300

Each additional week 50

(8) Merchandise exceeding \$7500 and less than \$10,500

One week 450

Each additional week 50

(9) Merchandise exceeding \$10,000 or more

One week 600

Each additional week 50

(d) The approving authority shall be the mayor.

§ 110.361. Appraisalment of stock.

The city shall retain the right to have the stock or merchandise of any itinerant merchant appraised, either at the time of the filing of the affidavit of the applicant or at any other time. If it shall appear that the affidavit was false or that a larger stock is carried than is stated in the application or affidavit, the city shall have the right to revoke the license and to require payment of license fees based on the appraisalment, or both.

State law reference(s)--Power of municipalities to regulate sales upon the streets, sidewalks, public places, and municipal property, 65 ILCS 5/11-80-20; authority of municipalities to license, tax, regulate, or prohibit itinerant merchants, 65 ILCS 5/11-42-5.

## DIVISION 2. PEDDLERS

### § 110.370. Peddler's license.

- (a) No person shall peddle any merchandise along the streets, highways or public places of the city, without first obtaining a peddler's license.
- (b) Any person licensed as a peddler shall not be required to obtain the following licenses:  
Agricultural commodity license or florist's license.
- (c) The peddler's license fees shall be as follows:
  - (1) For one day\$10
  - (2) For one month25
  - (3) For two months40
  - (4) For one year80
- (d) The approving authority shall be the mayor.

Cross reference(s)--Peddling meat prohibited, § 95.053.

### § 110.371. Limitation.

The license shall entitle the peddler to use any one vehicle in or about his business and for each additional vehicle in and about his business, he shall pay an additional license fee.

### § 110.372. Entering dwellings; annoying persons as constituting nuisances.

It shall constitute a nuisance for any peddler to enter any dwelling without being admitted thereto by some adult occupant thereof, or to insist on showing his items to any person after being told by the person that he does not wish to see or purchase the items, or to in any manner vex, annoy, or harass any person.

State law reference(s)--Power of city to regulate sales on streets, sidewalks, and public places and municipal property, 65 ILCS 5/11-80-20; power of city to license, tax, regulate, or prohibit peddlers, 65 ILCS 5/11-42-5.

## DIVISION 3. SOLICITORS

### § 110.380. Hours.

No person shall solicit at dwellings without the prior written consent of the occupant except between the hours of 9:00 a.m. and 9:00 p.m.

### § 110.381. Identification; failure to leave on request.

- (a) Any person soliciting shall, before entering any dwelling, identify himself to the occupant by name and state what individual, partnership, corporation, group, or association he represents.

(b) No person shall solicit at, or remain on the premises of, any dwelling after having been asked by the occupant thereof to leave the premises.

§110.382. Posted premises and residences.

(a) No person shall solicit on any premises if the premises is posted against solicitation by means of a notice prominently displayed, on which is printed the legend:

"NO SOLICITORS"

(b) A premises shall be deemed to be posted against soliciting if there is exhibited, on or near the main entrance to the premises or on or near the main door a sign at least three inches by four inches in size, which bears the above legend in letters at least 1/3 inch in height.

State law reference(s)--Fraudulent and deceptive practices, 225 ILCS 440/16.

#### ARTICLE XXXIX. DWARF-TOSSING

§ 110.501. Dwarf-tossing in commercial establishments regulated.

(a) Findings. The city council does hereby find that certain activity involving the permitting or promoting of a physical contest known as dwarf-tossing exploits dwarfism for commercial purposes, and in addition thereto, may create an unreasonable but foreseeable risk of injury to participants suffering from dwarfism. Therefore, the city council finds it necessary to take appropriate action to regulate such physical contests involving dwarf-tossing.

(b) Purpose. The purpose of this article is to regulate conduct which encourages competitive exploitation of dwarfism in commercial establishments, where such conduct is not related to any live artistic performance or entertainment which may be protected by the United States and Illinois constitutional provisions guaranteeing freedom of expression.

(c) Definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Commercial establishment. Any building, tent, open area, or premises where, in or on that location, a fee or cost is charged for admission, participation, food, or beverages.

Dwarfism. The disproportionate or proportionate short stature of individuals usually caused by genetic syndrome.

Event. A physical contest as defined in this section.

Person. An individual, firm, partnership, corporation, association, joint stock company, joint venture, or any other legal entity.

Physical contest. Any activity by any participant or participants, whether or not the participant or participants are employees, patrons, guests, visitors, bystanders, or paid independent contractors for the purposes of a contest or display of physical performance engaged in by two or more persons, which involves the throwing, flinging, flipping, heaving, pitching, jerking or attempted throwing, flinging, flipping, heaving, pitching, or jerking of any individual suffering from dwarfism.

Physical contest does not include the following:

- (1) Dancing;
- (2) Singing;
- (3) Playing of musical instruments;
- (4) Individually performed acrobatics; or
- (5) Individually performed acts of strength or skill.

§ 110.502. Special permit.

(a) Any person seeking to conduct or promote any physical contest involving a participant suffering from dwarfism in or upon a commercial establishment shall be required to file an application with the city clerk for a special permit not less than 60 days prior to the physical contest. Each separate date for such an event shall require a separate application for a separate special permit. Any person who does not file such application, or who does not file such application timely, shall be prohibited from permitting, promoting, or conducting the event.

(b) The application for the special permit shall provide the following information:

- (1) The date of the application and name, address, phone number and position or title of the person filing the application.
- (2) The name, address, and description of the type of business of the commercial establishment.
- (3) If the applicant is a partnership, the exact partnership name, the state and date of registration of the partnership, the registered business address, the agent for service of process, a list of the names and addresses of all partners, together with identification of all limited partners, general partners, and managing partners, and the identity, address and phone number of any person employed by or acting on behalf of the partnership for the promotion of or conducting of the event.
- (4) If the applicant is a corporation, the exact corporate name, state, and date of incorporation, registered business office address, registered agent for service of process, a list of the names and addresses of all shareholders, and the identity, address and phone number of the person employed by or acting on behalf of the corporation for the promotion of or for conducting of the event.
- (5) If the applicant is an individual, group of individuals, or any other entity, the names, addresses, and phone numbers of all such persons and the identity, address and phone number of any person employed by or acting on behalf of the person operating the commercial establishment for the promotion of or conducting of the event.
- (6) If the owner of the commercial establishment is different than the applicant, then the person filing the application shall supply the complete information regarding the owner as indicated in subsection (b)(3) through (5) above, together with the application.
- (7) The exact names, addresses, and phone numbers of any and all employees or other persons acting on behalf of the commercial establishment at the time of the scheduled event.
- (8) The date and place of the scheduled event, the exact time when the event is scheduled to commence and terminate, and an accurate description of the nature of the event.
- (9) The name, address, date and place of birth, height, weight, and list of any known physical ailments, disabilities, handicaps, or incapacities of any participant suffering from dwarfism participating in the scheduled event and an accurate description of the role he will play in the event.
- (10) An original of a dated and signed letter or report, from a medical physician duly licensed to

practice medicine in the state, resulting from a thorough examination of the participant suffering from dwarfism conducted within 30 days prior to the filing of the application, which shall state the results of the examination, the medical condition of the participant, a description of any known physical ailments, disabilities, handicaps, or incapacities of the participant, and a statement certifying that the participant is medically able to withstand the event without an unreasonable risk of injury or physical harm.

(11) An original of a certificate of insurance from a reputable liability insurance company naming the City of Springfield, Illinois, as an additional named insured covering the scheduled event and providing limits of liability for the event in an amount not less than \$500,000.

(12) A signed, dated and notarized release and indemnification agreement from each participant wherein the participant shall release and agree to indemnify and hold harmless the City of Springfield, Illinois, its agents, servants, employees, and elected and appointed officials from any and all liability of any kind from injury or physical harm occurring to any participant from or arising out of the event.

(c) No application shall be deemed complete nor shall it be acted upon by the City of Springfield, Illinois until and unless it contains full and complete information and attached letters, reports, certificates of insurance, and releases specified in subsection (b) above, and until and unless the applicant makes payment of an application filing fee and a deposit for medical examinations specified in subsections (d) and (e) below.

(d) An applicant for a special permit to conduct any event specified in this article shall make a nonrefundable payment at the time of the filing of the application of a filing fee of \$100. If the applicant is granted a special permit, the filing fee shall be applied to payment of the special permit fee.

(e) An applicant for a special permit to conduct any event specified herein shall make a deposit at the time of the filing of the application of \$1,000 for each participant to cover the cost for an independent medical examination or examinations of each participant by a medical practitioner or practitioners of the sole choice and selection of the City of Springfield, Illinois prior to its acting upon the application. The applicant shall be refunded any remaining balance of the deposit after payment for the medical examinations. Any participant shall present himself to the medical practitioners selected by the City of Springfield, Illinois at the time and on the date specified by the City of Springfield, Illinois for examination. Failure to do so shall be cause for denial of the application for the special permit.

#### § 110.503. Approving authority.

(a) Any application for a special permit shall be filed with and on the form provided by the city clerk.

(b) The city clerk shall forward all completed application forms to the city license inspector as required by section 110.007.

(c) No special permit shall be granted to any applicant whenever the medical letters or reports filed with the application on behalf of the participant or the medical examination of the participant conducted by the city leads the mayor to conclude that there exists the unreasonable but foreseeable risk of physical harm to a participant.

(d) The mayor shall be responsible for approving or denying any application for a special permit. If the mayor approves the application, he shall immediately forward the approved application to the city clerk who will notify the applicant. The city clerk shall issue the special

permit upon receipt of proof from the applicant that the required fees have been paid to the city treasurer.

(e) The special permit fee shall be \$100.

(f) If, after due consideration, the mayor determines that the application shall be denied, he shall notify the applicant and the city clerk, in writing, that the application has been denied and the reasons therefor.

(g) An applicant whose application for a special permit has been denied by the mayor may appeal the mayor's decision according to the provisions of section 110.007(g) (h), and (i).

§ 110.504. Conduct prohibited.

(a) It shall be unlawful for any person maintaining, owning or operating a commercial establishment as defined in section 110.501 to permit or allow a physical contest as defined herein to be held in or upon the commercial establishment without a special permit.

(b) It shall be unlawful for any person to promote or conduct a physical contest as defined in section 110.501 without first obtaining a special permit.

Cross reference(s)--Penalty, § 110.999.

## ARTICLE XLI. TOUR SERVICE VEHICLES

§ 110.701. License and registration required.

(a) Each tour service vehicle operator shall have a minimum two years' prior experience as a sightseeing tour operator.

(b) No person shall operate a tour service vehicle business for the purpose of transporting persons for hire or as a contractual service without first having obtained a tour service vehicle operator's license from the office of city clerk.

(c) Any person licensed as an operator shall register each tour service vehicle used to conduct the tour service vehicle business.

(d) The approving authority shall be the mayor.

(e) In approving the application, the mayor shall take into consideration the number of tour service vehicles already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.702. License and registration fees.

(a) The tour service vehicle operator's license fee shall be \$100 annually.

(b) The tour service vehicle registration fee shall be \$50 per tour service vehicle annually.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.703. Decalcomania for vehicles.

(a) The city clerk shall issue to each licensed tour service vehicle operator a decalcomania for each registered tour service vehicle. This decalcomania shall indicate the tour service vehicle registration number and the year of issue.

(b) The decalcomania shall be securely fastened to the registered tour service vehicle in a manner as to be readily discernible.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

#### § 110.704. Application for operator's license.

In addition to information required in the general licensing provisions, the application for a tour service vehicle operator's license shall contain the following:

(1) Statement of prior experience as a tour service vehicle operator.

(b) The number of vehicles to be operated pursuant to the tour service vehicle operator's license.

(c) The type, seating capacity, manufacturer and photograph of each vehicle.

(d) A route and operations schedule which shall contain the following:

(1) A map of the proposed routes on which the vehicles will operate.

(2) The location of the proposed site or sites to be used for off-street storage for vehicles.

(3) The location of proposed curbside areas to be designated as stands for regular pickup and discharge of passengers.

(e) An insurance policy issued by a company currently authorized to do business in the State of Illinois, insuring the applicant against liability. This policy shall give a description of each tour service vehicle, the manufacturer's name and model number and the registration number. The public liability insurance policy may cover one or more tour service vehicles, but each tour service vehicle shall be insured for at least \$50,000 for property damage and \$100,000 for injuries to or death of any one person, and each tour service vehicle shall be insured for the sum of at least \$300,000 for injures to or death of more than one person in any one accident.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

#### § 110.705. Office and telephone service.

No person shall be issued or allowed to retain a tour service vehicle operators license unless the person shall be listed in the Springfield, Illinois telephone directory under the business name of the operator, or presentation of documentation showing such listing has been applied for.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

#### § 110.706. Vehicles.

No tour service vehicle shall be operated unless it complies with all requirements of the Illinois vehicle code and is equipped with an approved fire extinguisher and first aid kit.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

#### § 110.707. Valid Illinois driver's license required.

No person shall drive a tour service vehicle carrying persons for hire or by contract, unless such person is the holder of a valid Illinois motor vehicle driver's license for the class of vehicle to be operated.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.708. Application for driver's license.

In addition to information required in the general licensing provision, an application for a tour service vehicle driver's license shall include the following:

- (1) The applicant's license number from his/her valid Illinois Motor Vehicle Driver's License.
- (b) Written evidence that the applicant has experience in driving the type of vehicle or successful completion of a course in such driving and shall upon request by the approving authority, demonstrate the ability to drive such a vehicle.
- (c) A verification by the applicant that he/she has good eyesight and is not subject to any infirmity of body or mind which might render him/her unfit for the safe operation of a vehicle.
- (d) Age, height, weight, color of eyes, color of hair.
- (e) Name and address of previous employer, and name of immediate supervisor/tour service vehicle owner-operator.
- (f) All addresses for the previous three years.
- (g) Any prior felony convictions.
- (h) Any prior licenses as a driver or a chauffeur and whether any licenses have ever been revoked, and if so, the reasons therefor.
- (i) Whether the applicant has been convicted of a moving violation within the five years prior to applying and, if so, the details thereof.
- (j) Whether the applicant has ever been convicted of driving while intoxicated and if so, the details thereof.
- (k) A photograph of the applicant taken at the police department which shall be 2 1/4 by 3 1/2 inches in size and made in triplicate.
- (l) The annual tour service vehicle driver's license fee shall be \$10, plus a one-time non-refundable \$5 fee to cover expenses in connection with the investigation to verify the application, a total of \$15.
- (m) The approving authority shall be the mayor.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.709. Issuance and display of driver's license.

- (a) On certification of the qualifications of the applicant and the payment of the license fee, the tour service vehicle driver's license shall be issued in a form so as to contain the year from which the license is valid, the photograph, name of the driver, the number of the license and the name of the tour service vehicle company.
- (b) The chief of police shall deliver to each driver a plastic-coated identification card. The identification card shall display a photograph in color and driver's license number. The identification card, under penalty of revocation of license, shall be constantly and conspicuously displayed on the outside of the driver's coat or outer garment while he/she is engaged in his/her

employment. No driver shall loan or permit the use of this card by any other person. On termination of employment, the driver must return his/her identification card to the police department.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.710. Denial of application, revocation of license, hearing.

In addition to the procedures for hearings on a denial or revocation as set forth in the general provisions of this chapter, the following shall apply:

(a) Application for a tour service vehicle driver's or operator's license shall be denied if, after due consideration, the approving authority determines that the provisions of this Code have not been satisfied. The approving authority shall notify the applicant and the city clerk in writing, that the application has not been approved and the reasons therefor.

(b) Within ten (10) days from service of the approving authority's notice of denial, the tour service vehicle driver applicant may request, in writing, to the approving authority, a hearing before the city council, at which time the applicant may explain why the application should be approved.

(c) If a tour service vehicle driver is twice convicted of reckless or drunken driving or is convicted of a felony, while holding said license, said license shall be revoked.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.711. Fares posted in public view.

(a) A schedule of fares shall be affixed to the tour service vehicle in a prominent location so as to advise all customers of the charges for services rendered.

(b) It shall be the duty of the tour service vehicle driver to inform any person hiring the tour service vehicle of all charges before any service is rendered.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.712. Operation of vehicles.

(a) Tour service vehicle drivers or operators shall not solicit patronage in a loud tone of voice or in any manner to annoy or obstruct the peace or movement of persons, or follow any person for the purpose of soliciting patronage.

(b) Tour service vehicle drivers or operators are prohibited from smoking while carrying passengers.

(c) Tour service vehicle drivers or operators shall not allow the occupancy of the vehicle to exceed the rated seating capacity.

(d) Tour service vehicle drivers or operators shall not stop, stand or park at any location, other than those designated by the traffic engineer of the City of Springfield, for the purpose of picking up or discharging passengers; however, nothing shall prohibit a person from requesting said traffic engineer to consider certain locations as tour service vehicle parking stands.

(e) Tour service vehicles, when in motion, shall be operated only in the curb-most traffic lane on

any public street.

(f) The driver or operator of any tour service vehicle shall not make left turns off of two-way streets consisting of four or more lanes.

(g) Tour service vehicle drivers shall comply with all provisions of the State of Illinois Motor Vehicle Code, as well as all applicable local traffic laws, ordinances and regulations.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.713. Passengers.

(a) No passenger shall be allowed to ride on any part of the vehicle while in motion, except while seated inside the vehicle.

(b) Passengers shall not be allowed to drink alcoholic beverages, be intoxicated or demonstrate disorderly conduct.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

§ 110.714. Routes and schedules.

(a) Tour service vehicles shall operate only upon designated routes and schedules approved by the traffic engineer of the City of Springfield.

(b) A special designated route different from paragraph (a) above may be granted by the traffic engineer of the City of Springfield, provided that such request is received in writing not less than five days prior to the use of the special designated route.

(c) The schedule of operations shall not include the hours of 7:00 a.m. to 9:00 a.m., or 4:30 p.m. to 6:00 p.m., except on Saturdays, Sundays and state holidays, unless such schedule is approved in writing by the traffic engineer.

(Ord. No. 728-10-95, § 1(Exh. A), 10-3-95)

## ARTICLE XLII. CHILDREN'S HOSPITAL LICENSE

§ 110.801. License required

No person shall establish, open, conduct, operate or maintain a children's hospital without first obtaining a license from the City of Springfield, Illinois.

(Ord. No. 365-7-98, § 2, 7-21-98)

§ 110.802 Definitions

Children's hospital. A hospital devoted exclusively to caring for children or any facility within a hospital devoted exclusively to caring for children.

Hospital. A health-care facility as defined in Section 3(A) of the Illinois Hospital Licensing Act (210 ILCS 85/3).

(Ord. No. 365-7-98, § 2, 7-21-98)

#### § 110.803 Regulations

Any children's hospital licensed under this chapter shall substantially comply with all applicable standards and regulations of the Illinois Department of Public Health as provided in the Illinois Hospital Licensing Act and the Illinois Department of Public Aid as provided in 305 ILCS 5/5-5.02 including Title 89, Ch 1, Sec. 148.120 and Sec.148.295 of the Illinois Administrative Code, which are hereby adopted and incorporated herein as the applicable standards and regulations of the City of Springfield, Illinois.

(Ord. No. 365-7-98, § 2, 7-21-98)

#### § 110.804 Application for License

Application for issuance or renewal of a City of Springfield children's hospital license shall be made to the City of Springfield in the same manner as provided in the Illinois Hospital Licensing Act for issuance and renewal of a hospital license by the Illinois Department of Public Health and shall specifically identify any facility within a hospital devoted exclusively to caring for children for which licensing is sought pursuant to this chapter. Said license if issued shall run for a term of one year to run coterminous with the Illinois Department of Public Health's license, or in the case of facilities within a hospital devoted exclusively to caring for children, to run coterminous with the Illinois Department of Public Health's license for the hospital.

(Ord. No. 365-7-98, § 2, 7-21-98)

#### § 110.805 License fee

The fee for issuance or renewal of a children's hospital license shall be \$100.00.

(Ord. No. 365-7-98, § 2, 7-21-98)

#### § 110.806 Denial, Suspension or Revocation of License

- a. The licensee shall be subject to the general provisions of section 110.013 pertaining to revocation and suspension of a license.
- b. In addition to section 110.013, denial, suspension or revocation of a hospital license by the Illinois Department of Public Health shall be grounds for denial, suspension or revocation of a children's hospital license by the approving authority.
- c. The children's hospital shall immediately report to the approving authority any notice by the Illinois Department of Public Health of substantial failure to comply with applicable standards, rules or regulations.

## ARTICLE L. PENALTY

§ 110.999. Penalty for violation of chapter.

- (a) Any person who is convicted of violation of this chapter shall be fined not less than \$100 nor more than \$500 plus costs. Each day that such violation continues shall be considered a separate offense.
- (b) The penalties contained in this section shall not prevent or be in lieu of any other lawful remedies which may be necessary to secure compliance with this Code.