CHAPTER 32
BUSINESS REGULATIONS

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32.01 BUSINESS REGISTRATION

A. PURPOSE: Because each business establishment located in the Village is a basic part of and affects the physical and economic well being of the Village, such business establishments shall in all respects be in full compliance with the provisions contained herein. This Section 32.01 is designed to keep a current listing of businesses operating in the Village, aid the Police Department in its responsibilities and ensure zoning compliance.

B. RULES: It shall be unlawful for any person to engage in any businesses or business activities in the Village without first having registered with the Village.

C. PROCEDURE AND DURATION: All businesses with buildings, premises or operating from a residence, in the Village, shall register with the Village, no later than April 1 of each year or at such time as the business desires to commence operation in the Village. Registration forms shall be made available by the Village.

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

D. ANNUAL REGISTRATION FEE: Unless a different fee is provided or required elsewhere within the provisions of this Section 32.01 or any other ordinance of the Village, or the business holds a valid Building Contractor License in accordance with Chapter 38 of this code, or the business is part of the general operations of another taxing district such as a school, a fire protection district or a sanitary district, the annual registration fee to be paid by persons engaged in any business, trade, occupation or calling within the Village shall be $10.00 per annum. The annual registration fee for businesses that hold a valid Building Contractor License or that are part of the general operations of another taxing district shall be waived. All fees and charges shall be paid at the time a business registration application is filed with the Village.
The annual registration fee shall be due and payable no later than April 1 of each year. Issued business registrations shall expire on the 30th day of April of the following year. It shall be the responsibility of the registrant to provide a new and updated registration form at the annual renewal date. A renewed business registration will not be issued by the Village until an updated registration form is completed and all the required information is provided.

E. NON-TRANSFERABLE: No registration issued under this Section 32.01 may be transferred or assigned to any other person. Any attempt by a registrant to transfer or assign such registration shall be nullified.

F. DUTIES OF REGISTRANT: It shall be unlawful for any person registered to engage in any business or occupation on premises abutting a public way or for any person using any part of a public way for or in connection with his or her business or occupation to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way so used. It shall also be the duty of the registrant to remove the snow and ice from the sidewalk in front of his or her premises.

G. POSTING REGISTRATION CERTIFICATE: It shall be the duty of any person conducting a registered business in the Village to keep his or her registration posted in a prominent place on the premises used for such business at all times.

H. REPLACEMENT OF REGISTRATION: Whenever a registration needs to be replaced due to loss, theft or vandalism during the fiscal year, a replacement registration must be purchased. The registrant must pay a $2.00 replacement fee.

I. PENALTY: Any business or person violating Section 32.01 shall be fined not less than $50.00 nor more than $500.00 for each violation. For the purposes of this section, each 24 hour period a violation exists shall be considered a separate violation.

32.02 VENDING MACHINES

A. LICENSE REQUIRED: It shall be unlawful for any person to own, use, possess or place or permit to be used or placed on the premises owned or controlled by him any nicotine vending machine anywhere in the Village without having first obtained a license from the Village to do so.

B. APPLICATION: Application for such licenses shall be made in writing to the Village. Such applications shall contain the name of the applicant, address at which such sales are to be made and the number of vending machines and shall be filed with the Village together with the license fee herein after required.
C. ANNUAL FEE: The annual fee for a license as herein required for any machine dispensing nicotine shall be $50.00.

The annual fee shall be due and payable no later than April 30 of each year. Issued licenses shall expire on the 30th day of April of the following year.

D. REPLACEMENT OF LICENSE: Whenever a licensed vending machine is replaced during the fiscal year a replacement license must be purchased. The licensee will pay a $2.00 transfer fee.

E. LICENSE PLACEMENT: Any license issued to a vending machine should be prominently displayed on the machine.

F. VENDING MACHINE PLACEMENT: Tobacco products, electronic cigarettes, alternative nicotine products and liquid nicotine may be sold through a vending machine only when such tobacco products, electronic cigarettes, alternative nicotine products or liquid nicotine are not sold along with non-tobacco, non-electronic cigarette or non-liquid nicotine component products in the vending machine and only in the following locations:

1. Places to which persons under 18 years of age are not permitted access.

2. Places where the vending machine is under the direct supervision (which means that the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products, electronic cigarettes, alternative nicotine products or liquid nicotine from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of nicotine products by that person.

3. Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

G. It shall be unlawful for any person under the age of 21 years to purchase tobacco products at any coin operated nicotine vending machine licensed in this chapter.

H. PENALTY: Any person, firm or corporation violating this Section 32.02 shall be fined not less than $50.00 nor more than $500.00 for each violation. For the purposes of this section, each 24 hour period a violation exists shall be considered a separate
violation.

32.03 INDUSTRIAL REVENUE BONDS

A. APPLICATION: Application for industrial or commercial revenue bonds shall be made to the Village Administrator. The application shall be accompanied with a $500.00 non-refundable fee and such supporting financial documents and information as may be necessary to make a complete and thorough analysis of the applicant. Information required of the applicant includes:

1. Name of the firm that will purchase the bond (if available).


3. The last five annual reports of the applicant including the most recent year completed. The most current report must be certified by a C.P.A. firm.

4. An updated interim financial status report of the current fiscal year not yet completed.

B. The applicant shall pay the Village for any and all professional fees, Board of Trustees salaries and any and all other Village expenses directly or indirectly incurred by, or charged to, the Village in connection with the subject matter of the bond application. The applicant will immediately deposit with the Administrator the sum of $3,500.00 to be used by the Village toward defraying all such expenses and fees. At any time that payments from said deposit by the Village have reduced the balance therein to less than $1,500.00, the applicant shall, immediately upon request from the Administrator, deposit such additional sum as will restore the aforesaid deposit balance to the sum originally deposited. Within 90 days after the closing of the sale of said bond, any unobligated balance remaining in said fund shall be repaid to the Applicant or his or her assigns.

The aforesaid language of this Section 32.05-B shall be inserted verbatim into the applicant's Memorandum of Intent or other preliminary Memorandum of Agreement, however it may be denominated.

C. Before the Village considers issuance of industrial or commercial revenue bonds, the President and Board of Trustees may require the following statements:

1. A written statement from the Village Attorney that he or she has reviewed, or will review, all documents pertinent to the application and bond
issue. The Village Attorney shall state the basis for any fee he or she will charge for his or her services payable by the applicant, as aforesaid.

2. A written recommendation from the Village Auditor based on their study of the information supplied and from other available sources, that the applicant appears to be financially sound. The Village Auditor shall also state the amount of any fee they will charge for their services payable by the applicant as aforesaid, and to be included as a part of the estimate of the cost of the bond issue.

D. The applicant rather than the Village will find one or more purchasers for said bond and will arrange for the acquisition, construction and equipping of the project.

E. Prior to the issuance and delivery of any such industrial or commercial development revenue bonds there shall have been entered by and between the Applicant/Borrower and the Village appropriate financing agreements upon terms which are mutually satisfactory to both the Village and Applicant/Borrower and which will comply with the provisions of the Act and provide for the payment by the Applicant/Borrower of amounts which will be sufficient in the aggregate to enable the Village to pay when due the principal of, premium, if any, and interest on such bonds.

F. The industrial or commercial revenue bonds to be issued by the Village shall never constitute an indebtedness of the Village or a loan of the credit thereof within the meaning of any constitutional or statutory provision, and such fact shall be plainly stated on the face of each of said bonds. No holder or owner of any of said bonds shall ever have the right to compel any exercise of the taxing power of the Village to pay said bonds or the interest thereon. The principal of, premium, if any, and interest on such industrial or commercial development revenue bonds to be issued to finance the cost of the project may be secured by a pledge directly to the holders and owners of said bonds, of the income and revenues derived by the Village from the Project pursuant to the aforesaid financing agreements and may be further secured by a security interest in the project or other assets of the applicant.

G. If for any reason whatever, the aforesaid bonds are not issued, sold or delivered, as contemplated herein, there shall be no liability on the part of the Village or any of its officers, agents or employees for such non-issuance, non-delivery or non-acquisition.

H. The making of an application hereunder shall be taken to constitute an absolute and irrevocable undertaking on the part
of such applicant, his or her successors and assigns to at all times indemnify the Village, its officers, agents and employees against any and all claims, suits, actions, debts, damages, costs, charges and expenses, including court costs and attorneys fees, and against all liability, losses and damages of any nature whatsoever, that they or any of them, shall or may at any time sustain or be put to by reason of any act done in connection with said application and by reason of the execution by the Village of any and all of such bonds, obligations, or any continuation, extension, alteration or renewal thereof, and any new bond or obligation.

Further, the Applicant, his or her successors and assigns, shall defend against any claims brought or actions filed against the Village with respect to the subject of the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed. In case a claim should be brought or an action filed with respect to the subject of indemnity herein, the Village, at its option, may employ attorneys of its own selection to appear and defend the claim or action on behalf of the Village at the expense of the applicant, his or her successors and assigns.

The applicant shall also reimburse the Village for any expenses, attorneys' fees or costs incurred in the enforcement of any part of this indemnity agreement.

32.04 MASSAGE ESTABLISHMENTS

A. Definitions: Terms used in this Section are defined in Appendix A or otherwise in accordance with Section 1.02 of the Code.

B. Massage Establishment License Required: No person shall conduct, operate, maintain, or permit to be conducted, operated or maintained, or participate in the conduct, operation, or maintenance of, a massage establishment within the Village unless the Village has issued a license for such massage establishment as provided for in this Section. Such valid and current license shall be displayed in a conspicuous place within the massage establishment at all times. The annual license fee shall be due and payable no later than April 30 of each year. Issued Massage Establishment licenses shall expire on the 30th day of April of the following year, and shall be valid only for the address specified in the application for license.

C. License Fee: The annual license fee for each massage establishment shall be $250.

D. Application Requirements: Any person desiring to operate a massage establishment shall make application for a license to the Village Administrator, or designee, on a form
supplied by the Village. The application shall include, but not be limited to, the following items:

1. The name of the person(s) who will serve as the licensee under whose management or supervision the massage establishment will be operated;

2. Copies of a valid license or licenses issued by the Illinois Department of Professional Regulation pursuant to the Massage Licensing Act (225 ILCS 57/1 et seq.) (“Act”), for each massage therapist who will provide massage services at the massage establishment;

3. The applicant and each massage therapist shall supply a photo ID and social security number and will be fingerprinted by the Police Department. In connection with the applicant or any employee, written authorization for the Chief of Police to conduct a criminal background investigation;

4. A description of the proposed massage establishment, including the number of massage therapists, other activities or business conducted at the same location, the physical facilities to be used, and a scaled drawing showing all ingress and egress locations and windows, and a floor layout diagram of the premises. If any construction, demolition, or alteration work is to be done, a building permit shall be obtained through the Village;

5. In the event the property is leased, a copy of the lease shall be submitted with the application that contains the name, address, and phone number of the property owner; and

6. Such other information as the Village may request.

E. Investigation Before License Issuance:

1. In addition to the investigation required in Section 32.05-D, the Chief of Police (or designee) shall have the right and opportunity to conduct a criminal background check, and any other background check or screening of the applicant, licensee or any employee or massage therapist at any time before or subsequent to a license being issued. Payment of all costs associated with any investigation or criminal background check
pursuant to this Section shall be paid by the applicant.

2. Any information concerning criminal convictions or findings of guilt obtained by the Village shall be confidential and may not be transmitted outside the Village, except as required herein, and may not be transmitted to anyone within the Village except as needed for the purpose of evaluating the applicant, an employee, or other person investigated pursuant to this Section.

F. Issuance of License: If the Village Administrator determines that the applicant and premises are in compliance with the applicable laws of the Village and the State, the Village Administrator, or designee, shall issue the license.

G. Grounds for Denial or Denial of Renewal of License: When the investigation reveals any of the following circumstances, the Village Administrator or designee shall promptly notify the applicant or license holder that the application is disapproved and that no license shall issue or be renewed. Circumstances include, but are not limited to:

1. Location of the business does not comply with the Village Zoning Ordinance or any other Village ordinance.

2. Building or premises does not comply with Chapter 24, Building Code, of this Code.

3. Applicant/licensee or the premises do not comply with all local health, fire, and safety regulations.

4. Applicant/licensee has failed to comply with any applicable provision of this Code.

5. Applicant/licensee has failed to comply with any applicable State law or administrative regulation, or when the applicant/licensee has failed to obtain a necessary license from the State.

6. Applicant/licensee fails to provide or maintain current licensing records.

7. Applicant/licensee refuses to allow authorized Village personnel to enter the business premises at any reasonable hour for the purpose of making a pre-license investigation.
8. Applicant/licensee operated a massage business or activity in the past or currently operates such a business or activity, and failed to obtain a license or failed to pay the licensing fee. This requirement, however, will be waived if the applicant/licensee first pays all past due license fees, in addition to any penalties assessed pursuant to this Chapter.

9. Applicant/licensee or any massage therapist/employee/agent has previously been convicted of a felony or any other crime of moral turpitude, or when the applicant/licensee has unsuccessfully defended a criminal civil proceeding wherein the applicant/licensee was charged with fraud, misrepresentation, or unscrupulous business practices. However, where the conviction or unsuccessful defense occurred more than four years prior to the date of application and the Village Administrator or designee determines that the issuance of such license will not endanger the safety or welfare of the general public, the Village Administrator shall not disapprove the application solely on these grounds.

10. Applicant/licensee or any massage therapist/employee/agent has been convicted (including a sentence of supervision or conditional discharge) of the following offenses:

   a. Any offense involving sexual misconduct with children or sex offenses as defined in 720 ILCS 5/11-6 et seq., as amended; or

   b. A felony based upon conduct or involvement in such business or activity or related or similar business or activity, within the past 10 years; or

   c. A felony unrelated to conduct or involvement in such business or activity or related to similar business or activity, but which felony involved the use of a deadly weapon, violations of the Cannabis Control Act (721 ILCS 550/1 et seq.) or the Controlled Substance Act (720 ILCS 570/100 et seq.) or violence against another person, including rape, within the past five years; or
d. A misdemeanor or licensing ordinance violation, based upon conduct or involvement in such business or activity or related or similar business or activity, within the past two years; or

e. An offense in any other state, or a federal offense, the elements of which are similar and bear a substantial relationship to any offenses enumerated in this Section.

11. Applicant/licensee’s license issued under this Section has been revoked for cause or any massage therapist worked for an establishment that had its license issued under this Section or a similar license issued by another unit of government revoked for cause.

12. Applicant/licensee/massage therapist establishment license has been denied in the past 24 months under this Section or similar license application from another local unit of government.

13. Licensee, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.

14. Applicant under the age of 18 years of age.

15. Grounds exist for revocation as provided in Section 32.05-0.

16. In addition to the provisions stated hereinabove, no massage establishment license shall be issued or renewed under the following circumstances:

   a. To a partnership, if any general partner thereof, or any limited partner owning more than 20 percent of the aggregate limited partner interest in such partnership, would not be eligible to receive a license hereunder.

   b. To a corporation, if any officer or director, or any stockholder or stockholders owning in aggregate more than 20 percent of the stock of such corporation, would not be eligible to receive a license hereunder.
c. To a corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.), as amended, to transact business in Illinois.

d. To any applicant whose place of business is conducted by a manager unless the manager possesses the same qualifications required by the licensee.

e. To any applicant who is not a beneficial owner of the business to be operated by the licensee.

17. Applicant/licensee is not a United States citizen or has status as a permanent resident alien or a valid work permit.

18. Any information requested on the application form is not provided.

H. Compliance Inspections: Upon issuance of a massage establishment license, the licensee shall provide any representative of the Village with a reasonable opportunity to inspect the premises for which the license is requested and to interview the licensee’s agents and employees for the purpose of determining that the provisions of this Section and other applicable ordinances and State and federal laws are being complied with. It shall be unlawful for any person to fail to allow any representative of the Village access to the premises of the massage establishment or to hinder such access in any manner. Refusal by the licensee to allow the Village representative access to the establishment shall be grounds for revoking the massage establishment license.

I. Employment of Licensed Massage Therapists: No massage therapist may be employed in a massage establishment who does not hold a current, valid license issued by the Illinois Department of Professional Regulation, as required by the Act, which license may not have been suspended, revoked, or temporarily suspended under that act. Each massage establishment shall maintain a current listing of all licensed massage therapists who perform massage services at the massage establishment, along with proof of their valid and current Illinois license, and must allow inspection of such records at any reasonable time upon the request of any representative of the Village.
J. Operating Requirements:

1. Every portion of the massage establishment, including any and all appliances, apparatus, or other mechanical and therapeutic devices, shall be kept clean and operated under sanitary conditions.

2. Price rates for all massage services shall be prominently posted in the reception area of the massage establishment in a location available to all prospective customers.

3. All employees and massage therapists shall wear clean, nontransparent outer garments fully covering the sexual and genital areas, and any written or visual depiction of an employee or massage therapist associated, director or indirectly, with the establishment or massage services shall not show, state, or insinuate that the employee or massage therapist is dressed in less than nontransparent outer garments fully covering the sexual and genital areas or that employee or massage therapist engages in escort services or any sexual act or performance for compensation.

4. All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner. All towels and linens furnished for use of one patron shall not be furnished for use of another patron until laundered.

5. The sexual or genital areas of clients must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee or massage therapist.

6. All walls, ceilings, floors, pools, showers, baths, and steam rooms and any other physical facilities shall be kept in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the massage establishment is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. Flooring shall consist of non-porous material and walls and ceilings shall consist of smooth, cleanable surfaces in areas subject to moisture in compliance with applicable health and plumbing regulations.
7. Oils, creams, lotions, and other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

8. The facility shall be accessible for persons with disabilities and not contain a full kitchen or sleeping quarters. The serving of meals shall be prohibited.

9. Store front windows shall not be opaque and the waiting area shall be visible from the exterior. Any signage or displays shall comply with the Village Zoning Ordinance.

10. At all times that the establishment is open to the public exterior doors shall remain unlocked.

11. At all times the establishment is open to the public an Illinois licensed massage therapist shall be on the premises.

12. A copy of a valid massage therapist license issued by the Illinois Department of Professional Regulation pursuant to the Act for each massage therapist shall be displayed in a conspicuous place within the establishment at all times.

13. Each massage therapist shall wash their hands in running water using a proper soap or disinfectant before administering any massage to any customer or client.

14. It shall be unlawful for any employee or massage therapist in the massage establishment to place their hand upon, to touch with any part of a client’s body, or fondle in any manner, or massage a sexual or genital area of any person or to cause a person to touch, massage, or fondle the sexual or genital or gluteal area of the employee or massage therapist of the establishment.

15. No massage therapist, employee, or licensee shall perform, offer, or agree to perform any act which shall require the touching of a client’s sexual or genital area.

16. No massage therapist shall administer a massage to a client exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician duly licensed by the State
shall certify in writing that such person may be safely massaged and shall describe the conditions under which such massage may be performed.

17. Table showers are prohibited, as well as in-shower massages.

18. No client shall be permitted to record or transmit still or moving images in any area of the massage establishment, including, without limitation, still or video cameras, video recorders, camera phones, or any similar device except a law enforcement officer using such device pursuant to a valid court order authorizing such use.

19. It shall be unlawful for any person, corporation, firm, or association licensed under this Section to provide massage therapy services between the hours of 10 p.m. and 8 a.m. Only employees engaged in the actual conduct of cleaning or closing the business shall be allowed in the premises during closed hours. The licensee shall not dispatch massage therapists to work off premises on behalf of the massage establishment at any time except when the licensee has received prior written approval from the Village Administrator.

K. Cleanliness of Premises: Every massage establishment shall comply with the following minimum requirements:

1. All massage tables, lavatories, and floors shall have surfaces which may be readily disinfected.

2. Toilet facilities shall be provided within the massage establishment. Separate men’s and women’s toilet rooms shall be provided by applicable plumbing code. A lavatory capable of providing both hot and cold running water shall be installed in each toilet room and shall be supplied with soap and a dispenser with sanitary towels.

3. Closed cabinets shall be provided for use in the storage of clean linens, towels, and other materials used in administering massage services. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the clean storage areas.

4. Sections 32.05-K-2 and 3 shall not apply to a massage establishment where all massages are
administered to patrons who are fully clothed and where there is no application of oils, creams, lotions, or other liquids to the body of any client.

L. Advertising Restrictions: No massage establishment shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Section, or engaged in illegal services and/or escort services and/or which would suggest that employees or massage therapists are dressed in any manner other than that permitted by this Section. Any licensed establishment is expected to actively monitor advertising for its establishment and its employees or any other information pertaining to be within its operations. A violation of this paragraph shall be presumed to be with the knowledge of the licensee, without further proof of actual or constructive knowledge, if the advertising persists for seven days after the Village identifies a potential violation of this section.

M. Employment of Minors: It shall be unlawful for any massage establishment to employ any person who is not at least 18 years of age.

N. License Exemptions: The licensing requirements of this Section shall not be applicable to:

1. Hospitals, nursing homes, sanitariums, or any facility at which a health care worker duly licensed by the State provides, on an ongoing basis, professional health services to individuals, including the offices of an occupational therapist licensed under the Occupational Therapy Practice Act (225 ILCS 75/1, et seq.); a physical therapist licensed under the Physical Therapy Act (225 ILCS 90/1, et seq.), a physician or chiropractic physician licensed under the Medical Practice Act (225 ILCS 60/1, et seq.), and a naprapath licensed under the Naprapathic Practice Act (225, ILCS 63/1 et seq.).

2. Any barber, cosmetologist, or nail technician lawfully carrying on their respective business to the extent authorized under a valid unrevoked license or certificate or registration issued by the State. Provided, this exemption is only intended to permit normal and customary barber, cosmetologist, or nail technician services which involve incidental physical contact, such as scalp rubs and facials, which otherwise qualify as massage activities. This exemption is not intended
to include, and does not permit, general massage activities as part of any barber, cosmetologist, or nail technician business beyond that authorized by the State license or certification.

3. Any State registered athletic trainer who administers such athletic-related massage in the normal course of training duties.

4. Where massage services are actually performed at the patron’s premises, including the patron’s place of business or residence, a Village license shall not be required for such patron’s premises. However, a State massage therapist’s license shall be required for the massage therapist performing massage activities in such patron’s premises.

5. Bona fide health/sport establishments which allow persons of all ages on the premises and meeting the following criteria:

a. The primary purpose of the establishment is health and fitness; massage service is subsidiary;

b. No more than 20 percent of the establishment revenue is derived from massage; and

c. Massage facilities shall not occupy more than 10 percent of the establishment.

O. License Revocation or Suspension: Revocation or suspension of a license may be in addition to any fine or penalty which may be imposed. The Village Administrator or designee shall have the power to revoke or suspend any license for cause. Cause shall exist in any of the following situations where:

1. The licensee has either intentionally or carelessly misrepresented any material fact on the license application upon which the Village relied on in issuing such license.

2. The licensee fails to continuously comply with all conditions required as precedent to the approval of the license.

3. After the granting of any license, the licensee shall have violated any applicable regulation or provision of any Village ordinance or this Code.
4. The licensee refuses to allow authorized Village personnel to enter the licensed premises at any reasonable hour.

5. After investigation and upon the recommendation of the appropriate Village official, the licensee is conducting such licensed activity in such a manner as to constitute a breach of peace, or a menace to health, safety, or welfare of the public, or a disturbance of the peace or comfort of residents of the Village.

6. The activity licensed is conducted in violation of any applicable State statute or administrative regulation, or where the licensee has failed to obtain or retain a necessary State license.

7. After the granting of any license, the licensee is convicted of a felony or has unsuccessfully defended in a criminal or civil proceeding wherein the licensee was charged with fraud, misrepresentation, or unscrupulous business conduct.

8. Any required bond or insurance has expired or been cancelled.

9. When the licensed business or activity is protected by the First Amendment of the Constitution of the United States, the revocation or suspension of a license shall be reviewed by the President pursuant to Section 32.05-P.

P. Appeal:

1. Any applicant or licensee who receives a notice of denial, revocation, or suspension may file an appeal with the President as provided herein. Such appeal shall be filed in writing no later than 11 business days following receipt of the notice, and shall include a response to the Village Administrator’s notice. Such response shall include a brief statement addressing the substantive deficiencies cited in the Village Administrator’s notice and shall set forth the basis for why the license should not be denied, revoked, or suspended. If an appeal is filed of an order of the Village Administrator suspending or revoking a license, such suspension or revocation shall be stayed pending final order of the President as provided in this Section.
2. The President shall schedule an informal hearing not later than 11 business days following receipt of such appeal. The purpose of the hearing will be to offer the applicant or licensee an opportunity to show cause why the application should not be denied, or why the license should not be suspended or revoked. A record shall be made of the informal hearing and documents may be submitted and/or testimony given, either in person or through sworn affidavit. This record may be made by electronic recording. The President shall have the power to administer oaths and to continue the hearing from time to time to permit the applicant or licensee to provide additional information. The President may designate a hearing officer to schedule, convene and conduct the hearing. In such case, the hearing officer shall have the same powers as the President to administer oaths and continue the hearing from time to time to permit the applicant or licensee to provide additional information. Where such designation has been made, the hearing officer shall submit proposed findings of fact and recommendations to the President within 21 days of the close of the hearing.

3. Within 21 days after the close of the hearing set forth herein, the President shall make written findings of fact and issue an appropriate order. Within five business days a copy of such order shall be served upon the applicant or licensee. If the President determines that the license should be revoked or suspended, the suspension or revocation shall take effect immediately receipt unless otherwise specified.

4. The decision of the President provided herein shall be the final administrative action of the Village with respect to the license or application, and shall be subject to the immediate appeal by the licensee or applicant to the 22nd Judicial Circuit Court. Such appeal to the circuit court shall be filed not later than 35 days following receipt of the President’s findings and order. Failure to file such appeal as provided herein shall render the President’s decision final.

Q. Unless otherwise noted in this Subsection 32.05-Q, the provisions of this Section shall be effective and enforceable upon publication. Any Massage Establishment already registered with the Village as an operating business as of the date of Village Board approval shall have until June 30, 2016 to come
into compliance with all provisions of this Section.

R. Violation – Penalty: In addition to the provisions set forth in Subsection 32.05-0 for the revocation and suspension of licenses, any person who violates any provision of this Section shall, upon conviction thereof, be punished by a fine of $500-$2,000 plus legal costs. Each day that a violation is found to have existed shall be deemed a separate violation.

Recodified 07/26/01
Amended 09/10/09
Amended 03/11/10
Amended 06/28/12
Amended 07/12/12
Amended 03/13/14
Amended 04/23/15
Amended 06/22/17
Amended 04/26/18
Amended 06/28/18
Amended 03/15/19
Amended 04/25/19