

CHAPTER 8 – BUSINESS CODE

Article I – General Regulations

8-1-1 Regulations Applying to all Licenses and Permits – Applications. Applications for all licenses and permits required by ordinance shall be made in writing to the County Clerk in the absence of provisions to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the city officials in the issuing of the permit or license applied for.

8-1-2 Person Subject to License. Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the County.

8-1-3 Forms. Forms for all licenses and permits, and applications therefor, shall be prepared and kept in file by the County Clerk.

8-1-4 Signatures. Each license or permit issued shall bear the signatures of the County Board Chairman and the County Clerk in the absence of any provision to the contrary.

8-1-5 Investigations. Upon the receipt of an application for a license or permit where ordinances of the County necessitate an inspection or investigation before the issuance of such permit or license, the County Clerk shall refer such application to the proper officer for making such investigation within forty-eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. All other investigations except where otherwise provided, shall be made by the Sheriff or by some other officer designated by the County Board Chairman.

8-1-6 Fees. In the absence of provision to the contrary all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the County Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year the license fee shall be prorated. Except as otherwise provided, all license fees shall become a part of the general fund.

8-1-7 Termination of Licenses. All annual licenses shall terminate on the last day of the fiscal year of the county where they are issued, where no provision to the contrary is made.

The County Clerk shall mail to all licensees of the County a statement of the time of expiration of the license held by the licensee, if an annual, three (3) weeks prior to the date of such expiration. Provided, that a failure to send out such notice, or the failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

8-1-8 Building and Premises. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the County. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of any ordinance of the County.

8-1-9 Change of Location. The location of any licensed business or occupation, or of any permitted act, may be changed, provided, ten (10) days notice thereof is given to the County Clerk, in the absence of any provision to the contrary; provided, that the building, zoning, and frontage consent requirements of the ordinances are complied with.

8-1-10 Nuisances. No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

8-1-11 Inspections. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the county who is authorized or directed to make such inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the county requesting the same sufficient samples of such material or commodity for such analysis upon request.

In addition to any other penalty which may be provided, the County Board Chairman may revoke the license of any licensed proprietor of any licensed business in the County who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making

such inspection. Provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the County, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

8-1-12 Revocation. Any license or permit for a limited time may be revoked by the County Board Chairman at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

8-1-13 Posting License. It shall be the duty of any person conducting a licensed business in the county to keep his license posted in a prominent place on the premises used for such business at all times.

8-1-14 Vehicle Tag. Whenever the number of vehicles used is the basis of a license fee, the County Clerk shall furnish each licensee with a tag or sticker for each vehicle covered by the license, and such tag or sticker shall be posted in a conspicuous place on each vehicle while it is in used.

8-1-15 Jurisdiction. The provisions of this Chapter shall apply only to the territory outside of incorporated municipalities unless the County has authorization by law to do so.

Article II – Solicitors

8-2-1 Definitions. Whenever the following terms are used in this Article, they shall have the meanings ascribed to them in this section.

(A) “Soliciting” shall mean and include any one or more of the following activities: Seeking to obtain orders, leads, referrals, or applications for the purchase of goods, contracts, policies, wares, merchandise, foodstuffs, services of any kind, character or description whatever; for any kind of consideration whatever or seeking to obtain subscriptions to books, photo or record clubs, magazines, pamphlets, periodicals, newspapers, or any other type of kind product, publication, or printed material; or seeking to obtain information of a survey nature of any type.

Residents under sixteen (16) years of age, are specifically exempted from Section 8-2-10 but are required to conform to Section 8-2-9 herein and to fulfill the same requirements of pre-authorized letter as listed in the preceding paragraph.

(B) “Residence” shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(C) “Registered Solicitor” shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

8-2-2 County Policy. It is hereby declared to be the policy of the County Board that the occupant (s) of the residences within these County Limits, shall make the determination of whether solicitors shall be or shall not be invited into the respective residential property.

8-2-3 Certificate of Registration. Every person desiring to engage in soliciting as herein defined from persons in residences within this municipality is hereby required to make written application for a certificate of registration as hereinafter provided. Such certificate shall be carried by the solicitor.

8-2-4 Application for Certificate of Registration. Application for a certificate of registration shall be made upon a form provided by the municipality. The applicant shall truthfully state in full the information requested on the application, to wit:

(A) Name and address of present place of residence and length of residence at such address; also business address if other than present address;

(B) Address of place of residence during the past three years if other than present address;

(C) Age of applicant;

- (D) Physical description of the applicant;
- (E) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (F) Name and address of employer during the past three years if other than the present employer;
- (G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (H) Period of time for which the certificate is applied;
- (I) The date, or approximate date, of the latest previous application for certificate under this ordinance, if any;
- (J) Has a certificate of registration issued to the applicant under this ordinance ever been revoked?
- (K) Has the applicant ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the United States?
- (L) Names of magazines, journals or books;
- (M) Names of the three most recent communities where the applicant has solicited house to house;
- (N) Proposed method of operation;
- (O) Signature of applicant;
- (P) Social security number of applicant;
- (Q) The last three (3) cities, villages, and/or counties where the applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the sheriff's office of the county in connection with the application for the certificate.

The county clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this ordinance, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been

convicted of a violation of any of the provisions of this ordinance; nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

8-2-5 Revocation of Certificate. Any certificate of registration issued hereunder shall be revoked by the sheriff if the holder of the certificate is convicted of a violation of any of the provisions of this ordinance, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this ordinance. Immediately upon such revocation, written notice thereof shall be given by the sheriff to the holder of the certificate in person or by certified United States mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the certificate of registration shall become null and void.

The certificate of registration shall state the expiration date thereof.

8-2-6 Notice Regulating Soliciting. Every person desiring to secure the protection provided by the regulations pertaining to soliciting contained in this ordinance, shall comply with the following directions, to wit:

Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

A weatherproof card, approximately three (3) inches by four (4) inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“Only Solicitors Registered in Jefferson County Invited,”

Or

“No Solicitors Invited.”

The letters shall be at least one-third (1/3) inch in height. For the purpose of uniformity the cards shall be provided by the sheriff to persons requesting, at the cost thereof.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

8-2-7 Duty of Solicitors. It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a residence as herein defined is located, to first examine the notice provided for in this ordinance, if any is attached, and be governed by the statement contained on any notice. If the notice states “Only Solicitors Registered in Jefferson County Invited,” then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises, and if the notice states, “No Solicitors Invited,” then the solicitor, whether registered or not, shall immediately and

peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

8-2-8 Uninvited Soliciting Prohibited. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of section 8-2-7 of this ordinance.

8-2-9 Time Limit on Soliciting. It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this ordinance or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to nine o'clock in the morning (9:00 a.m.) or after five o'clock in the evening (5:00 p.m.) of any weekday, or at any time on a Sunday or on a state or national holiday.

8-2-10 Fee. Each approved registered solicitor shall pay to the County Clerk a daily fee of ten (10) dollars, or an annual fee of twenty-five (25) dollars; the fee is not transferable or refundable. This fee shall not be prorated.

8-2-11 Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred (500) dollars for each offense.

Article III – Street Vendors

8-3-1 Permit; Fee. It shall be unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street in the county, without first securing a permit and paying the fee therefor. The permit fee shall be ten (10) dollars per day or twenty-five (25) dollars per year, for each vehicle used in street vending.

8-3-2 Regulations. The following rules and regulations shall be complied with by each person using a vehicle for street vending:

(A) It shall be unlawful for any street vendor to sell or attempt to sell any commodity:

1. By means of any outcry, sound, speaker or amplifier, or any instrument, or device which can be heard for a distance greater than three hundred feet, or when passing a hospital, or a church or other place of worship during the hours when services are being held.

2. Within five hundred (500) feet of any school during the school year.

(B) It shall be unlawful for any such vendor to use, play or employ the use of, any sound, outcry, amplifier, loud speaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.

(C) The use by any such vendor of any outcry, sound, amplifier, loud speaker, radio, phonograph with a loud speaker or amplifier or any instrument or device which emits a loud sound shall be prohibited before the hours of nine o'clock in the morning (9:00 a.m.) on weekdays and ten o'clock in the morning (10:00 a.m.) on Sundays, or after seven o'clock in the evening (7:00 p.m.) on any day.

(D) It shall be unlawful for any such vendor to:

1. Exceed a speed of twelve (12) miles an hour when cruising neighborhoods seeking sales or when attempting to make a sale;

2. Make more than two (2) stops in any one (1) block to make any sale;

3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;

4. Double park, or park in any manner contrary to any ordinance relating to parking when attempting a sale or when making a sale;

5. Make a U-turn on any block;

6. Drive his vehicle backwards to make or attempt any sale;

7. Sell to any person who is standing in the street;

8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;

9. Remain standing or stopped at any place for a period of time exceeding five (5)

minutes; Sell or attempt to sell along any particular route more than one time during a twenty-four (24) hour period.

8-3-3 Not Applicable. All persons soliciting inside the corporate limits of a county subject to the provisions of that county are exempt from the provisions of this Article.

Article IV – Peddlers

8-4-1 License Required. It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

8-4-2 Definitions.

“Peddler” shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the street, highways, or any public place of the county or from house to house, 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 item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

8-4-3 Application. The person desiring a license may obtain the same by making application with the County Clerk and providing the following information:

- (1) Name and physical description of applicant
- (2) Permanent home and address and local address if operating from such an address.
- (3) A brief description of the business and of the goods to be sold.
- (4) Name and address of the employer, if any.
- (5) The length of time for which the right to do business is desired.
- (6) Evidence that the agent is acting on behalf of the corporation he represents.
- (7) Statement of the applicant’s criminal record, other than a traffic record.
- (8) The last three (3) cities, villages, and/or counties where the applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities.

8-4-4 Investigation of Applicants. Upon receipt of each application, the County Clerk shall provide the Sheriff a copy of same who shall investigate the business character of the applicant and submit a report to the County Clerk within ten (10) days of receipt.

8-4-5 Fees. The fee for a license issued under this Chapter shall be a daily license of ten (10) dollars and an annual license fee of twenty-five (25) dollars per person, the fee being personable, not transferable, and not refundable.

8-4-6 Hours. It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Code or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as herein defined, prior to nine o'clock in the morning (9:00 a.m.) or after five o'clock in the evening (5:00 p.m.) of any weekday, or at any time on a Sunday or on a State or National holiday.

8-4-7 Fraud. Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in the County or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in the application for a license shall be fined as provided in Section 1-1-20.

8-4-8 Exemption. All peddlers or hawkers operating only within the corporate limits of a municipality are hereby exempt from the provisions of this Article.

8-4-9 Produce Farmers. Illinois produce farmers are hereby excluded from the license fee provisions of this Chapter and may operate from a fixed location from dawn to dusk from May 1, to November 1.

Article V – Junk Dealers

8-5-1 Definitions. The term “junk” as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old roll, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than one (1) gross, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one (1) or more of the materials or articles herein mentioned.

The term “junk dealer” as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as “junk”.

The term “junkyard” as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in his possession for sale, barter, or exchange, any of the things in and by this section defined as “junk”. (415 ILCS 95/2)

8-5-2 Physical Requirements. The minimum physical requirements at all times for each junk yard shall be as follows:

(A) The premises where the junk yard is located shall not have more than two (2) entrances thereto and two (2) exits therefrom, each of which shall not exceed fifteen (15) feet in width at the perimeter of the premises.

(B) The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of seven (7) feet measured from ground level, excepting for the entrances and exits permitted by Section 8-6-2 (A) above.

(C) The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting one (1) sign of the licensee thereon not exceeding one hundred (100) square feet in size.

(D) The public streets and alleys adjacent to the junk yard shall not have junk thereon.

8-5-3 License Required. It shall be unlawful for any person, firm, partnership, or corporation to keep, maintain, conduct or operate a junk yard within the corporate limits of the County, without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

8-5-4 Application. Before any license under the provisions of this section is issued, any person, firm, partnership or corporation desiring to operate a junk yard in this municipality shall first make a verified application in writing to the Municipal Clerk, in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of seven (7) feet, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm or partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

8-5-5 Disqualification. Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A) Not a person of good character.
- (B) Falsification of an application for a license hereunder.
- (C) License for a junk yard theretofore issued to the applicant has been revoked during the preceding twenty-four (24) months.
- (D) Failure to meet any one (1) of the minimum physical requirements for a junk yard as specified in Section 8-6-2 hereof.

8-5-6 License. Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting, and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of thirty (30) days; that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license, expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this section and all amendments thereto.

8-5-7 License Fee. The annual license fee for each junk yard shall be one hundred (100) dollars, payable in advance with the filing of the application for license, and shall not be

subject to prorate reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only one (1) annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the municipality, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within this municipality, the annual fee shall be one hundred (100) dollars for each junk dealer. The fee is payable as provided in Sections 8-1-5 and 8-1-6.

8-5-8 Minors. No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

Article VI – Regulations for Massage Establishments and Massage Services

8-6-1 Definitions. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

(A) Massage: Any method or pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohols, liniments, antiseptic oils, powder, crèmes, lotions, ointments, or other similar preparations commonly used in this practice.

(B) Massage Establishment: Any establishment having its place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged or carried on, any of the activities mentioned in subparagraph (A) hereof.

(C) Massage Services: The providing of massage or massages by any person, firm, association, or corporation.

(D) Masseur or Masseuse: Any person who, for any consideration whatsoever, engages in the practice of massage as above defined.

(E) Employee: Any and all persons other than masseurs or masseuses who render any service for the licensee and who receives compensation directly from the licensee but has no physical contact with customers and clients.

(F) Person: Any individual, co-partnership, firm, association, joint stock company, corporation, or any combination of individuals of whatever form or character.

(G) Permittee: The operator of a massage establishment.

(H) Sexual or Genital Area: The sexual or genital area of any person shall include the genitals, pubic areas, buttocks, anus, or perineum of any person, or the vulva or breasts of a female. (04/08/02)

8-6-2 Permit Required. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted, or carried on, upon any premises in the County of Jefferson, the operation of a massage establishment as herein defined without first having obtained a permit from the County Clerk, after the approval of the County Board Chairman.

8-6-3 Application and Fee. Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate, under oath, with the County Clerk upon a form provided by the County Clerk, and pay a non-refundable filing fee of one hundred (100) dollars to the County Treasurer, who shall issue a receipt which shall be attached to the application filed with the County Clerk. The County Clerk shall, within five (5) days thereafter, refer copies of such application and all additional information to the Sheriff

and the County Board Chairman. The Sheriff shall within thirty (30) days inspect the premises proposed to be operated as a massage establishment, and make recommendations of the Sheriff, the County Board Chairman (with this article). Upon receipt of the recommendations of the Sheriff, and the County Board Chairman shall notify the applicant as to whether his application has been granted, denied, or held for further investigation.

The period of such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. The County Board Chairman shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied or held for further investigation, the County Board Chairman shall advise the applicant in writing of the reasons for such refusal.

The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application, or the refusal or failure of applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of applicant to submit to or cooperate with any inspection required by this Article shall be grounds for denial of the application.

8-6-4 Application for Permit for Massage Establishment. The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered and the proposed place and facilities therefore.

In addition thereto, any applicant for a permit, and each partner or limited partner of an applicant, if a partnership applicant, and each officer and director of a corporate applicant and any stockholder of a corporate applicant holding more than ten (10) percent of the stock of the corporate applicant, shall furnish the following information:

- (A) Name and residential address for the past three (3) years.
- (B) Social Security Number.
- (C) Written evidence that the applicant is at least eighteen (18) years of age.
- (D) Business, occupation, or employment of the applicant for three (3) years immediately preceding the date application.
- (E) The previous experience of each individual in massage or similar business.
- (F) Whether the individual has had any license or permit denied, revoked, or suspended in the County of Jefferson or any other state, county or city for massage establishment, the reason therefore, and the business activity or occupation of the individual subsequent to such suspension, revocation, or denial.
- (G) Whether the applicant has any conviction, forfeiture of bond, or plea of a nolo contendere upon any criminal violation, city ordinance violation or county ordinance violation (except minor traffic violations). In the event any answer is in the affirmative, then the applicant shall state the place and court in which such conviction, plea, or forfeiture was had, the specific charge, and the sentence imposed as a result thereof.

(H) If the applicant is a corporation, or a partner of any partnership is a corporation, then the name of the corporation shall be set forth exactly as shown in the Articles of Incorporation, together with the state of incorporation, and proof of authority to do business in the State of Illinois. (04/08/02)

8-6-5 Issuance of a Permit. Upon receipt of the recommendations of the Sheriff and with the information contained in the application, together with all additional information provided therein, the County Board Chairman shall direct the issuance of a permit by the County Clerk to the applicant to maintain, operate, or conduct a massage establishment, unless the County Board Chairman shall find:

(A) That the operation of the massage establishment as proposed by the applicant, if permitted would not comply with the applicable laws of the State of Illinois and the County of Jefferson, including but not limited to the building, health, planning, housing, fire prevention, and zoning codes of the County of Jefferson.

(B) That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of:

1. a felony or
2. an offense involving sexual misconduct with children, or
3. any provision of Chapter 720, Act 5, Section 11-14 et seq. of the Illinois

Compiled Statutes.

4. That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Article.

The permit provided herein shall terminate April 30 next, following issuance of the permit, unless sooner suspended or revoked. Such permit may be renewed annually for the term of May 1 to April 30 upon payment of a one hundred (100) dollars renewal fee and submission of a renewal application. The renewal application shall include an update of all the information in the original application. (04/08/02)

8-6-6 Appeal. Any applicant who is denied a permit by the County Clerk may appeal that decision by requesting a hearing before the County Board Chairman and the Land, Tax and Appointments Committee within ten (10) days from the date of the County Clerk's decision. The decision of the Chairman and the Land, Tax and Appointments Committee will be the final decision on the part of the County concerning said matter. (04/08/02)

8-6-7 Revocation or Suspension of License. Any permit issued for a massage establishment may be revoked or suspended by the County Board Chairman after a hearing, for a good cause. The County Board Chairman shall give to the permittee at least ten (10) days written notice of the charges and an opportunity for a public hearing before the County Board

Chairman, at which time the permittee may present evidence bearing upon the questions. Cause for revocation or suspension shall include the violation of the provisions of this Article or of any criminal statute of the State of Illinois by the applicant, or by any employee of the licensee or any masseuse or masseur employed by the licensee; provided that the violation of this Article or any criminal law of the State of Illinois shall not be a cause for revocation or suspension unless the licensee shall have had actual or constructive knowledge of such violations in the exercise of due diligence.

It shall also be cause for revocation or suspension that the applicant has made a false statement on any application for permit under this Article, or in the event that the licensee shall refuse to permit any authorized police officer or the County Board Chairman inspect the premises or the operations thereof at reasonable times.

8-6-8 Permit for Masseur or Masseuse. Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed with the County Clerk upon the form provided by him, and shall pay a non-refundable filing fee of twenty-five (25) dollars for the original application and ten (10) dollars for each renewal application to the County Treasurer, who shall issue a receipt which shall be attached to the application filed with the County Clerk.

8-6-9 Application for Masseur or Masseuse. The application for a permit for a masseur or a masseuse shall contain the following:

- (A) Name and residential address for the past three (3) years.
- (B) Social Security Number.
- (C) Written evidence that the applicant is at least eighteen (18) years of age.
- (D) Business, occupation, or employment of the applicant for three (3) years immediately preceding the date of application.
- (E) Written evidence that the applicant has a degree or certificate in massage therapy or substantially similar discipline from an accredited learning institution.
- (F) Whether the applicant has any conviction, forfeiture of bond, or plea of a nolo contendere upon any criminal violation, city ordinance violation or county ordinance violation (except minor traffic violations). In the event any answer is in the affirmative, then the applicant shall state the place and court in which such conviction, plea, or forfeiture was had, the specific charge, and the sentence imposed as a result thereof.
- (G) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases. The applicant shall then present a certificate with the results of each such examination signed by a physician licensed in the State of Illinois stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others through the practice of massage. Each applicant shall undergo the physical examination provided herein and present

to the County Clerk the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

There shall be excepted from the provisions of this Section 8-7-9 any person who shall be registered as a physical therapist by the State of Illinois under the provisions of Chapter 225, Act 90, Section 1 et seq. of the Illinois Compiled Statutes, which person shall not also be required to obtain a permit as masseur or masseuse.

8-6-10 Issuance of Permit for Masseur or Masseuse. The County Board Chairman shall direct the issuance by the County Clerk of a permit for masseur or masseuse within twenty-one (21) days following the application and the providing of all information required by this ordinance, unless the County Board Chairman finds that the applicant for a permit has been convicted of a felony, an offense involving sexual misconduct with children, or any violation of Chapter 720, Act 5, Section 11-14 et seq. of the Illinois Compiled Statutes, or unless he finds that the applicant has failed to provide all the information and certificates required by this Article.

Each permit for a masseur or masseuse, pursuant to this Article, shall terminate on April 30 following its issuance, unless sooner suspended or revoked. The permit may be renewed for a one-year term commencing May 1 and ending April 30 thereafter upon payment of the ten (10) dollar renewal fee and submission of a renewal application. The renewal application shall include an update of all the information in the original application.

8-6-11 Revocation of Permit for Masseur or Masseuse. A permit for masseur or masseuse may be revoked or suspended where it appears that the masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this Article. The County Board Chairman shall give the permit holder a written notice specifying the grounds for suspension or revocation. The permit holder may, within ten (10) days from the date of such revocation or suspension, file a written request for public hearing, which hearing shall be held within ten (10) days after the filing of the request for same, and at which time the permit holder may present evidence bearing upon the question. The County Board Chairman shall then issue a written order as to whether the permit shall be revoked or suspended within five (5) days after the date of hearing.

8-6-12 Necessary Facilities. No massage establishments shall receive a permit or be operated, established, or maintained, unless the establishment shall comply with each of the following minimum regulations:

- (A) All massage tables, bath tubs, shower stalls, bath areas and floors shall have

surfaces which may be readily disinfected.

(B) Separate bathing, dressing, locker, toilet, and massage room facilities shall be provided if female and male patrons are to be served simultaneously.

(C) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(D) Toilet facilities shall be provided in convenient locations. When five or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories or wash basins shall be provided with both hot and cold running water and shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap and a dispenser and with sanitary towels.

(E) Closed cabinets shall be provided for use in the storage of clean linens, towels, and other materials shall be kept in properly covered containers or cabinets which shall be kept separate from the clean storage areas.

8-6-13 Operating Requirements.

(A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated under sanitary conditions.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(C) All employees, including masseurs and masseuses, shall wear clean, non-transparent outer garments covering the sexual and genital areas, and such outer garments shall be restricted in use to the massage establishment.

(D) A separate dressing room for each sex must be available on the premises, with individual lockers for each employee, masseuse and masseur.

(E) Doors to the dressing rooms shall open inward and shall be self-closing.

(F) All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(G) The sexual or genital areas of patrons must be covered with towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.

(H) It shall be unlawful for any person in a massage establishment to place his or her hand upon, or to touch with any part of his or her body, or to fondle in any manner, or to massage, a sexual or genital area of any person.

(I) No masseur or masseuse, employee or licensee, shall perform, offer, or agree to perform any act which shall require the touching of the patron's genital area.

(J) All walls, ceilings, floors, pools, showers, baths and steam rooms and any other physical facilities shall be in good repair and maintained in a clean and sanitary condition.

(K) Oils, crèmes, lotions, and other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(L) No masseur or masseuse shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician duly licensed by the State of Illinois shall certify in writing that such person may be safely massaged, describing the conditions under which such massage may be performed.

(M) Each masseur or masseuse shall wash his or her hands in hot running water, using the proper soap or disinfectant before administering any massage to any patron.

(N) No owner or manager of a massage establishment shall authorize or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Illinois, or the Articles of Jefferson County, Illinois, including such laws prescribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance. Any conviction of the manager or of any employee of a massage establishment of a violation of the aforementioned laws or ordinances shall be grounds for revocation of the permit of said establishment as herein provided.

(O) No person shall sell, give, dispense, provide or keep or cause to be sold, given dispensed, provided or kept any alcoholic beverage on the premises of any massage establishment.

(P) No animals, with the exception of seeing-eye dogs, shall be permitted in the massage work areas.

(Q) No person under age eighteen (18) shall be permitted to come onto or to remain upon the premises of any massage establishment in any capacity, including that of masseur, masseuse, employee, or patron, unless such person is on the premises in order to conduct lawful business.

(R) No masseur, masseuse, or other employee or attendant in any massage establishment shall apply or administer any massage or other treatment to any person in a room the door of which is capable of being locked.

(S) No person shall render any service to the public upon the premises of a massage establishment, except during the time that the establishment is open with free access thereto by the public.

(T) No person shall conduct or operate a massage establishment between the hours of ten o'clock in the evening (10:00 p.m.) and six o'clock in the morning (6:00 a.m.) of the following day.

(U) If massages are administered or applied by any permittee hereunder or by any employee, operator or attendant while working for such permittee, at a location other than the premises or regular place of business of said permittee, a copy of the massage establishment permit, where applicable, as well as a copy of the masseur's or masseuse's permit, shall be available for immediate inspection.

8-6-14 Advertising. No massage establishment holding a license under this Article shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available other than those services permitted by this Article, or which would reasonable suggest that employees, masseurs, or masseuses are dressed in any manner other than that permitted by this Article.

8-6-15 Inspection. The County Board Chairman and the Sheriff shall, from time to time, and at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this Article for the purpose of determining that the provisions of this Article are complied with. Such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such inspection officer in any manner.

8-6-16 Employment. It shall be unlawful for any owner, operator, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age.

8-6-17 Transfer of Permits. No permits for the operation of a massage establishment shall be transferable except with the written consent of the Administrative Official; provided, however, that upon the death or incapacity of the licensee, the massage establishment may continue in business for a reasonable period of time to permit an orderly transfer of the license to the personal representative of the licensee or to transferee of the license.

8-6-18 Display of Permit. Each licensee shall display a valid current permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the establishment.

8-6-19 Exceptions as to Permit. No permit shall be required for hospitals, nursing homes, sanitarium, or persons holding an unrevoked certificate to practice medicine under the laws of the State of Illinois, or to persons working under the personal direction of any such persons or in any such establishments, nor shall this Article apply to barbers or cosmetologists lawfully carrying out their profession and holding a valid unrevoked license or certificate of registration issued by the State of Illinois.

8-6-20 Violation and Penalty. Each person who shall violate the provisions of this Article shall, upon conviction thereof, be subject to the penalty provisions of Section 1-1-19 and the separate offense shall be deemed to have been committed upon each day that a violation shall continue.

8-6-21 Records. A person operating a massage establishment shall maintain a current file of all persons employed by him. This file shall contain true names and aliases used by each employee, age, birth date, height, weight, color of hair and eyes, home address, telephone numbers, Social Security number, and the date of employment and termination thereof. Such persons shall make all records immediately available upon demand by any law enforcement officers. Every person who operates a massage business or practices or provides a massage shall at all times, keep an appointment book in which the name of each and every patron shall be entered together with the date, time and place of service, as well as the precise nature of the service provided. Such appointment book shall be available at all times for inspection by the Sheriff or by his authorized representative.

8-6-22 – 8-6-30 Reserved.

8-6-31 Maintaining Public Nuisance. Any building used as a massage establishment in violation of this Article with the intentional, knowing, reckless or negligent permission of the owner thereof or the agent of the owner managing the building, together with all fixtures and other property used in violation of this Article is hereby declared a nuisance.

8-6-32 Severability. If any section, subsection, subdivision, paragraph, or part of this Article is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article.

Article VII – Amusements

8-7-1 Amusements, Assemblies, License Required. No person shall engage in, participate in, aid, form, or organize any assembly or group of people or conduct any musical program or festivals, anywhere in the County outside an incorporated municipality, unless a permit has been obtained from the County Board Chairman and unless such permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to student's work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; nor to any governmental agency within the scope of its functions.

8-7-2 Application. The application for a permit shall be filed with the County Board Chairman, not less than thirty (30) days nor more than one hundred (100) days before the date on which it is proposed to conduct such activity. Such application shall be sworn to and shall state:

- (A) The name of the person or organization wishing to conduct such activity;
- (B) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
- (C) The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;
- (D) The name, address and telephone number of the person or organization to whom the permit is desired to be issued;
- (E) The date when such activity is to be conducted;
- (F) The park or the portion of the County thereof for which such permit is desired;
- (G) An estimate of the anticipated attendance; and
- (H) The hour when such activity will start and terminate.

8-7-3 Approvals Required. The County Board Chairman may require the Highway Superintendent and Sheriff to file reports concerning the possible cost and impact of such a festival or musical event upon the roads and highways of the County. The County Board Chairman may require the applicant to file additional reports from local, state and federal agencies.

If it is necessary, the County Board Chairman may hold a public hearing to allow the public to appear and petition the approval and disapproval of the application.

8-7-4 Issuance of Permit. The County Board Chairman may grant and issue such permit if:

- (A) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (C) The facilities desired have not been reserved for other use at the day and hour required in the application;
- (D) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (E) The conduct of such activity will not require the diversion of so great a number of police officers of the County to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the County;
- (F) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct; and
- (G) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.
- (H) Each permit shall state the following:
 - (1) Date of such activity;
 - (2) Park or portion thereof to be used; and
 - (3) The hour when such activity will start and terminate.

The County Board Chairman shall act upon the application for a permit within thirty (30) days after the filing of the same.

8-7-5 Revocation of Permit. In the event the applicant for a permit misrepresents the facts necessary for the issuance of the permit, or if the activity endangers the health, welfare and safety of the County residents, the permit shall be revoked immediately by the Sheriff.