

CHAPTER 22**BUSINESS REGULATIONS****DIVISION 1 - LICENSES AND PERMITS**

SEC. 22.1-1 APPLICATION. Applications for all licenses and permits required by this Chapter shall be made in writing to the City Manager 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 Town officials in issuing the permit or license applied for. (Revised 4/7/72)

SEC. 22.1-2 PERSON SUBJECT TO LICENSE. Whenever in this Code a license is required for the maintenance, operation or conducting 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 Town.

SEC. 22.1-3 LICENSE YEAR. The license year for the Town shall begin on the first day of January and end on the last day of December of each year, unless such specific license designates a different period.

SEC. 22.1-4 FORMS. Forms for all licenses and permits and applications therefor shall be prepared and kept on file by the City Manager. (Revised 4/17/72)

SEC. 22.1-5 SIGNATURES. Each license or permit issued shall bear the signatures of the President of the Town Council and the City Manager in the absence of any provision to the contrary. (Revised 4/17/72)

SEC. 22.1-6 INVESTIGATIONS. Upon receipt of an application for a license or permit, where the ordinances of the Town necessitate an inspection or investigation before the issuance of such a permit or license, the City Manager shall refer such application to the proper officer for making such investigation within 48 hours of this 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 10 days after receiving the application or a copy thereof. The Health Inspector shall make, or cause to be made, an inspection in regard to such licenses in the connection of the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health; the Building Commissioner shall make, or cause to be made, any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the City Manager. (Revised 4/17/72)

SEC. 22.1-7 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 City Manager. 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 pro-rated by quarters and the fee paid for each quarter, or fraction thereof, during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the corporate fund. (Revised 4/17/72)

SEC. 22.1-8 TERMINATION OF LICENSES. All annual licenses shall terminate on the last day of December, where no provision to the contrary is made.

The City Manager shall mail all licensees of the Town a statement of the time of expiration of the license held by the licensee, if annual, three weeks prior to the date of such expiration. Provided, that a failure to send out such notice, or the failure of the licensee to receive it shall not excuse the licensee from 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. (Revised 4/17/72)

SEC. 22.1-9 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 Town. 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 the zoning ordinance of the Town.

SEC. 22.1-10 CHANGE OF LOCATION. The location of any licensed business or occupation, or of any permitted act, may be changed, provided 10 days notice thereof is given to the City Manager, in the absence of any provision to the contrary; provided that the building and zoning requirements of the ordinances are complied with. (Revised 4/17/72)

SEC. 22.1-11 NUISANCES. No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

SEC. 22.1-12 INSPECTIONS. Whenever inspections of a 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 Town who is authorized or directed to make such inspection at any reasonable time that admission is required.

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 any authorized officer or employee of the Town 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 President of the Town Council may revoke the license of any licensed proprietor of any licensed business in the Town who refuses to permit any such officer or employee who is authorized to make such inspection or take such samples 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 Town, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

SEC. 22.1-13 REVOCATION. Any license or permit for a limited time may be revoked by the President of the Town Council or Board of Trustees at any time during the life of such license or permit for any violation by the licensee or permittee of the chapter provisions relating to the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

SEC. 22.1-14 POSTING LICENSE. It shall be the duty of any person conducting a licensed business in the Town to keep his license posted in a prominent place on the premises used for such business at all times.

SEC. 22.1-15 VEHICLE TAG. Whenever the number of vehicles used is the basis of a license fee, the City Manager, or his delegated assistant, 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 such vehicle while it is in use. (Amended 4/17/72)

SEC. 22.1-16 PENALTY. Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$5.00 nor more than \$200.00 for each offense. Each day that any such violation or failure continues shall be considered as a separate and distinct offense and shall be punishable as such. (Amended 6/3/02 by Ord. No. 4797)

DIVISION 2 - JUNK DEALERS

SEC. 22.2-1 LICENSE REQUIRED. It shall be unlawful to operate or carry on the business of junk dealer, or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, empty bottles, old automobiles, or other items of any nature, without first having secured a license therefor.

SEC. 22.2-2 APPLICATION. Application for such license shall be made in conformance with the provisions of this chapter relating to licenses.

SEC. 22.2-3 FEE. The fee for such license shall be \$50.00 for an annual license and \$5.00 for a daily license.

SEC. 22.2-4 STOLEN GOODS. Every keeper of a junk shop who shall receive or be in possession of any books, articles or things of value which may have been lost or stolen shall, upon demand, produce such article or thing to any member of the Police Department for examination.

SEC. 22.2-5 VEHICLES. Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof. No junk or miscellaneous rubbish of any sort shall be transported over any of the streets or alleys within the Town, except in vehicles so constructed as to prevent the dropping or falling of any part of the contents therefrom during transportation.

SEC. 22.2-6 LOCATION OF JUNK YARDS. No junk yard shall be located on any premises unless all the provisions of the zoning ordinance and other applicable ordinances are complied with.

DIVISION 3 - TRANSIENT MERCHANTS/ ITINERANT VENDORS

SEC. 22.3-1 DEFINITION. As used in this Division, the following words shall have the meanings respectively ascribed to them in this section:

- A. **Transient Merchant** - Any person engaged temporarily in the retail sale, lease, or rental of goods, wares, or merchandise within the Town of Normal, and who for the purpose of conducting such business, displays such goods, wares, or merchandise to the public outside a building on property in which such person holds a temporary interest. (Amended 9/5/89)
- B. **Temporary Interest or Temporary Sale, Lease, Or Rental** - For purposes of this definition, it shall be prima facie evidence that a person is engaged temporarily in the retail sale, lease, or rental of goods or holds a temporary interest in property if the person does not own or lease or otherwise have the right to use for a term of at least six (6) months the property from which business is conducted. (Amended 9/5/89)
- C. **Person** - Any individual, corporation, partnership, trust, firm association, or other entity.
- D. **Building** - A building is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the ground.
- E. **Itinerant Vendor** - Any person who transports tangible, personal property for retail sale, lease, or rental within the Town of Normal who does not maintain in the Town of Normal an established office, distribution house, saleshouse, warehouse, service center or residence from which such business is conducted and such person does not meet the definition of transient merchant. (Amended 9/5/89)

SEC. 22.3-2 PROHIBITION. No person either as principal or agent shall conduct business as a transient merchant within the Town of Normal without first obtaining a license pursuant to the requirements of this Division. No person either as principal or agent shall conduct business as an itinerant vendor within the Town of Normal without meeting the requirements of SEC. 22.3-9.

SEC. 22.3-3 APPLICATION. Any person desiring a transient merchant license shall file an application with the Town Police Chief or his designee. Such application shall contain the following information: (a) Name and permanent residence address of applicant; (b) Date of birth of applicant; (c) Social Security number of applicant; (d) Name and permanent residence address of person or entity employing applicant; (e) Location at which applicant intends to do business; (f) Nature of business applicant intends to conduct; (g) Copy of applicant's Certificate of Registration under State of Illinois Retailer's Occupation Tax Act; (h) Copy of applicant's Certificate of Registration (or application) under the Town of Normal Purchase Tax Ordinance; (i) Copy of applicant's Certificate of Registration (or application) under Town of Normal Business Registration; (j) A complete inventory of goods the applicant intends to offer for sale, lease or rental; (k) A list of all licenses to conduct business as a transient merchant obtained by the applicant in this state in the twelve (12) months preceding the date of the filing of the application; (l) A surety

bond or cash deposit shall accompany the application equal to fifty-percent (50%) of the wholesale value of the merchandise the applicant intends to offer for sale, lease, or rental, however the amount of the bond or deposit shall not be less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00); (m) A non-refundable filing fee of one hundred dollars (\$100.00) shall accompany the application; (n) An affirmation that the information contained in the application is true and correct. (Amended 9/5/89)

SEC. 22.3-4 LICENSE. The Police Chief or his designee shall review the license application and issue a license to the applicant provided: (a) All of the information requested in SEC. 22.3-3 has been supplied; (b) The applicant has not been convicted of any criminal offense involving fraudulent commercial transactions within the past twenty-four (24) months; (c) The intended sales location is within a zoning district permitting such sales; (d) The proposed activity complies with state and local laws.

SEC. 22.3-5 TERM. A license issued under this Division shall be valid for seven (7) days including date of issue.

SEC. 22.3-6 BOND OR CASH DEPOSIT. The bond or cash deposit posted by applicant shall be transferred to the Attorney General of the State of Illinois within fourteen (14) days after the applicant ceases to do business in the Town. Such bond or cash deposit shall be held by the Attorney General pursuant to terms provided in 225 ILCS 465/4(e). (Amended 6/7/93 by Ord. No. 4143)

SEC. 22.3-7 INVENTORY SEIZURE. If any person makes retail sales, leases, or rentals as a transient merchant without having obtained a license under this Division, the Police Chief or his designee may hold the inventory, truck or other personal property of the person until he obtains a license to conduct business as a transient merchant. If the property has been held by the Town for more than sixty (60) days and the person whose property is being held has not made application for a license under this Division, the Police Chief or his designee may petition the Circuit Court for an order for the sale of the property being held. If the Court finds that the person whose property is being held has not made application for a license under this Division, the Court may order the Police Chief or his designee to sell the property. Proceeds of the sale of the property, less reimbursement to the Town of the reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the Town. (Amended 9/5/89)

SEC. 22.3-8 SUSPENSION. Any transient merchant's license may be immediately suspended by the Chief of Police or his designee if he has reasonable cause to believe the license holder filed a false or incomplete application, violated any provision of this Division, or any other law in connection with sales, leases, or rentals under the license. The Chief of Police or his designee shall immediately notify the license holder of the suspension and the reason therefore. The license holder may appeal the suspension to the City Manager or his designee. The City Manager or his designee shall promptly schedule a hearing on such appeal and provide the license holder with necessary notice. The license holder shall have the burden of proof to show, by a preponderance of the evidence, the suspension is not justified. If the hearing officer finds in favor of the Chief of Police, the permit will be revoked. If the hearing officer finds in favor of the license holder, the license will be reinstated. Failure to appeal the suspension is deemed an automatic revocation of the license. All decisions of the City Manager are final and reviewable in the manner provided by law. (Amended 9/5/89)

SEC. 22.3-9 ITINERANT VENDORS. Itinerant vendors are subject to Division 4 of this Chapter if entering upon residential property for the purpose of making sales, leases, or rentals and subject to the Town Business Registration Act if entering upon non-residential property for the purpose of making sales, leases, or rentals. (Amended 9/5/89)

SEC. 22.3-10 VEHICLES. Any person selling, leasing, or renting from a vehicle in a public right-of-way whether such vehicle is propelled by an engine motor or human power, shall maintain in legible characters on such vehicle the name and address of the owner thereof, words, letters, pictures or designs allowing persons to readily identify such vehicle and its use, an admonition to motorists to be watchful for children in the area of such vehicles, and while parked and in use shall have in operation flashing amber lights visible from the front of the vehicle. (Amended 9/5/89)

SEC. 22.3-11 EXEMPTION. This Division shall not apply to the following: (a) Any person selling on public property pursuant to Town authorization; (b) Any person selling vegetables, fruits, or perishable farm products at any place or market where such articles are usually sold.

SEC. 22.3-12 PENALTY. Any person found guilty of violating any provision of this Division shall be fined not to exceed five hundred dollars (\$500.00). A separate and distinct offense shall be deemed committed each day such violation continues.

(ENTIRE DIVISION 3 OF CHAPTER 22 AMENDED 6/5/89)

DIVISION 4 - SOLICITORS

SEC. 22.4-1 REGISTRATION REQUIRED. It shall be unlawful for any person to solicit within the Town of Normal without first having obtained a Registration Certificate from the Chief of Police or his designee. Registration Certificate will be issued in a nondiscriminatory, nonarbitrary manner. Registration shall apply to nonprofit, religious, charitable, and commercial activities alike. Registration Certificates are valid for thirty (30) days including the date of issue, unless sooner suspended or revoked as provided herein. (Amended 3/2/98 by Ord. No. 4496)

SEC. 22.4-2 DEFINITIONS. Solicit: As used in this Division, solicit means to enter without prior express invitation, upon residential property for the purpose of selling, leasing, or renting any property real or personal, for the purpose of obtaining monetary donations, or for the purpose of taking orders for the sale, lease, or rental of property real or personal. (Amended 9/5/89)

SEC. 22.4-3 TIME CONSTRAINTS. Soliciting shall be limited to the hours between 9:00 a.m. and 9:00 p.m. prevailing time everyday.

SEC. 22.4-4 APPLICATION. Any person desiring to register for the purpose of soliciting shall apply therefor in writing over his or her signature to the Chief of Police or his designee on forms provided by the Town of Normal. Information required shall include: (1) the name and address; (2) the name and address of the person, firm or corporation by whom the applicant is employed; (3) a complete physical description of the applicant; (4) date of birth of the applicant; (5) the Social Security number of the applicant; (6) the nature or character of the goods, wares, merchandise or services to be offered by the applicant; (7) the complete description and license number of the vehicle to be used; (8) copy of Certification of Registration under Illinois Retailer's Occupation Tax Act; (9) registration pursuant to Town of Normal Business Registration Act; (10) registration pursuant to Town of Normal Home Rule Purchase Tax Act.

SEC. 22.4-5 APPLICATION REVIEW. The Police Chief or his designee shall review the Registration Application and issue a Registration Permit to the applicant provided: (a) All requested registration information has been supplied; (b) The applicant has not been convicted of any criminal offense involving fraudulent commercial transactions within the past 24 months; and (c) The proposed activity complies with state and local laws.

SEC. 22.4-6 CERTIFICATE. Each person shall at all times, while soliciting in the Town of Normal, carry upon his person a copy of the Registration Certificate and the same shall be exhibited by such registrant whenever he or she is required to do so by any police officer or by any person solicited.

SEC. 22.4-7 NOTICE REGULATING SOLICITING. Every person desiring to secure the protection intended to be provided by this Section pertaining to soliciting shall comply with the following directions, to-wit:

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

A weatherproof card, no smaller than three inches by four inches in size shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the words, as follows:

"NO SOLICITORS INVITED"

The letters shall be at least one-third inch in height.

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.

SEC. 22.4-8 DUTY OF SOLICITORS. It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a residence is located to first examine the Notice provided for in SEC. 22.4-7 of this ordinance. If the Notice states "NO SOLICITORS INVITED", then the solicitor shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SEC. 22.4-9 PROHIBITED SOLICITING. 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 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 in defiance of the Notice exhibited at the residence in accordance with the provisions of SEC. 22.4-6 of this ordinance.

SEC. 22.4-10 SUSPENSION. Any solicitor's permit may be immediately suspended by the Chief of Police or his designee if he has reasonable cause to believe the permit holder filed a false or incomplete application, violated any provision of this Division, or any other law and such violation arises out of solicitation or other commercial activities. The Chief of Police or his designee shall immediately notify the permit holder of the suspension and the reasons therefore. The permit holder may appeal the suspension to the City Manager or his designee. The City Manager or his designee shall promptly schedule a hearing on such appeal and provide the permit holder with necessary notice. The permit holder shall have the burden of proof to show, by a preponderance of the evidence, the suspension is not justified. If the hearing officer finds in favor of the Chief of Police the permit will be revoked. If the hearing officer finds in favor of the permit holder the permit shall be reinstated. Failure to appeal the suspension is deemed an automatic suspension and revocation of the permit. All decisions of the City Manager are final and reviewable in the manner provided by law.

SEC. 22.4-11 HIGHWAY SOLICITATION. No person shall stand on a highway (the highway excludes the Parkway) for the purpose of soliciting contributions from the occupant of any vehicle, except upon the following terms and conditions:

- A. Solicitation on highways shall be allowed only at the following intersections:

Willow and School
Raab and Towanda
Linden and Shelbourne

Adelaide and Hovey
College and Cottage

(Amended 9/3/02 by Ord. No. 4809)(Amended 9/17/07 by Ord. No. 5153)
(Amended 11/7/11 by Ord. No. 5401)

- B. The solicitor shall be soliciting for a charitable organization registered with the Attorney General as provided in 225 ILCS 460/1 et seq. as it now stands or as hereafter amended.
- C. The charitable organization is engaged in a statewide fund raising activity.
- D. The soliciting organization assumes liability for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.
- E. The solicitor or any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high visibility vest.
- F. The solicitor or soliciting charitable organization shall submit proof of liability insurance in a minimum amount of three hundred fifty thousand dollars (\$350,000.00), naming the Town of Normal, its officers and employees as additional insureds.
- G. Solicitation may take place from one half hour after sunrise until one half hour before sunset.
- H. If Town of Normal high visibility vests are used, a deposit shall be submitted with the application of fifteen dollars (\$15.00) per vest used.
- I. A completed application form shall be submitted at least fourteen (14) days prior to the requested date of solicitation.
- J. No person or charitable organization shall be allowed to solicit more than two (2) days per calendar year.
- K. Only one solicitation permit shall be issued for any one calendar week (Sunday through Saturday).
- L. Within two weeks following the solicitation event, the permittee shall submit evidence that 100% of the funds raised were disbursed to the charitable organization named in the application. Failure to provide satisfactory evidence shall be sufficient grounds to deny any future permit requests by the named permittee.
- M. Clear identification at the solicitation site showing name of soliciting organization and its cause.

The City Manager shall develop forms and be responsible for issuing permits pursuant to this Section.

(SEC. 22.4-11 added by Ord. No. 3276, 2/6/84)(SEC. 22.4-11 Amended by Ord. No. 4446, 3/17/97)

SEC. 22.4-12 PENALTY. Any person violating any of the provisions of this Division shall upon conviction thereof, be subject to a fine or not more than \$500.00 for each offense. Each day that any such violation or failure continues shall be considered as a separate, distinct offense and shall be punishable as such.

(ENTIRE DIVISION 4 OF CHAPTER 22 AMENDED 6/5/89)

DIVISION 5 - SECOND HAND STORES

DIVISION 5 - SECOND-HAND STORES, of CHAPTER 22 of the Municipal Code of the Town of Normal, Illinois, 1969, as amended, has been deleted pursuant to Ordinance No. 3035 approved by the Normal Town Council on November 2, 1981.

DIVISION 6 - MOVING BUILDINGS

ENTIRE DIVISION 6 - MOVING BUILDINGS - of CHAPTER 22 deleted and transferred to CHAPTER 11 by Ordinance No. 3038 - 11/16/81.

DIVISION 7 - AUCTIONS

SEC. 22.7-1 LICENSE. It shall be unlawful within the Town of Normal for any person to act as an auctioneer or to offer to exercise a business or trade of an auctioneer or to vend or sell or offer to sell at public auction any goods, wares or merchandise or any interest therein without first having obtained a license from the Town of Normal for that purpose as hereinafter provided; EXCEPT that none of the provisions of this Division shall apply to any judicial sale whatsoever, nor to any officer or person executing any process or order of any court selling any property or effects directed by law to be sold at public auction, or to the property or effects of any deceased person when sold by order of the personal representative, or to any sale by a trustee in bankruptcy, or to the sale of any real estate.

SEC. 22.7-2 FEES. The license fee for auctioneers shall be Five Dollars (\$5.00) per day and a like sum per day thereafter during the continuance of any sale, except as follows:

- A. In auction sales where more than one auctioneer conducts the sale, the license fee for each auctioneer shall be Three Dollars (\$3.00) per day.
- B. An Annual License Permit may be obtained for auctions contained at one specified location on the payment of a Two Hundred Dollar (\$200.00) fee.

Except in the case of an Annual Auction License, a separate license must be secured for each sale, showing the location of sale and the date on which the sale is to be held. (Amended 12/16/85)

SEC. 22.7-3 TIME AND PLACE. It shall be unlawful for any auctioneer or his agent to sell or offer for sale at public auction any goods, wares or merchandise upon any public street, alley, sidewalk or public ground. It shall further be unlawful to conduct any public auction before eight o'clock a.m. and after six o'clock p.m., except in the M-1 Restricted Manufacturing Zoning District, auctions may be conducted within an enclosed structure between the hours of eight o'clock a.m. and eleven o'clock p.m. (Amended 8/20/79)(Amended 12/16/85)

SEC. 22.7-4 FRAUD. Whoever shall offer for sale at auction any article and induce its purchase by any bidder and afterwards secretly substitute any other article for the one so exhibited with the intent to deceive and defraud the bidder, or shall in any other manner be guilty of any device, trick or fraudulent practice intended to deceive a bidder, shall, upon conviction of such practice, be guilty of a violation of this Chapter and, in addition, thereafter shall be no longer eligible for a license.

SEC. 22.7-5 EXCEPTIONS. This Division shall have no effect or extend to public auction sales sponsored by or under the auspices of any church, school, War Veterans or charitable organizations, except that the aforementioned organizations enumerated in this paragraph shall first secure written permission from the Town Council for the holding of such public auction.

DIVISION 8 - MOBILE HOME PARK**SEC. 22.8-1 DEFINITION.**

- A. Unless the context clearly requires otherwise, the words and phrases in this Ordinance shall have the meaning as set forth in SEC. 22.8-1(D).
- B. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:
1. The singular number includes the plural and the plural includes the singular;
 2. The present tense includes the past and future tenses and the future the present;
 3. The word "shall" is mandatory, while the word "may" is permissive;
 4. The masculine gender includes the feminine and neuter.
- C. The definition of any word not included in this Section shall be construed to be the same as defined in Chapter 15 of said Town of Normal Code, being the Town Zoning Code.
- D. The following words and terms, wherever they occur in this Ordinance, shall be construed as herein defined:
1. Accessory Structure means a building subordinate to and smaller than a principal building or mobile home that contributes to the comfort, convenience or necessity of the occupants of the principal building or mobile home.
 - a. Anchoring Equipment. Straps, cables, turnbuckles and chains including tension devices which are used with ties to secure a mobile home to ground or pier anchors. (Added 5/21/79)
 - b. Anchoring System. The combination of ties, anchoring equipment, stand and ground or pier anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces. (Added 5/21/79)
 2. Driveway means a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots of facilities.
 3. Dependent Mobile Home means a mobile home which does not contain toilet and bath or toilet and shower facilities.

4. Family means either one person or two or more persons each related to each other by blood, marriage or legal adoption and any foster children residing with such person or persons in a “foster family home” as that term is defined in the Illinois Child Care Act of 1969, as amended, and an aggregate of not more than one roomer or boarder, whether or not gratuitous, maintaining a common household in a dwelling unit or a group of two persons not so related maintaining a common household in a dwelling unit. (Amended 5/21/79)
 - a. Footer. That portion of the support system that transmits loads directly to the soil. (Added 5/21/79)
 - b. Ground Anchor. Any device at the mobile home stand designed to transfer mobile anchoring loads to the ground. (Added 5/21/79)
5. Health Department means the McLean County Health Department or its authorized representative.
6. License means a written license issued by the Town of Normal allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.
7. Mobile Home means any vehicle or similar portable structure which contains toilet and bath or toilet and shower facilities that is used, or so constructed as to permit its use as a conveyance upon public streets or highways and designated to permit the occupancy thereof as a dwelling place for one or more persons.
8. Mobile Home Lot means a parcel of land for the placement of a mobile home which is designated for the exclusive use of the occupants.
9. Mobile Home Park means a parcel of land which has been developed for the placement of two (2) or more mobile homes and is owned by an individual, firm, trust, partnership, public or private association or corporation.
10. Mobile Home Stand means that part of a mobile home lot which has been reserved for the placement of one mobile home, accessory structures or additions.
11. Park Manager means the person who owns or has charge, care or control of the mobile home park.
12. Park Street means a private way which affords principal means of access to individual mobile home lots or service buildings.

13. Permit means a written certification issued by the Town of Normal or its duly authorized representative permitting the construction, alteration or extension of a mobile home park under the provisions of this Ordinance and regulations issued hereunder.
14. Person means any individual, firm, trust, partnership, public or private association or corporation.
 - a. Pier. That portion of the support system between the footer and the mobile home exclusive of cap and shims. (Added 5/21/79)
15. Service Building means a structure housing toilet, lavatory, park manager's office, laundry facilities and such other facilities as may be required by this Ordinance.
16. School District means any district created or operated under the provisions of "The School Code" approved May 1, 1945, as amended.
17. Sewer Connection means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home lot.
18. Sewer Riser Pipe means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
 - a. Stabling Devices. All components of the anchor and support systems, such as stand, piers, footers, ties, anchoring equipment, ground anchors and any other equipment which supports the mobile home and secures it to the ground. (Added 5/21/79)
 - b. Tie. Strap, cable or securing device used to connect the mobile home to ground or mobile home stand anchors. (Added 5/21/79)
 - c. Tie, Diagonal. A tie intended to primarily resist horizontal or sheer forces and which may secondarily resist vertical updraft and overturning forces. (Added 5/21/79)
 - d. Tie, Vertical. A tie intended to primarily resist uplifting and overturning forces. (Added 5/21/79)
19. Water Connection means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
20. Water Riser Pipe means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

21. Town means the Town of Normal, Illinois, whose actions and duties herein prescribed shall be carried out through its Mayor or President, or such other official as may be delegated by the Town Council or Board of Trustees.
22. Trailer Coach or Mobile Home means any vehicle or similar portable structure used, or so constructed as to permit its being used, as a conveyance upon the public streets or highway and designed to permit the occupancy thereof as a dwelling place for one or more persons.
23. Dependent Trailer Coach or Dependent Mobile Home means a trailer coach which does not have toilet and bath or shower facilities.
24. Independent Trailer Coach or Independent Mobile Home means a trailer coach with self-contained toilet and bath or shower facilities.
25. Trailer Coach Park or Park means an acre of land upon which two or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such trailer coach park.
26. Trailer Coach Space or Trailer Coach Site means any portion of a trailer coach park designated for the use or occupancy of one trailer coach.
27. Town means the Town of Normal, Illinois, whose actions and duties herein prescribed shall be carried out through its Mayor or President, or such other officials thereof as the same may be delegated by the Town Council.
28. School District means any district created or operated under the provisions of "The School Code" approved May 1, 1945, as amended.

When used in this Division, words in the singular number include the plural, and words in the plural number include the singular; the word "Building" includes the word "Structure" and the word "shall" is mandatory and not directory. The definition of any word not included in this section shall be construed to be the same as defined in Chapter 15 of said Town of Normal Code, being the Town Zoning Code.

SEC. 22.8-2 PERMITS.

A. New, Altered or Expended Parks.

1. It shall be unlawful for any person to construct, alter or extend any mobile home park within the corporate limits of the Town unless he holds a valid permit issued by the Town in the name of such person for the specific construction, alteration or extension proposed.

2. Any person seeking a permit shall deliver four copies of the permit application to the Town Clerk. All applications shall contain the following information with respect to the proposed construction, alteration or expansion:
 - a. Name and address of the applicant;
 - b. The location and legal description of the tract of land;
 - c. Complete plans and specifications of the proposed mobile home park, area altered or proposed expansion, delineating the following:
 - (1) The area and dimensions of the tract of land;
 - (2) The number, location and size of all mobile home lots;
 - (3) The location, width, and type of surface material of all park streets, walkways and driveways;
 - (4) The location of water and sewer lines and riser pipes;
 - (5) Plans and specifications of the water distribution and refuse and sewage disposal facilities;
 - (6) Plans and specifications of all buildings to be constructed within the area;
 - (7) Plans and specifications of lighting and other electrical systems;
 - (8) The location and use of all structures outside of, and within two hundred (200) feet of the proposed park boundary line;
 - (9) The location and size of all public utility lines and the location, width of all public streets and sidewalks outside of, and within two hundred (200) feet of the proposed park boundary line;
 - (10) The location, size and type of material for each mobile home stand;
 - (11) Existing topography at two (2) foot contour intervals;
 - (12) The location and type of fire extinguisher equipment; and
 - (13) The location of all underground utilities such as telephone cables, gas mains and TV cables.

The above plans shall be drawn on tracing paper or tracing cloth having a minimum size of 24 inches by 18 inches, in a manner that clear and legible prints can be made. Said plan shall be drawn to a scale that shall be not less than a ratio of one (1) inch to 100 feet.

3. All applications shall be accompanied by the deposit of a fee of One Hundred Dollars for each ten (10) acres of land, or fraction thereof, proposed to be included in the construction, alteration or expansion of the mobile home park. Each application fee shall be paid to the Town Treasurer by certified check or United States money order in the amount of the application fee only, and said fee, once paid to the Town Treasurer, shall not be refunded. (Amended 9/19/83)
 4. When, upon review of the application, the Town is satisfied that the proposed plan meets the requirements of this Chapter, including specifically all Mobile Home Park Development Standards (specified in SEC. 22.8-3), and other applicable law, rules or regulations, a permit shall be issued. The McLean County Board of Health is empowered to enforce all Municipal Ordinances regarding public health. When the Town of Normal has approved an application for a permit, it shall retain the original and keep a file copy thereof; one copy shall be returned to the applicant and one copy shall be sent to the Department of Public Health of the State of Illinois.
 5. The issuance of a permit does not relieve the applicant from securing any other permit required or from complying with any other Ordinance of the Town or from complying with the park operating or annual licensing requirements of this Code.
 6. Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing on the matter before the Town Council or Board of Trustees under the procedure provided in SEC. 22.8-7 of this Chapter.
- B. Existing Parks coming within the jurisdiction of the Town after construction and after the effective date of this amendatory ordinance (June 2, 1979).
1. It shall be unlawful for any person to operate a mobile home park which at the time of construction was lawfully constructed, altered or expanded without a SEC. 22.8-2(A) Permit, unless he holds a valid permit issued by the Town in the manner provided in this subparagraph (B) or comes within the exceptions of subparagraph C of this section.
 2. Any person seeking a permit shall, within 90 days from the date on which the park first comes under the Town's Mobile Home Park Ordinances or regulations, deliver four copies of the permit application to the Town Clerk. All applications shall contain the following information:

- a. Name and address of the applicant:
- b. The location and legal description of the tract of land;
- c. Complete plans and specifications of the existing mobile home park delineating the following:
 - (1) The area and dimensions of the tract of land;
 - (2) The number, location and size of all mobile home lots;
 - (3) The location, width and type of surface material of all park streets, walkways and driveways;
 - (4) The location of water and sewer lines and riser pipes;
 - (5) Plans and specifications of the water distribution and refuse and sewage disposal facilities;
 - (6) Plans and specifications of all buildings in or to be constructed within the mobile home park;
 - (7) Plans and specifications of lighting and other electrical systems;
 - (8) The location and use of all structures outside of, and within two hundred (200) feet of the park boundary line;
 - (9) The location and size of all public utilities lines and the location, width of all public streets and sidewalks outside of, and within two hundred (200) feet of the park boundary line;
 - (10) The location, size and type of material for each mobile home stand;
 - (11) Existing topography at two (2) foot contour intervals;
 - (12) The location and type of fire extinguisher equipment, and
 - (13) The location of all underground utilities such as telephone cables, gas mains and TV cables.
 - (14) A list of the changes or alterations to the park which will be made to make it conform in every respect with the requirements of the Town.

The above plans shall be drawn on tracing paper or tracing cloth, having a minimum size of 24 inches by 18 inches, in a manner that clear and legible prints can be made. Said plan shall be drawn to a scale that shall be not less than a ratio of one (1) inch to 100 feet.

3. All applications shall be accompanied by the deposit of a fee of One Hundred (\$100) Dollars for each ten (10) acres of land, or fraction thereof, proposed to be included in the construction, alteration or expansion of the mobile home park. Each application fee shall be paid to the Town Treasurer by certified check or United States money order in the amount of the application fee only, and said fee, once paid to the Town Treasurer shall not be refunded. (Amended 9/19/83)
 4. When, upon review of the application, the Town is satisfied that the proposed plan meets the requirements of this Chapter and other applicable laws, rules or regulations, a permit shall be issued. Where the Town of Normal finds that compliance with provisions of this Chapter would result in undue hardship, an exemption may be granted by the Town of Normal without impairing its intent and purpose. Deviations from the Mobile Home Development Standards specified in SEC. 22.8-3 shall be brought into compliance with this Chapter within a reasonable period of time, based on economic feasibility of improvement, nature, significance, and extent of deviation, depreciation of material improvement and layout in use and other similar factors, within a minimum period not exceeding one year and a maximum period not exceeding five years. The McLean County Board of Health is empowered to enforce all municipal ordinances regarding public health. When the Town of Normal has approved an application for a permit, it shall retain the original and keep a file copy thereof; one copy shall be returned to the applicant and one copy shall be sent to the Department of Health of the State of Illinois.
 5. The issuance of a permit does not relieve the applicant from securing any other permit required or from complying with any other Ordinance of the Town or from complying with the park operating or annual licensing requirements of this Code.
 6. Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing on the matter before the Town Council or Board of Trustees under the procedure provided by SEC. 22.8-7 of this Ordinance.
- C. Existing Parks within the Corporate Limits of the Town Constructed Prior to Comprehensive Town Mobile Home Park regulation:
1. The following mobile home parks may be maintained in the condition which exists on the effective date of this ordinance (June 2, 1979) or in some other condition which more closely conforms with the then current mobile home park regulations:

- a. Northmeadow Village
- b. Royal Acres
(Subsection (1) Amended 6/5/95 by Ord. No. 4319)

Such parks shall be deemed to have a park permit authorizing the continued use and occupancy of the park as is subject to the operating requirements of this Code.

D. EXEMPTIONS.

1. Where the Town of Normal finds that compliance with provisions of this chapter would result in undue hardship, an exemption may be granted by the Town of Normal without impairing the intent and purpose of this Chapter. Any such exemption shall be noted on the appropriate mobile home park permit.

E. AGREEMENTS.

1. Any owner filing an application for a mobile home park permit shall submit an agreement which shall state that the improvements required by this Code shall be completed by the owner in accordance with plans and specifications approved by the Town Engineer. All inspection fees required by the Town shall be paid to the Town and all plans and specifications showing said improvements as installed shall be filed with the Town within two (2) years following the issuance of a license by the Town and prior to the release of bond.
2. The owner shall have filed with the Town Clerk a surety bond to insure the construction of such improvements in a satisfactory manner and within the period specified by the Council, such period not to exceed two (2) years and guaranteeing the improvements against faulty materials and workmanship for a period of one (1) year following acceptance by the Town Engineer in writing. No bond shall be accepted unless it be enforceable by and payable to the Town in a sum at least equal to the cost of constructing the improvements as estimated by the Town Engineer.

Or, the owner shall provide an escrow account to be held by a local bank or loan association conditioned upon the satisfactory construction of the improvements, the amount of the escrow account to be equal to the estimated cost of said improvements, as estimated by the Town Engineer, plus ten percent (10%) additional. All withdrawals from the escrow account shall be made subject to the release of the Town of Normal by the Town Engineer, and the same may be paid as work progresses and is completed, subject also to the said Engineer's approval. Upon the completion of the improvements and acceptance of the Town Engineer, the additional ten percent (10%) of the escrow account shall remain upon deposit until the expiration of the one (1) year guarantee herein provided, and upon approval and final release by the Town Engineer. The form of such surety bond or escrow receipt shall be comparable to that required by the Town's subdivision ordinances.

SEC. 22.8-3 MOBILE HOME PARK DEVELOPMENT STANDARDS.

- A. General Requirements. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, sinking or erosion shall be used for any purpose which would expose persons or property to hazards.
- B. Conformance with Town Plans. All mobile home parks shall be de-signed in such a manner as to conform to the provisions of the Comprehensive Plan, major street plan, trunk sewer plan, water distribution plan and the other major storm drainage plan as approved by the Town of Normal. The owner shall dedicate all rights-of-way and construct his proportionate share of all major or collector streets, sewers, feeder water mains and storm drainage facilities as required under Chapter 16 of the Municipal Code of the Town of Normal, 1969, as amended, entitled "Subdivision Regulations". All construction of the above public improvements shall be completed in accordance with the applicable Town construction standards.
- C. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with other solid material, or protected with a vegetation growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- D. Site Drainage Requirements. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner. Proposed drainage improvements shall maintain any natural water courses and shall prevent the collection of water at any low spot. A storm sewer system shall be constructed and connected to an adequate outfall as approved by the Town Engineer.
- E. Service Buildings, Community Facilities and Nonresidential Uses.
1. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park, including without limitation the following:
 - a. Park management offices;
 - b. Community laundry facilities;
 - c. Community sanitary facilities;
 - d. Indoor community recreation areas;
 - e. Repair shops and storage buildings;

f. Postal pick-up and delivery facilities.

2. Required Community Service Facilities. Every park operated or intended to be operated, shall be provided with the following:

a. For emergency sanitary accommodations, each 100 mobile home spaces or fractional part thereof, shall have one flush toilet and one lavatory for each sex. The service building containing such emergency sanitary facilities shall be accessible to all mobile homes.

b. A park management office.

c. Community laundry facilities.

d. Postal pick-up and delivery facilities as approved by the U.S. Post Office.

3. Construction Requirements.

a. Community service building or buildings shall be conveniently located, well constructed, having good natural and artificial lighting and adequate ventilation. Floors in laundry areas shall be constructed of concrete or similar impervious materials. Concrete curbing shall extend at least six inches above the floor, and the floor shall be sloped to adequate drains of impervious material where subject to splash. Such building shall be maintained at a temperature of at least 60 degrees Fahrenheit during the period from October 1 to May 1.

b. The community service building shall provide rest rooms for each sex, plainly marked by appropriate signs, in which shall be installed water closets and lavatories adequate in number to serve the reasonable needs of occupants as required in SEC. 22.8-3(E)(1). Each water closet shall be placed in a separate compartment, properly separated from other water closets and shall not be less than three (3) feet wide and shall be enclosed with proper partition.

c. A laundry room or building shall be provided, containing two automatic washers and one dryer. (Amended 11/18/85)

d. Notwithstanding the provisions of sub-paragraphs (a), (b) and (c) of this Section, community service building or buildings or portions thereof constructed or installed after the effective date of this amendatory ordinance (June 2, 1979) shall have concrete block or poured concrete walls.

F. Required Lot Area and Separation Between Mobile Homes.

1. All mobile home lots shall contain a minimum of 3,200 square feet. Mobile homes, detached garages and accessory structures shall be separated from each other by at least ten (10) feet, provided this distance may be reduced to five (5) feet if a one hour fire rating is provided on the exterior wall of the structure and provided further no mobile home, detached garage or accessory structure shall be located closer than five (5) feet from mobile home lot line, provided, however, that accessory structures with a base not exceeding 144 square feet shall be located only behind the front line of the mobile home. (Amended 10/16/89)(Amended 6/5/95 by Ord. No. 4319)
2. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak and porch which has a floor area exceeding 25 square feet, or has an opaque top or roof, shall for purposes of all separation requirements, be considered to be part of the mobile home.
3. Notwithstanding the provisions of sub-paragraphs (1) and (2) of this Section, mobile home lots in parks established or in new areas of parks expanded after the effective date of this amendatory ordinance (June 2, 1979) shall meet the following minimum requirements:
 - a. Double lots shall contain not less than 5,800 square feet and shall have a minimum lot width of not less than 60 feet;
 - b. Single lots shall contain not less than 5,000 square feet and have a lot width of not less than 54 feet.

G. Required Recreation Areas.

1. In all parks accommodating or designed to accommodate 25 or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
2. The size of such recreation areas shall be based upon a minimum of 5% of the gross land area of the mobile home park. No out-door recreation area shall contain less than 2,500 square feet.
3. Recreation areas shall be so located as to be free of traffic hazards and should be centrally located.

H. Required Setbacks, Buffer Strips and Screening.

1. All mobile homes shall be located at least 25 feet from any park property boundary line or at least 40 feet from any park property boundary lines which are adjacent to the side or rear lot lines of parcels of land which are zoned R-1AA, R-1A or R-1B, Single Family Residence District.

2. There shall be a minimum distance of twenty (20) feet between the mobile home and abutting park street. (Amended 6/5/95 by Ord. No. 4319)
3. All mobile home parks shall be provided with a screening buffer strip at least five (5) feet wide along all property boundary lines, except those boundaries which are adjacent to a public street. Where effective visual barriers do not exist, the buffer strip shall be furnished with screening at least five (5) feet high and shall consist of fences, freestanding walls or natural growth. Such growth shall consist of a compact growth of shrubbery, hedges, evergreens or other suitable planting sufficient to serve as an effective visual screen.

I. Park Street System.

1. General Requirements. All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this ordinance, all streets or roads providing such vehicular access shall hereinafter be referred to as the “Park Street System”.
2. Primary Entrance Road. The primary entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of 40 feet, where guest parking is permitted at both sides, or a minimum road pavement width of 32 feet where guest parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting property within such distance, the minimum road width may be 24 feet, provided parking is prohibited at both sides.
3. Secondary Entrance Road. In addition to the required primary entrance road, all parks containing 25 or more acres in total area and/or providing for the accommodation of 200 or more mobile homes, shall have at least one secondary entrance road connecting the Park Street System with a public street or road. Such a secondary road or roads shall have a minimum pavement width of thirty (30) feet. Where primary and secondary entrance roads connect to the same public street or road, there shall be a minimum separation of 150 feet between such access points. Where this is not feasible or possible, clearly marked one-way entrance and exit lanes with at least a 15-foot wide median strip are acceptable provided the pavement of each one-way road is at least thirty (30) feet wide. (Amended 6/5/95 by Ord. No. 4319)
4. Interior Streets. All interior streets in the park street system shall have a minimum pavement width of thirty (30) feet. All streets shall connect with other streets or terminate in a cul de sac with a minimum diameter of 40 feet. (Amended 6/5/95 by Ord. No. 4319)

5. Street Construction and Design Standards.

- a. Pavements. All street shall be provided with a smooth, all weather dust-free surface which shall be durable and well drained under normal use and weather conditions. Street surfaces shall be maintained free of cracks, holes, raveled edges and other hazards.
- b. Intersections. Street intersections shall be at approximately right angles. A distance of at least 80 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

6. Street Signs and Mobile Home Lot Numbers.

- a. Street signs conforming to the specifications of the Town of Normal shall be installed by the owner so as to identify every street in the mobile home park.
- b. Each mobile home lot shall be designated by a number as a means of identification. Each number shall be a minimum of four (4) inches high and shall be displayed at all times on a weather resistant surface and be of contrasting color and located in such a manner as to permit identification from the park street. (Amended 6/5/95 by Ord. No. 4319)

7. Car Parking. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall:

- a. Be furnished at a rate of at least 1.50 car spaces for each mobile home lot, provided, however, 2.00 car spaces shall be provided on the lot for each mobile home lot created after the effective date of this amendatory ordinance (June 2, 1979).
- b. Be located within a distance of 200 feet from the mobile home to be served, unless other vehicular access is provided. The minimum street width requirement under SEC. 22.8 shall be increased by eight feet if on-street parking is the only type of car parking provided in a mobile home park.

J. Water Supply.

1. General Requirements. Every park shall have a public water supply system capable of providing a sufficient supply of potable water, under adequate pressure, to facilities for mobile homes, service buildings, fire hydrants and other accessory facilities, as required by this Ordinance for the well being of park residents and for park maintenance. Such system shall be designated, constructed and maintained in accordance with the State Standards of Illinois Department of Public Health and local laws, and shall conform with regulations of the authorities having jurisdiction.

2. Water Distribution System. The water distribution system serving the mobile home park and that portion used for fire protection shall be constructed of piping, fixtures, and other equipment of approved materials and shall be so designed and maintained to comply with all applicable provisions of the Town of Normal.
3. Individual Water Connections.
 - a. Individual water service connections shall be provided at each mobile home lot in the mobile home park. All water service connections shall be watertight and located at a safe distance from sanitary sewer connections. The minimum pipe size of connections shall be three-quarters (3/4) inch and shall be so constructed as to provide two (2) connection points, one for the mobile home and one for a hose or other exterior convenience supply. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a mobile home, and shall be four (4) inches above grade.
 - b. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe, and to protect risers from heaving and thawing actions of ground during freezing weather.
4. Sewage Disposal. All sewage and other water-carried wastes shall be disposed of into a public sewerage system. All sewage systems shall be constructed in conformity with all laws of the State of Illinois, regulation of any department, division or board of the State of Illinois, and any ordinance of the Town of Normal, Illinois, relative thereto.

Each mobile home lot shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection, and it shall be the duty of said owner or operator to supervise such connection and keep all occupied mobile homes connected to said sewer while located in a mobile home park.

Sewer connections in unoccupied mobile home lots shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

K. Fuel Supply and Storage.

1. Natural Gas System. Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the authority having jurisdiction.

2. Fuel Supply Systems. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.
 3. L.P. Gas Systems. All L.P. Gas Systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.
- L. Fire Protection Equipment. Standard fire hydrants shall be placed within 300 feet of each mobile home or building, provided however, that in the existing mobile home park areas which do not meet the immediately above-mentioned requirement, two (2) fire extinguishers Class A, 2-1/2 gallon water pressurized with anti-freeze, or comparable approved by the Town of Normal Fire Inspector, shall be placed at locations within 200 feet of each mobile home site.
- M. Electrical Distribution System.
1. Underground Utilities. All utility lines including electric, telephone, and other communication or television signal cables, shall be laid underground within all mobile home parks. The methods of construction shall be those commonly used in the utility industry with above-ground access points for distribution and maintenance purposes. The installation of such lines shall be in compliance with applicable orders, rules and regulations of the Illinois Public Utilities Act.
 2. Required Illumination of Park Street Systems. All park drives shall be furnished with lighting units spaces not greater than 150 feet apart and at all intersections. Each standard shall be equipped with 125 watt mercury vapor fixtures or equivalent, placed at such mounting heights as will provide illumination for the safe movement of pedestrians and vehicles at night.
 3. Electrical Services.
 - a. The calculated electrical load for any mobile home will be governed by Article 550-11 of the National Electrical Code. In no case will mobile home service equipment* be rated at or served by, less than 100 amperes of electrical power.

*Service equipment is defined as the utility meter mounting means and the meter. The electrical distribution panel and service switch located in the mobile home are not part of the service equipment as herein defined.

- b. Mobile home service equipment shall be required to be located not more than 30 feet from the point of entry of the feeder conductors into the mobile home it serves provided either of the following conditions prevail.
 - (1) In any addition to a mobile home park within the corporate limits of the Town of Normal after adoption of this ordinance.
 - (2) In the event that service conductors and/or equipment serving a mobile home lot are not of sufficient ampacity to adequately and safely conduct the required electrical load, the conductors must be removed and replaced with conductors of sufficient ampacity, and service equipment, as herein defined, moved to within 30 feet of the mobile home served.
 - c. Removal and replacement of mobile homes. A mobile home may be removed and replaced only with one of the same amperage requirements.
4. Electrical connections of mobile homes. Connection of the feeder assembly to the mobile home service entrance conductors shall be made by means of:
- a. A weather-proof disconnect, located within two feet of the mobile home. (Amended 6/5/95 by Ord. No. 4319)
 - b. A connection incorporating an approved underground splicing method. This connection will consist of a crimped connector covered by a heat shrinkable synthetic insulator. This connection must be impervious to moisture and, in the event the conductors are aluminum, they shall be treated to resist oxidation. Split bolted and taped connections are not acceptable.
5. Grounding of mobile homes. In the event that a mobile home is not provided with a four wire grounded system, a ground rod shall be driven at a point as near as possible to the entrance of the mobile home feeder conductors. If a grounding electrode conductor is not provided from the service panel in the mobile home, a suitable sized bare copper conductor shall be routed from the grounding bus in the mobile home distribution panelboard and connected to the driven ground rod in an approved manner. If the mobile home panelboard is provided with an identified grounding electrode conductor, this conductor may be connected to the driven ground rod in lieu of the above method. All mobile homes will be grounded by either of the above methods.

- 6. Identification of mobile home utility meters. In order to facilitate identification of utility meters, each mobile home will be appropriately numbered and a corresponding number will be plainly marked on the utility meter serving the mobile home.
- 7. General requirements. All other matters pertaining to electrical requirements for mobile homes will be governed by Article 550 and other relevant sections of the National Electrical Code.

N. Mobile Home Stand. Pads: Pads shall be constructed of concrete six inches thick and the same width and length as the mobile home to occupy the pad. The concrete shall provide adequate support for the placement and tie-downs of the mobile home, thereby securing this superstructure against uplifts, sliding, rotation and over turning. The pads shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure. The foregoing shall apply to new mobile home parks; the expansion of existing parks; and whenever units are being replaced and the old pad does not meet this requirement. Only gravel or sand is to be used as fill for leveling and preparatory work for concrete installation. (Amended 6/5/95 by Ord. No. 4319)

O. Ties, Anchors, and Stabilizing Devices. All mobile homes shall have ties, anchors and stabilizing devices as established by the Illinois Mobile Home Tiedown Act effective January 1, 1980. All devices used to tie down homes shall be approved by the Illinois Department of Public Health. All equipment must be installed in accordance with the instructions that the manufacturer must provide.

Length of Mobile Home	Single Wide		Double Wide	
	Verticle	Diagonal	Verticle	Diagonal
50 feet or less	2	2	None	2
51 to 75 feet	2	3	None	3
Over 75 feet	2	4	None	4

(Amended 6/5/95 by Ord. No. 4319)

SEC. 22.8-4 OPERATING REQUIREMENTS.

A. Generally. It shall be unlawful for any person to operate or maintain a mobile home park in a way which does not meet or exceed the operating requirements of this Section.

- B. Conformance with Permit. All mobile home parks shall be operated and maintained in the manner depicted in that park's mobile home park permit or in some other and different way which more closely and completely conform with the then current mobile home park development standards of this code, but shall not be altered, operated or maintained in a way which deviates from such then existing requirements to a greater extent than already present. All improvements and facilities depicted on such permits (either actual or implied) shall be maintained in an operable condition.
- C. Insect, Rodent and Weed Control.
1. General Requirements. Grounds, buildings and structures within mobile home parks shall be maintained free of insect, vermin and rodent harborage and infestation. Extermination methods and other measures to control insects, vermin and rodents shall conform with requirements of the McLean County Health Department.
 2. Insect Control. Parks shall be maintained free of accumulations of debris which may provide breeding places for flies, mosquitoes and other pests.
 3. Rodent Control. Storage areas shall be so maintained as to prevent a rodent harborage. Lumber, pipe and other building material shall be stored at least one (1) foot above ground.
 4. Control Potentially Hazardous Locations. Where the potential for rodent or vermin infestation exists, all exterior openings in or beneath any structures shall be appropriately screened with wire mesh or other suitable materials.
 5. Weed Control. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open or vacant areas shall be maintained free of heavy undergrowth of any description and the entire park shall be maintained in conformance with SEC. 21.1-6 and 21.1-7 of this Code.
- D. Fire Protection.
1. Flammable materials. Mobile home park areas shall be kept free of litter, rubbish and other highly flammable materials. No storage of highly flammable materials shall be permitted under the mobile home.
 2. Fires: Permitted Only in Approved Equipment. Fires shall be made only in cooking stoves and equipment approved for such purposes.

(Subsection D Amended 6/5/95 by Ord. No. 4319)

E. Refuse Disposal.

1. General Requirements. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall conform to local ordinance provisions.
2. Collection Frequency. The mobile home park operator shall provide commercial collection service. All refuse shall be collected and transported in covered vehicles.
3. Incineration. No garbage or refuse shall be burned on the premises.

F. Lot Identification. All mobile homes shall be provided with and shall thereafter be maintained so as to have a "lot designation number" or letter at least 4 inches in height posted on or near the home it identifies, provided however, if lot identification in conformance with SEC. 22.8-3(I)(6)(b) is provided, such lot identification shall be maintained.

G. Mobile Home Placement.

1. Home Standards. Any mobile home moved into or returned to the mobile home park after the effective date of this amendatory ordinance (June 16, 1995) shall be installed and maintained in a way so as to meet the following standards and requirements:
 - a. The electrical disconnect requirements of SEC. 22.8-3(M)(3). A permit is required for this work.
 - b. The mobile home must be installed as per the State of Illinois Plumbing Code. A permit is required for this work.
 - c. The tie, anchor and stabilizing requirements of SEC. 22.8-3(O).
 - d. The mobile home must be installed on an approved mobile home stand as required in SEC. 22.8-3(N).
 - e. An occupancy inspection is required before the unit can be occupied. The unit must have mobile home lot numbers in accordance with SEC. 22.8-3(I)(6)(b) and parking as required by SEC. 22.8-3(I)(7)(a) and interior electrical requirements in accordance with SEC. 22.8-3(M)(7).

(Subsection (1) Amended 6/5/95 by Ord. No. 4319)

2. Lot Standards. No mobile home shall be moved onto a mobile home lot or expanded on its existing lot so as to reduce the required open lot area or encroach upon a required setback or minimum separation to an extent greater than the encroachment existing on the date of this amendatory ordinance (June 2, 1979).

SEC. 22.8-5 LICENSES.

- A. It shall be unlawful for any person to operate any mobile home park within the limits of the Town of Normal unless he holds a valid license issued annually by the Town of Normal in the name of such person for the specific mobile home park. All applications for licenses shall be made to the Town Clerk, who shall issue a license upon compliance by the applicant with provisions of this Ordinance.
- B. All licenses shall expire at midnight, July 31 next following the year of issuance or renewal thereof and shall be renewed from year to year thereafter.
- C. Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit as set forth in Chapter 25 of this Code, and shall be accompanied by an approved Mobile Home Park Permit (except as to those parks enumerated in SEC.22.8-2(C). (Amended 9/20/93 by Ord. No. 4170) (Amended 2/17/03 by Ord. No. 4857)(Amended 6/16/08 by Ord. No. 5199)
- D. Application for renewal of licenses shall be made in writing by the holders of the licenses. All applications shall contain any change in the information submitted since the original permit and license were issued or the latest renewal granted, and shall be accompanied by an annual renewal fee as set forth in Chapter 25 of this Code. (Amended 9/20/93 by Ord. No. 4170)(Amended 2/17/03 by Ord. No. 4857)(Amended 6/16/08 by Ord. No. 5199)
- E. Prior to the issuance of a Mobile Home Park license renewal, the Town may inspect the park to determine that it conforms with all operations requirements of this Chapter and shall not renew any such license if such inspection discloses any violations or differences.
- F. Whenever, upon inspection of any mobile home park, the Town of Normal finds that conditions or practices exist which are in violation of any provision of this Ordinance, the Town of Normal shall give notice in writing in accordance with SEC. 22.8-7(A) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Town of Normal, the license shall be suspended or not renewed. At the end of such period, the Town of Normal shall reinspect such mobile home park, and if such conditions or practices have not been corrected, the license shall be suspended or not renewed and notice shall be given in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park except as provided in SEC. 22.8-7(B).

- G. Any person whose application for a license under this Ordinance has been denied may request and shall be granted a hearing on the matter before the Town Council or Board of Trustees under the procedure provided by SEC. 22.8-7(B) of this Ordinance.
- H. The Town of Normal shall supply licenses with any and all rules and regulations pertaining thereto made by the Town, and any change or changes that may be made from time to time which shall be kept posted by the park management in a protected, conspicuous place within the mobile home park.
- I. Every person holding a license shall give notice in writing to the Town of Normal within twenty-four (24) hours after a change of park manager or having sold, transferred, given away, or otherwise disposed of interest in, or control of, any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a fee of Ten Dollars (\$10.00), the license shall be transferred if the mobile home park is in compliance with all applicable provisions of this Ordinance.

SEC. 22.8-6 INSPECTION OF MOBILE HOME PARKS.

- A. The Town of Normal is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- B. The Town of Normal shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- C. The Town of Normal shall have the power to inspect the register containing a record of all residents of the mobile home park.
- D. It shall be the duty of the park management to give the Town of Normal free access to all lots at reasonable times for the purpose of inspection.
- E. The governing body of the School District in which the mobile home park is located, by and through its officers and proper employees, may inspect and visit a mobile home park for the purpose of examining the register with reference to children of school age for the purpose of enforcing attendance of school children.
- F. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance.
- G. Representatives of the Department of Revenue and all other law enforcement officials may enter any mobile home park at any time for the purpose of determining which, if any, mobile homes therein do not have displayed the Display Certificate of Title.

SEC. 22.8-7 NOTICES, HEARINGS AND ORDERS.

- A. Whenever the Town of Normal determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, the Town of Normal shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:
1. be in writing;
 2. include a statement of the reasons for its issuance;
 3. allow a reasonable time for the performance of any act it requires;
 4. be served upon the owner or his agent, as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State;
 5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- B. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance may request and shall be granted a hearing on the matter before the Town Council, provided that such person shall file in the office of the Town Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds herefore within ten days after the date the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under SEC. 22.8-7(E). Upon receipt of such petition, the Town Clerk shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petitioner, the Town of Normal may postpone the date of the hearing for a reasonable time beyond such ten-day period when in the Town's judgment the petitioner has submitted good and sufficient reasons for such postponement.
- C. After such hearing, the Town Council shall make findings as to compliance with the provisions of this Ordinance and shall issue an Order in writing sustaining, modifying or withdrawing the notice, which shall be served as provided in SEC. 22.8-7(A)(4). Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile home park affected by the Order shall be revoked.

- D. The proceedings at such hearing, including the findings and decision of the Town of Normal, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Town Clerk, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the Town Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this State.
- E. Whenever the Town of Normal finds that an emergency exists which requires immediate action to protect the public health, the Town may, without notice or hearing, issue an order reciting the existence of such an emergency, including the suspension of the permit or license. Notwithstanding any other provision of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Town of Normal shall be afforded a hearing as soon as possible. The provisions of SEC. 22.8-7(B),(C) and (D) shall be applicable to such hearing and the order issued thereafter to the extent they can apply to such a post-suspension hearing.

SEC. 22.8-8 MISCELLANEOUS REQUIREMENTS.

- A. Mobile Home Occupancy. No mobile home shall be occupied by more than one family as herein defined.
- B. Responsibilities of the Park Management.
1. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 2. The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
 3. The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
 4. The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
 5. The park management shall notify the Health Department immediately of any suspected communicable or contagious disease within the park.

6. The management shall provide an office where each mobile home entering the mobile home park shall be assigned a mobile home lot, given a copy of the mobile home rules and registered according to the prescribed form. Said registration shall include the name and address of every occupant of said mobile home; the license number of the mobile home; the state issuing such license; and a statement indicating the exact location at which such mobile home was last parked, including the state, city, town or village where such parking occurred. The licensee shall keep a registry of all children of school age occupying mobile homes in the mobile home park. The above-mentioned register shall be signed by one of the occupants of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor punishable under the general statutes of the State of Illinois or ordinances of the Town of Normal for such offense. The registration records shall be neatly and securely maintained, and no registration records shall be destroyed until six (6) years have elapsed following the date of the registration. The register shall be available at all times for inspection by law enforcement officers.
7. The park management shall notify the Inspection Department at least 24 hours prior to occupancy of a mobile home; it shall be unlawful for anyone to occupy a mobile home in a mobile home park without first having obtained an occupancy permit.
8. A copy of the park drive naming and lot numbering system shall be placed on file with the Town Police Department, Fire Department and Inspection Department.

C. Responsibilities of Park Occupants.

1. The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
3. Pets, if permitted in the park, shall be prohibited from running at large or to commit any nuisance within the limits of any mobile home lot.
4. Skirtings, porches, awnings and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - a. The storage area shall be provided with a base of impervious material.

- b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - c. The storage area shall be enclosed by skirting.
 - d. No combustible items are to be stored underneath the mobile home. (Subsection (d) added 6/5/95 by Ord. No. 4319)
5. The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof and watertight.
 6. First aid fire extinguishers for Class B and C fires shall be kept at the premises and maintained in a working condition.

SEC. 22.8-9 UNLAWFUL TO PARK MOBILE HOME EXCEPT AS PERMITTED HEREIN. It shall be unlawful for any person to keep, park, store or maintain a mobile home in the Town outside a mobile home park, which is duly licensed hereunder, except as specifically permitted herein.

SEC. 22.8-10 (DELETED BY ORD. #3145, 10/4/82)

SEC. 22.8-11 GUEST OF A HOUSEHOLDER. It shall be permissible hereunder for a bona fide guest of a householder to park a mobile home in the rear yard of any dwelling house for a period of not to exceed fourteen (14) days in any one calendar year; provided however, that such mobile home may be used only for sleeping purposes during such period.

SEC. 22.8-12 MOBILE HOME USED AS PERMANENT OFFICE. No mobile home shall be maintained in the Town as a permanent office. Such office use as is compatible with the demonstration and sale of such articles or services as may be readily transported in a mobile home by a distributor or salesman may be permitted in a mobile home on a legally located parking lot within the business or industrial zones of Normal for a period of not exceeding seven (7) days, provided such mobile home is not used for living or sleeping purposes during such time. Use of a mobile home as temporary offices on construction sites will be permitted providing no sleeping or food facilities are established and/or used therein and provided said mobile home is so located as to not be in violation of any of the other codes or ordinances of the Town. All toilet facilities within the mobile home shall be connected to an approved sewer connection.

Neither this ordinance nor the license which may be secured by reason thereof is to be construed in any manner as authorizing the carrying on of a business and shall not in any way be construed as a modification of the Zoning Code in this respect.

SEC. 22.8-13 MOBILE HOME USED FOR TEMPORARY OCCUPANCY ON MAJOR CONSTRUCTION PROJECTS. Use of a mobile home as a temporary place of residence may be permitted provided that the following conditions are met:

- A. The Building Permit or subsequent letter requests such an occupancy;

- B. The Building Permit application indicates that the proposed construction cost will exceed \$250,000.00;
- C. All toilet facilities within the mobile home are connected with approved sewer connection;
- D. The occupancy commences no earlier than the issuance of the Building Permit and lasts no longer than the issuance of a Certificate of Occupancy for the project under construction;
- E. It shall be unlawful for any person to occupy a mobile home under the provisions of this Section without first having obtained a permit authorizing such occupancy from the Building Commissioner of the Town of Normal. The purpose of this Permit is to facilitate the notification of the Police and Fire Department of the Town of Normal that a mobile home will be occupied on certain construction sites.

SEC. 22.8-14 PENALTY. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the investigation or enforcement of any of the provisions of this Chapter, or any of the Codes adopted and modified hereby, upon conviction thereof, shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars for the first offense and not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for the second and each subsequent offense in any 180 day period; provided however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions, subject to the provisions of the Illinois Code of Civil Practice. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification or knowledge of the existence thereof. (Amended 6/3/02 by Ord. No. 4797)

SEC. 22.8-15 PARTIAL INVALIDITY. If any one or more of the provisions of this ordinance is declared unconstitutional, or the application thereof is held invalid, the validity of the remainder of said ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

(Entire Division 8 of Section 22 Amended 5/21/79)

DIVISION 9 - TAXIS

Division 9 of Chapter 22 repealed in its entirety by Ordinance No. 1738, approved by the Normal Town Council on June 19, 1978, and effective June 26, 1978.

DIVISION 10 - MOTOR VEHICLE TOWING SERVICES

SEC. 22.10-1 DEFINITIONS

Person means any natural person, partnership, corporation, association, organization, trust, or other entity.

Relocator means any person or entity engaged in the business of removing trespassing vehicles from private or public property by means of towing or otherwise, and thereafter relocating and storing such vehicles.

SEC. 22.10-2 LICENSE REQUIRED. It is unlawful for any person to engage in the business of removing trespassing vehicles from private or public property by means of towing or otherwise, and thereafter relocating and storing such vehicles without a valid relocator's license issued by the Town Clerk.

SEC. 22.10-3 LICENSE APPLICATION AND ISSUANCE:

A. Any person seeking a relocator's license shall provide the following to the Town Clerk:

1. The name, address and telephone number of the entity;
2. The names, addresses and telephone numbers of all officers and managers of the relocator;
3. The addresses of the principal place of business and all storage lots;
4. Upon request, the names and dates of birth of all employees engaged in removing vehicles from public or private property;
5. Proof of insurance which shall insure the relocator for its liability as follows:
 - a. for injury to person, in an amount not less than \$100,000 to any one person and \$300,000 for any one accident;
 - b. in case of damage to property other than a vehicle being removed, in an amount not less than \$50,000 for any one accident; and
 - c. in case of damage to any vehicle relocated or stored by the relocator, in an amount not less than \$15,000 per vehicle.

Any such policy shall be issued by an insurance firm qualified to do business in the State of Illinois. All certificates of insurance filed with the Town Clerk must show coverage effective continuously until cancelled, and the Town may require such evidence continued validity as it deems necessary.

- B. A one hundred dollar (\$100.00) license fee shall be required annually.
- C. The Town Clerk shall issue a relocater's license to any person who is not disqualified and who provides the information and pays the fee required by this Section.

SEC. 22.10-4 RESTRICTION ON LICENSE HOLDERS:

- A. No person, including any officer of any corporation, who has been convicted of a felony, driving under the influence of alcohol or drugs, theft, or other crime of moral turpitude shall be permitted to obtain a relocater's license. This restriction shall be waived by the City Council if the City Council finds that the applicant has been duly rehabilitated such that issuing a relocater's license does not pose a significant threat to the public.
- B. No license shall be issued to any person whose relocater's license has been revoked within the previous two years.
- C. No relocater shall employ any person who has been convicted of a felony, driving under the influence of alcohol or drugs, theft, or other crime of moral turpitude. The City Manager has authority to waive this restriction if the City Manager finds that the employee has been duly rehabilitated such that his employment as a relocater does not pose a significant threat to the public.

SEC. 22.10-5 CONTINUING OBLIGATION:

- A. A relocater must, within 15 days, notify the office of the Town Clerk of any changes in the names, addresses and telephone numbers of the officers, managers, and employees of the relocater.
- B. A relocater must, within forty-eight (48) hours, notify the office of the Town Clerk of any changes in locations and telephone numbers of the principal place of business, places where the company transacts business, and storage lots used.
- C. A relocater must, within five days, report the conviction by the relocater or his employee of felony, driving under the influence of alcohol or drugs, theft, or other crime of moral turpitude.

SEC. 22.10-6 AUTHORIZATION REQUIRED:

- A. No motor vehicle may be towed by a relocater from any public street or way, public alley or other public property except pursuant to explicit authorization from a peace officer, law enforcement officer, owner of said vehicle or duly authorized driver of said vehicle. Any payment of any kind for authorization to tow given by a relocater to any peace officer or law enforcement official is prohibited. Nothing in this Division 22.10 shall apply to vehicles towed pursuant to Division 17.10 of the Municipal Code of the Town of Normal – Impoundments, and the rights and procedures set forth in Division 17.10 shall be the exclusive remedy available for persons whose vehicles are towed pursuant to SEC. 17.10. (Amended 3/1/2010 by Ord. No. 5330)

- B. No motor vehicle may be towed by a relocater if it is parked in the space in which it is authorized to park.
- C. Before a relocater may remove an unauthorized vehicle from private property, the relocater must first obtain a written request from the property owner, the property owner's authorized agent or the lessee of the private property to remove the specific vehicle in question, unless the relocater has been given written authorization to remove all unauthorized vehicles from said private property. Any payment of any kind by a relocater to a property owner, lessee or property manager for permission to tow any vehicle is prohibited.
- D. When any owner, authorized agent or lessee of private property gives written authorization to a relocater to remove all unauthorized vehicles from a private parking area, signs shall be posted pursuant to SEC. 22.10-7 and the written authorization shall upon Town request be filed with the Town Clerk. Any payment of any kind by a relocater to a property owner, lessee or property manager for permission to tow any vehicle is prohibited.
- E. When a property owner utilizes a sticker system to indicate who is allowed to park in an area, those stickers must be of a quality such that they readily adhere to window glass, and do not readily fall off. A hang-tag system is permitted in lieu of a sticker system.
- F. Except upon the termination of tenancy, no property owner may terminate parking permission without first informing the permit holder in person or in writing of the termination. The burden of proof of showing termination given to the permit holder shall be on the Relocator and property owner.

SEC. 22.10-7 SIGNS:

- A. Signs required. Before a relocater removes any trespassing or unauthorized vehicles from a private parking area containing more than three spaces, signs shall be posted no less than twenty-four (24) hours prior to the time when any tow is made.
- B. Required sign(s) should be prominently visible from all entrances to the parking area and in clear view free from interference from any natural or man-made objects and shall be visible at night. The portions of these signs informing that unauthorized vehicles will be towed shall be in letters not less than two (2) inches in height, and in a color vividly contrasting to the background color of the sign. In cases where said sign(s) are absent or are not clearly visible, for whatever reason, at the time the vehicle is parked without authorization, towing shall not be permitted. The signs shall contain the following information:
 - 1. A specific statement indicating who is allowed to park in the area. Said statements may use classes of persons as well as individuals, but the statement must provide persons with adequate information to reasonably apprise persons as to who is allowed to park in the area. The statement "Authorized Parking Only – Unauthorized Vehicles Towed" is not sufficient to apprise persons as to who is allowed to park on private property.

“Customer Parking Only – All Others Towed” and “Permit Lot – Vehicles Displaying Valid Permits Only – All Others Towed” are examples of signs which apprise persons as to who may park in a given area.

2. A warning that unauthorized vehicles will be towed.
3. The exact fee, if any, charged by the relocator to recover the vehicle.
4. Name and phone number of Relocator.

SEC. 22.10-8 TOWING WHEN NO SIGNS ARE REQUIRED:

- A. Marked parking location. When a vehicle is parked in an otherwise authorized parking spot on private property and no signs are posted, the relocator may not remove the vehicle until after either 1) the vehicle owner has been notified in writing or in person that the vehicle may be towed, or 2) 24 hours have elapsed since a sticker has been placed on the driver’s side window or windshield indicating that the vehicle may be towed.
- B. Parking in unauthorized areas. When a vehicle is parked on private property in a clearly marked no parking area, on a non-hard-surface, across a sidewalk, blocking a driveway or dumpster, or other location where parking is not ordinarily permitted, a relocator may remove the vehicle.
- C. On residential property containing three (3) or fewer parking spaces, a relocator may remove a vehicle without signs being posted, notification to the vehicle owner, or stickers being placed on the vehicle.

SEC. 22.10-9 SHOW-UP FEE: No vehicle may be towed by any person from private property if the owner or other person entitled to possession of the vehicle is present, or arrives at the scene prior to the vehicle’s removal from such private property, exhibits the ignition key of said vehicle, and offers to remove such vehicle voluntarily prior to the time such person attempting to tow actually removes such vehicle from the private property in question, provided that such other person so removes such vehicle immediately. However, the owner must pay a show-up fee not to exceed \$25.00. If the owner refuses to pay the show-up fee, the relocator may proceed to tow the vehicle.

SEC. 22.10-10 NOTIFICATION TO LAW ENFORCEMENT AGENCIES: Whenever an unauthorized vehicle is towed from private property, the relocator shall notify the Normal Police Department not later than one hour after the vehicle is removed. Such notification may be by telephone or fax and shall include the name of the relocator; a complete and accurate description of the vehicle, including license plate number; the location from which and to which the vehicle was towed; the time the vehicle was towed; and the reason the vehicle was towed.

SEC. 22.10-11 RELEASE OF MOTOR VEHICLES FROM CUSTODY OF RELOCATORS:

- A. Prior to release of towed motor vehicles, the relocator shall permit the owner of the vehicle towed, or his authorized agent, to inspect the interior and exterior of said vehicle and its contents.

- B. The owner or authorized agent of the owner of the towed vehicle shall be identified by a valid driver's license and an ignition key which operates the vehicle towed; or in the instance of rented vehicles, identification may be accomplished by presentation of a rental contract and the driver's license of the renting party named in the rental contract.
- C. Should the relocater claim fees and charges for towing, it shall base fees and charges on rates as stated in this section.
- D. The relocater shall accept any of the following methods of payment for such fees and charges:
 - 1. United States currency,
 - 2. Regular recognized traveler's checks,
 - 3. Money Order,
 - 4. Cashiers' or Certified Check,
 - 5. Major credit and debit cards. To the extent that the Town of Normal is authorized to enact regulations on the use of credit and debit cards, a relocater holding a properly signed credit or debit card receipt shall become a holder in due course, and neither the holder of the credit or debit card nor the company which issued the credit or debit card may thereafter refuse to remit payment in the amount shown on the credit or debit card receipt minus the ordinary charge assessed by the credit or debit card company for processing the charge. No relocater may charge any extra fee for payment by credit or debit card.
- E. The relocater shall immediately release a towed motor vehicle to the owner upon tender of the lawfully authorized fee. Failure of the relocater to release a vehicle within 30 minutes of the fee being tendered shall result in a loss of the fee.
- F. The relocater shall provide a reason for the vehicle being towed.
- G. Hours for Release of Vehicles. A relocater must be open for release of vehicles from Monday through Saturday, 8:00 a.m. to 6:00 p.m., except for the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. A relocater must release vehicles upon demand at all other times upon payment of an additional late release fee of \$20, except no late release fee may be charged for the release of vehicles within two hours of a vehicle being relocated.
- H. No relocater shall charge more than eighty-five dollars (\$85.00) for any motor vehicle with a gross vehicle weight of eight thousand (8,000) pounds or less towed pursuant to this ordinance, except in the case when a dolly is required to tow the vehicle, in which case a fee of \$110 may be charged.

- I. No relocater shall charge more than twelve dollars (\$12.00) per day for storage of motor vehicles with a gross vehicle weight of eight thousand (8,000) pounds or less towed under this ordinance. Storage fees may not be charged for vehicles stored less than twenty-four (24) hours or for the immediate preceding Sunday when the vehicle is reclaimed on a Monday.
- J. A clearly visible sign indicating the right to a post-tow hearing shall be posted at the primary point of release of all towed vehicles.
- K. No relocater shall accept any fees or charges for the release of a motor vehicle unless such relocater at the time of acceptance of such fee or charge, has provided the owner or operator with the following notice:

POST-TOW HEARING

ANY VEHICLE OWNER OR OPERATOR WHOSE VEHICLE IS
TOWED PURSUANT TO THE TOWN OF NORMAL MOTOR
VEHICLE TOWING SERVICES ORDINANCE MAY WITHIN
THIRTY (30) DAYS OF THE TOWING APPLY FOR A POST-TOW
HEARING AT THE TOWN OF NORMAL

- L. Processing Fee. A relocater may charge a processing fee of no more than \$10.00 for costs involved in obtaining the identity of the owner and providing notice to the owner of a vehicle which has not been reclaimed within five days.
- M. A relocater shall provide an owner with documents showing the time a fee was tendered and the time the vehicle was released to the owner.
- N. The fee limitations set forth in this SEC. 22.10-11 shall not be applicable to vehicles towed pursuant to police orders when the Town enters into a contract for motor vehicle towing services. Fees charged for vehicles towed pursuant to police orders shall be limited by any contract the Town has for motor vehicle towing services. When no contract for towing services exists, the fee limitations of this Section shall apply. (Added 3/1/2010 by Ord. No. 5330)

SEC. 22.10-12 POST-TOW HEARING:

- A. Any vehicle owner or operator whose motor vehicle is towed pursuant to this ordinance may, within thirty (30) days of the towing, seek a post-tow hearing by making application with the Town.
- B. Within five (5) business days of the application for the post-tow hearing, the City Manager or his designee shall set a date and time for an administrative hearing at which time the vehicle owner or operator must present facts indicating by a preponderance of the evidence that:
 - 1. Any required signs were not posted or were not readable at the time the owner left the vehicle; or

2. The vehicle was mistakenly towed, i.e. the owner or operator had the permission of the property owner to park; or
 3. Other circumstances indicating that the owner or operator was without fault in parking the vehicle in the location from which it was towed; or
 4. The vehicle was not abandoned or improperly parked according to local or state law; or
 5. The relocater had no lawful authority to remove the vehicle; or
 6. An improper fee was charged; or
 7. A vehicle was not released within 30 minutes of the tender of the fee.
- C. Notice of said hearing shall be given to the property owner and relocater as well as to the vehicle owner or operator.
- D. The relocater must provide, prior to, or at the post-tow hearing, the following records:
1. Description of the vehicle towed;
 2. Date and time vehicle towed;
 3. Location vehicle towed from;
 4. Reason vehicle towed.
- E. The owner or operator of the vehicle and the relocater may appear at the post-tow hearing via telephone.
- F. If the City Manager or his designee determines that the vehicle owner or operator has met the burden of proof, then he shall order the relocater to pay the amount of towing and storage fees to the vehicle owner. An order may state a partial refund if the City Manager or his designee finds that a relocater exceeded charges authorized in this Section of this Code.
- G. If the City Manager or his designee determines that the vehicle owner or operator has not met the burden of proof, then he shall order the fee retained by the towing company.
- H. The City Manager or his designee in presiding over a post-tow hearing matter shall determine all procedural matters, hear all motions, and rule on the admissibility of evidence. Witnesses may be sworn, but strict rules of evidence shall not apply. No formal pleading is required.
- I. All decisions made by the City Manager or his designee at a post-tow hearing shall be final.

- J. The relocator may be ordered to pay an award no greater than the towing and storage fee collected by the relocator. The relocator must pay any award within seven days of the City Manager or his designee's ruling.

SEC. 22.10-13 LICENSE – REVOCATION OR SUSPENSION:

- A. The City Manager shall be authorized to revoke or suspend for up to thirty (30) days, a relocator license in conformity with the provision of this section.
- B. No relocator license shall be revoked or suspended until after an administrative hearing before the City Manager. The relocator shall be given no less than five (5) days written notice of the hearing. Such notice shall contain the time and place of the hearing and a list of the alleged violations which will be considered at the hearing. The City Manager shall conduct the hearing, dispose of procedural requests, motions and similar matters, continue the hearings from time to time when necessary, and rule on the admissibility of evidence. Witnesses shall be sworn, but the strict rules of evidence shall not apply. The licensee shall, at all times, be afforded due process, including, but not limited to, the right to counsel, the right to confront and cross-examine witnesses, and the right to present evidence on his own behalf.
- C. No relocator license shall be revoked or suspended unless following the hearing, the City Manager finds by a preponderance of the evidence that the licensee:
 - 1. obtained the license by fraud; or
 - 2. has committed a substantial violation or repeated violations of this ordinance; or
 - 3. has failed to comply with the insurance requirements of this Section.
- D. A written copy of the City Manager's decision will be served on the relocator within five (5) days of the hearing. Service of the notice of the hearing and decision may be by certified mail. A relocator may appeal the City Manager's decision by filing a written request for City Council review within thirty (30) days of the City Manager's decision.
- E. Within thirty (30) days of receipt of a written request for review of the City Manager's decision, the City Council will conduct a review. If the City Council determines that the City Manager's decision was beyond the scope of his authority or contrary to the manifest weight of the evidence, the decision of the City Manager will be reversed. The relocator whose license has been ordered revoked or suspended shall be given not less than five (5) days written notice of the time, date and place of the City Council review. Any license suspension or revocation shall be stayed upon the filing of a request for City Council review until the City Council's determination.

SEC. 22.10-14 VEHICLE REQUIREMENTS:

- A. The relocater shall identify his vehicles, by painting on the vehicle or otherwise firmly affixing in a color or colors vividly contrasting to the color of the unit, his name, address and telephone number, using letters and figures not less than two (2) inches in height, or in the alternative, the vehicle has been painted or otherwise had firmly affixed to it a seal or trademark which clearly identifies the relocater.
- B. All vehicles utilized by a relocater in removing vehicles shall be in good operating condition with flashing lights as permitted by state statute.

SEC. 22.10-15 SEVERABILITY: It is the intention of the Town Council of the Town of Normal, Illinois, that the several provisions of this Division 10 on commercial relocation of vehicles are separable. If any court of competent jurisdiction shall adjudge any provisions of this Division to be invalid, such judgment shall not affect any other provisions of this Division not specifically included in such judgment order.

SEC. 22.10-16 PENALTY: Any person convicted of violating Division 10 of Chapter 22 of the Normal Municipal Code shall be fined not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00).

(ENTIRE DIVISION 22 AMENDED 7/18/05 BY ORD. NO. 5021)(ENTIRE DIVISION 22 AMENDED 6/6/2011 BY ORD. NO. 5384)

DIVISION 11 – BUSINESS LICENSE**SEC. 22.11-1 DEFINITIONS.**

- A. **Business** is meant to include all kinds of vocations, occupations, enterprises, establishments and other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly on any premise in this city, including not-for-profit businesses charging for any service products. Business shall not include:
1. Occasional sales provided such sales occur no more than twelve (12) days per calendar year.
 2. Delivery of newspapers to residential dwelling units.
 3. Residential solicitation provided the solicitor is registered pursuant to Division 4 of this Chapter.
 4. De minimis commercial transactions of less than \$500 per year.
- B. **Premise** is meant to include all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.
- C. **Person** is meant to include individual, natural persons, partnership, joint adventurers, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees, or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person under either personal appointment or pursuant to law.

SEC. 22.11-2 COMPLIANCE. It shall be unlawful for any person, either directly or indirectly to conduct any business or to use in connection therewith, any vehicle, premise, machine or device in whole or in part, without first obtaining a license with the Town of Normal. For the purpose of this ordinance, any person shall be deemed to be in business and thus subject to the requirements of this Section when any one act of the following is done:

- A. Selling any goods or service.
- B. Soliciting business or offering goods or services for sale or hire.
- C. Acquiring or using any vehicle or any premises in the city for business purposes.

SEC. 22.11-3 AGENTS RESPONSIBLE. The agents or other representatives of non-residents who are doing business in this city, shall be personally responsible for the compliance of their principals and of the businesses they represent with this ordinance.

SEC. 22.11-4 INFORMATION CONFIDENTIAL. All information supplied the Town under this ordinance other than that supplied pursuant to SEC. 22.11-5(A), shall be kept in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to authorized Town personnel.

SEC. 22.11-5 APPLICATION. Every person subject to this ordinance shall submit a business application form to the Town Clerk. The business application form shall provide the following information:

- A. General information, business name, corporation name, business address, business phone number, name, address and telephone number of persons to contact in case of emergency.
- B. Security information regarding the presence of any burglar alarm systems, night watchmen or private security guards, security guard dogs, and a schedule of normal business hours.
- C. Fire safety information regarding the presence of any fire alarm, the presence of any roof entry point, the presence of any smoke detection system, the presence of any stand pipe, the presence of any sprinkler system.
- D. Business use information. A notation of the type of business. Sales tax number or tax identification number.

SEC. 22.11-6 ISSUANCE OF LICENSE. The Town Clerk shall issue a Business License to the applicant upon satisfaction of the following conditions:

- A. Submission of a completed Application.
- B. Payment of all debts owed the Town of Normal unless other payment arrangements have been made with the City Manager.
- C. Payment of all taxes due the Town of Normal.

SEC. 22.11-7 RENEWAL. Annually, on or before January 10 of each year, each person, subject to this ordinance, shall file a business license renewal form with the Town Clerk. Such form shall supply any changes in information supplied by the initial registration form. Such License shall be renewed provided the conditions of SEC. 22.11-6 have been met.

SEC. 22.11-8 FORMS: The City Clerk is authorized to create license application and renewal forms containing the required information by this Division.

SEC. 22.11-9 GROUNDS FOR SUSPENSION OR REVOCATION OF A BUSINESS LICENSE: The City Manager, or his designee, may after notice and hearing suspend or revoke a business license for any of the following reasons:

- A. The Licensee has violated any state or federal laws or violated any Town ordinance regulating or relating to the conduct of the business.

- B. The willful making of any false statement as to a material fact in the license application or renewal.
- C. The permitting of any violation of state law or Town ordinance by any person upon the licensed premises.
- D. Failure to use and maintain the licensed premises in compliance with all applicable laws, Town codes, McLean County health ordinances, and all regulations and lawful orders of such regulatory bodies.
- E. Suspension or revocation of the license of the licensee by a state governing body.
- F. Suspension or revocation of the legal status of the licensee, such as, but not limited to, suspension or revocation by the Secretary of State of the right to transact business in Illinois.
- G. Failure to pay any fee or tax due to the Town of Normal.

The City Manager is authorized to promulgate rules governing the notice and hearing process.

SEC. 22.11-10 REINSTATEMENT FOLLOWING REVOCATION: The City Manager may reinstate a business license upon:

- A. Filing of an application for reinstatement with the Town Clerk.
- B. The payment of all fees, taxes, and penalties then due to the Town of Normal.
- C. The application for reinstatement shall be on forms developed by the Town Clerk and shall contain the information required on the original business license application plus the date and circumstances of the prior license revocation.
- D. Remediation of the cause, event, or condition which caused the revocation of the license.

SEC. 22.11-11 INJUNCTIVE RELIEF: In case of a violation of this Division, the Town may cause to be instituted an appropriate proceeding at law or in the equity to obtain penalties or to restrain, correct or abate such violation, including, but not limited to, the closure of any business which is not in compliance with this Division.

SEC. 22.11-12 PENALTY. Any person operating a business within the Town of Normal without first registering with the Town of Normal as provided herein, shall, upon conviction for violation of this ordinance, be fined a sum not less than \$50.00 and not more than \$500.00. Each day of business operation without registration with the Town, shall constitute a separate offense.

(ENTIRE DIVISION 11 OF CHAPTER 22 ADDED BY ORD. NO. 3274 – 2/6/84)

(ENTIRE DIVISION 11 OF CHAPTER 22 AMENDED 10/16/06 BY ORD. NO. 5096)

DIVISION 12 – FALSE ALARMS

SEC. 22.12-1 DEFINITIONS. For the purpose of this Division certain words and phrases shall be defined as herein set forth:

- A. Subscriber is any person, firm, corporation, partnership or entity who or which purchases, leases, contracts for, or obtains an alarm system.
- B. Alarm System means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the Town of Normal of a burglary, robbery, or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire, or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the alarm systems and who report such signals to the fire or police department. Alarm systems also include those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the police or fire department of the signal. Alarm systems do not include those affixed to automobiles; furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an alarm system. Alarms in separate structures are to be counted as separate systems even though owned by the same person or entity.
- C. False Alarm means an alarm signal eliciting a response by the police or fire department when a situation requiring a response by the police or fire department does not in fact exist. False alarm does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered false alarms:
1. Criminal activity or unauthorized entry.
 2. Earthquake causing structural damage to the protected premises.
 3. High winds sufficient to activate motion detection system or causing physical damage to the protected premises.
 4. Flooding of the protected premises due to overflow of natural drainage.
 5. Lightning bolt causing physical damage to the protected premises.
 6. Telephone line malfunction verified in writing to the Town by at least a first line telephone company supervisor.
 7. Electrical service interruption verified in writing to the department by local power company.

8. Communication to the police or fire department before a unit is dispatched to investigate clearly indicating that the alarm resulting from authorized entry, authorized system test, or other non-criminal cause.
9. An alarm caused on the reasonable but mistaken belief that a burglary, robbery, or other criminal offense, fire emergency, or medical emergency is in progress.
10. The generation of a false alarm which is beyond the reasonable control of the system user.

SEC. 22.12-2 RESPONSE TO ALARMS

- A. Whenever an alarm is activated in the Town thereby requiring an emergency response to the location by the police or fire department and the police and fire department does respond, the police or fire department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.
- B. If the police or fire department personnel at the scene of the activated alarm system determines the alarm to be false, said officers shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm.
- C. The chief of the police or fire department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

SEC. 22.12-3 EXCESSIVE FALSE ALARMS AND FEE ASSESSMENT

- A. If any alarm system produces a false alarm in any calendar year, the chief of the involved department shall provide written notice of the fact, which shall be given by certified mail or delivery to the subscriber asking the subscriber to take corrective action in regard to false alarms and informing subscriber of the false alarm fee schedule provided herein.
- B. Subscribers installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms. The grace period shall cease thirty (30) days after installation of or modification to an alarm system.
- C. Upon any alarm system producing more than one false alarm in a calendar year, a fee of seventy-five dollars (\$75.00) per false alarm shall be charged to the subscriber.

All fees assessed must be paid to Town Finance Department or a written appeal must be submitted to the City Manager within three (3) days of fee assessment.

(Entire SEC. 22.13-3 Amended 3/2/09 by Ord. No. 5241)

SEC. 22.12-4 APPEAL OF FALSE ALARM

- A. Any subscriber who has been notified of a false alarm or assessed a false alarm fee may appeal to the City Manager by giving written notice and posting a bond equal to the amount of fee, if applicable, within three (3) days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.
- B. The appellant shall be given reasonable notice of such hearing, failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of such bond toward the false alarm fee assessed by the Town.
- C. The City Manager or his designee shall serve as hearing officer, the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in SEC. 25.21-1(C).
- D. After receipt of all relevant evidence, the hearing officer shall, within three (3) days, render his decision. If the hearing officer determines that the appellant has met the burden of proof, then he shall order the appeal bond released to the appellant and/or rescind the false alarm determination. If the hearing officer determines that the appellant has not met the burden of proof, then he shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the Town and/or enter such alarm as a false alarm.
- E. All decisions made pursuant to this Division are final. (Added 3/5/84)

(Entire Division Amended 6/4/84)(ENTIRE DIVISION RE-CODIFIED BY ORDINANCE NO. 3326, 7/16/84)

CHAPTER 22 - DIVISION 13**SEXUALLY ORIENTED ENTERTAINMENT BUSINESSES**

SEC. 22.13-1 – SHORT TITLE. This Division of the Municipal Code shall be known, cited and referred to as the Sexually Oriented Entertainment Business Ordinance of the Town of Normal, Illinois and at times referred to as "this Ordinance" in this Division. As used herein "city" means Town of Normal.

SEC. 22.13-2 – PURPOSE AND INTENT. It is the purpose of this Ordinance to address the negative impacts associated with sexually oriented entertainment businesses, as identified in the legislative findings made and cited in SEC. 22.13-3 of this Ordinance to reduce or prevent neighborhood blight; to protect and preserve the quality of the City's neighborhoods and commercial districts; to protect the City's retail trade; to maintain property values; to protect and preserve the quality of life in the City; to reduce the incidence of unlawful activity and to promote the health, safety, morals and general welfare of the citizens of the City. The provisions of this Ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials for adults. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment for adults to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

SEC. 22.13-3 - FINDINGS. The President and Board of Trustees make the following legislative findings:

- A. The Courts of Illinois as well as the United States Supreme Court have recognized the City's authority to adopt rules and regulations over the operation of sexually oriented entertainment business establishments; and
- B. The City has a substantial governmental interest in protecting the public health, safety and welfare of its citizens and all persons within the City and of propounding standards to mitigate the possibility of infection by contagious sexually transmitted diseases; and
- C. There is convincing documented evidence, including statistics and studies performed in a substantial number of communities in the State of Illinois and in the United States concerning the serious objectionable characteristics and secondary effects of sexually oriented entertainment businesses located in other jurisdictions. The City Council finds that these studies are relevant to the problems addressed by the City in enacting ordinances to regulate the adverse secondary side effects of sexually oriented entertainment business establishments; and
- D. The City Council finds that there is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented entertainment businesses, including but not limited to an increase in the crimes

related to prostitution, sale and possession of controlled substances and violence against persons and property. These studies from other jurisdictions establish convincing evidence that sexually oriented entertainment business establishments, if not regulated pursuant to the location and operational requirements set forth in the ordinances of the City Code, can result in an increase in criminal activities and other adverse secondary effects with a deleterious impact on adjacent commercial and residential properties; and

- E. The City Council finds that enclosed or dimly lit areas within sexually oriented entertainment businesses greatly increases the potential for unlawful conduct, such as prostitution, sales of controlled substances, and lewd and lascivious conduct, and further finds that all indoor and enclosed public areas should be open to view by management and visible to all other public areas in the sexually oriented entertainment business establishment. Adequate lighting, and direct management supervision of such areas are necessary in order to reduce the opportunity for and incidents of illegal conduct and facilitate routine inspection by public safety personnel; and
- F. The City Council, in adopting this Ordinance, is aware of and takes legislative notice of well-established legal principles related to the regulation of sexually oriented entertainment businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States Constitution, but instead intends to enact reasonable regulations that address the adverse secondary effects of sexually oriented entertainment businesses; and
- G. The City Council finds that location and zoning regulations alone are insufficient to adequately protect the health, safety, and general welfare of the citizens of the City, and thereby finds that it is in the public interest to establish certain requirements with respect to the ownership and operation of sexually oriented entertainment businesses; and
- H. The City Council finds that there is clear and convincing evidence that close contact between performers and patrons, and the direct solicitation of and the direct giving of gratuities in sexually oriented business entertainment establishments facilitates the opportunity for specified criminal acts, including, but not limited to: solicitations for sexual acts, transfer of controlled substances, and lewd and lascivious conduct, and further finds that the enforcement of such laws prohibiting such specified criminal acts requires a disproportionate level of public safety resources; and
- I. The City Council finds the following, based upon its understanding of the documents and judicial decisions in the public record:
 - 1. Evidence supports a finding that some dancers and entertainers, and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts, as defined herein, in sexually oriented entertainment businesses (collectively referred to as “performers”) have been found to engage in specified sexual activities with patrons of such

sexually oriented entertainment businesses on the site of sexually oriented entertainment businesses;

2. Evidence demonstrates that performers employed by sexually oriented entertainment businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live entertainment exhibiting specified sexual activities or displaying specified anatomical parts, as defined herein;
3. Evidence supports a finding that performers at sexually oriented entertainment businesses have been found to engage in acts of prostitution with patrons of the sexually oriented entertainment businesses;

As a result of the above, and in view of the increase in incidents of Acquired Immune Deficiency Syndrome (AIDS) and Hepatitis B, which are both sexually transmitted diseases (STD), the City has a substantial interest in adopting regulations that will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex at sexually oriented entertainment businesses; and

- J. The City Council finds that there are unique harmful effects on children and minors exposed to the effects of sexually oriented entertainment businesses, including, but not limited to, the deterioration of respect for family values, exposure to images and acts for which they are too young or immature to fully understand, exposure to items and displays containing pornography or sexually oriented toys or novelties, and the possibility that such children or minors could inadvertently become targets or otherwise victims of solicitations of a sexual nature for which they are too young or immature to understand or otherwise take appropriate measures to protect themselves; and
- K. The City Council desires to minimize and control the adverse secondary side effects associated with the operation of sexually oriented entertainment businesses and thereby protect the health, safety and welfare of the citizens of the City from increased criminal activity, preserve the quality of life, minimize adverse impacts on property values and the character of surrounding neighborhoods and commercial businesses, and to deter the spread of communicable and sexually transmitted diseases.

SEC. 22.13-4 - DEFINITIONS. For the purposes of this Ordinance, unless the context clearly requires different meaning, the words, terms and phrases set forth shall have the meanings given them herein.

ADULT CABARET: A building or portion of a building featuring dancing or other live entertainment if the dancing or other live entertainment involves the exhibiting of specified sexual activities or specified anatomical areas, as defined in this Ordinance, for observation by patrons therein.

ADULT HOTEL/MOTEL: means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions fifty (50) percent or more of the number of which are distinguished or characterized by an emphasis on the exhibiting of specified sexual activities or specified anatomical areas, as defined in this Ordinance; and rents, leases, or lets any single room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty four (24) hour period.

ADULT LINGERIE MODELING STUDIO: An establishment or business that provides for any form of compensation, monetary or other consideration, the services of live models modeling lingerie to individuals, couples, or small groups and "specified anatomical areas" of the models are displayed for the purpose of sexual stimulation of the patrons and further provided such modeling takes place in a room smaller than six hundred (600) square feet in gross public floor area.

ADULT MEDIA: Magazines, books, videotapes, movies, slides, c.d.- r.o.m.s or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

ADULT MEDIA STORE: An establishment that rents and/or sells media, and that media meets any of the following tests:

1. Fifty (50) percent or more of the gross public floor area is devoted to adult media as defined in this Ordinance.
2. Fifty (50) percent or more of the stock-in-trade consists of adult media as defined in this Ordinance.

ADULT MODELING STUDIO: means a business which provides, for any form of compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas", as defined herein, to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. Schools certified pursuant to standards set by the State of Illinois are not included in the definition of "Adult Modeling Studio".

ADULT MOTION PICTURE THEATER: An establishment emphasizing or predominantly showing sexually oriented movies distinguished or characterized by an emphasis on matters depicting, describing, or relating to "hard-core material", "specified anatomical areas" and/or "specified sexual activities" (as defined in this Article) for observation by patrons therein.

ADULT SEX BUSINESS: means any sexually oriented entertainment business, including any business establishment that regularly features live entertainment distinguished or characterized by an emphasis on the exposure of specified anatomical areas or specified sexual activities, as defined herein, or any business establishment whose primary purpose is the sale or display of any explicit sexual material which,

pursuant to state law or other regulatory authority, can be offered only to persons over the age of eighteen (18) years. It shall be unlawful for any person under the age of eighteen (18) years to be within any building that is the site of an "Adult Sex Business". "Adult Sex Business" may include an adult cabaret, adult hotel / motel, adult media store, adult modeling studio, adult motion picture theater, adult video arcade, adult lingerie modeling studio, or a sex shop.

ADULT VIDEO ARCADE: means any place in an adult media store to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture, or video machines, projectors, or other image-producing devices are maintained to show images distinguished or characterized by an emphasis on matters depicting, describing, or relating to "hard-core material", "specified anatomical areas" and/or "specified sexual activities" (as defined in this Article) in video-viewing booths or arcade booths for observation by patrons therein. Adult video arcades are prohibited uses except in adult media stores.

APPLICANT: means a person who is required to file an application for a license under this Ordinance, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee or agent of a "Sexually Oriented Entertainment Business", as defined herein.

BUSINESS OPERATOR: means a person who supervises, manages, inspects, directs, organizes, controls or in any other way, is responsible for or in charge of the premises of a "Sexually Oriented Entertainment Business", as defined herein, or activities occurring on the premises thereof.

BUSINESS OWNER: means a person or persons who hold a financial or other business interest, in whole or in part, either singly or jointly in a "Sexually Oriented Entertainment Business", as defined herein. For purposes of this Ordinance, indicia of ownership may be established by evidence including, but not limited to: business license information, fictitious business name registration, utility billing information, or by other competent evidence. For purposes of this Ordinance, the person whose name appears on the Sexually Oriented Entertainment Business license application as the business owner shall be deemed to be the "business owner".

CITY CLERK: means the City Clerk for the Town of Normal, Illinois, or his or her designee.

CITY COUNCIL: means the City Council for the Town of Normal, Illinois

DAYS: Calendar days, unless otherwise specifically set forth in this Ordinance.

DISPLAY PUBLICLY: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

ESTABLISHMENT: Any business regulated by this Ordinance.

EXPLICIT SEXUAL MATERIAL: Any hard-core material as defined by this Ordinance.

GROSS PUBLIC FLOOR AREA: The total floor area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, rest rooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

HARD-CORE MATERIAL: Media characterized by sexual activity that includes one or more of the following: erect male genitals; contact of the mouth of one person with the genitals of another; penetration with a finger or male genital or other object into any genital or anal orifice in another person; open female labia; penetration of a sexually oriented toy or novelty into any orifice in another person; or male ejaculation.

LICENSED PREMISES: The place or location described in a Sexually Oriented Entertainment Business License where a Sexually Oriented Entertainment Business Establishment is authorized to operate.

LICENSEE: Any person or entity that has been issued a Sexually Oriented Entertainment Business License pursuant to the provisions of this Ordinance.

MASSAGE THERAPY STUDIO: An establishment offering massage therapy and/or bodywork by a massage therapist, licensed by the State of Illinois, or Town of Normal City Code, or under the direct supervision of a licensed physician.

MEDIA: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, c.d.- r.o.m.s, other magnetic media, and undeveloped pictures.

MEDIA SHOP: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media stores. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of "adult media store" shall be treated as an adult media store.

NUDE (NAKED): A state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areolae is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

REVIEWING DEPARTMENTS: The Planning and Inspection Department, the Legal Department, the Fire Department, and the Police Department for the Town of Normal, Illinois

ROLE PLAYING INTERACTION: An arrangement, service or program where a server, host, hostess, dancer, singer, or model, for consideration, engages a customer in a meeting or conversation involving, depicting, simulating or participating in any "specified sexual activities".

SADOMASOCHISTIC PRACTICES: Flagellation or torture by or upon a person clothed or naked for the purpose of sexual arousal, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked for the purpose of sexual arousal.

SEX SHOP: An establishment offering goods for sale or rent and that meets any of the following tests:

1. The establishment offers for sale items from any two (2) of the following categories: (a) adult media, (b) lingerie in a lingerie modeling studio, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than fifty (50) percent its stock in trade or occupies more fifty (50) percent of its gross public floor area.
2. More than fifty (50) percent of its stock in trade consists of sexually oriented toys or novelties.
3. More than fifty (50) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

SEXUALLY ORIENTED ENTERTAINMENT BUSINESS: An inclusive term used to describe collectively: adult cabaret; adult modeling studio, adult motion picture theater; adult video arcade located within an adult media store; adult lingerie modeling studio; and/or sex shop.

SEXUALLY ORIENTED ENTERTAINMENT BUSINESS EMPLOYEE: Any person, including entertainers, who work in or at, or render any services directly related to the operation of, a sexually oriented entertainment business establishment; provided however, that this definition shall not include persons delivering goods, materials (other than adult media), food and beverages, or performing maintenance or repairs, to the licensed premises.

SEXUALLY ORIENTED ENTERTAINMENT BUSINESS LICENSE: A license issued for a sexually oriented entertainment business establishment pursuant to the provisions of this Ordinance.

SEXUALLY ORIENTED ENTERTAINMENT BUSINESS PATRON: Any person, other than a sexually oriented entertainment business employee, present in or at any sexually oriented entertainment business establishment at any time when such sexually oriented entertainment business establishment is open for business; provided however, that this definition shall not include persons delivering goods, materials (other than adult media), food and beverages, or performing maintenance or repairs, to the licensed premises.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SPECIFIED ANATOMICAL AREAS: (1) Less than completely and opaquely covered: human genitals, human pubic region, human buttocks, and human female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of nude human genitals, pubic region, buttocks, or female breast specified anatomical areas.

STRADDLE DANCE: The use by any person, including specifically, but without limitation, a Sexually Oriented Entertainment Business Employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus or female breast of any Sexually Oriented Entertainment Business Patron or any other person in an adult sex business, or the touching of the genitals, pubic region, buttock, anus or female breast of any person in a Sexually Oriented Entertainment Business by a Sexually Oriented Entertainment Business Patron. Conduct shall be a “Straddle Dance” regardless of whether the “touch” or “touching” occurs while the person is displaying or exposing any specified anatomical area as defined herein. Conduct shall be a “Straddle Dance” regardless of whether the “touch” or “touching” is direct or through a medium. Conduct commonly referred to by the slang terms “lap dance”, “table dance”, and “face dance” shall be included within this definition of “Straddle Dance”.

VIDEO-VIEWING BOOTH (ARCADE BOOTH) : Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to film, video or magnetic tape, laser disc, c.d.-r.o.m., books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

SEC. 22.13-5 – EXCLUDED ACTIVITIES. This Ordinance does not apply to any of the following activities:

- A. Any activity conducted or sponsored by a school district or government agency; provided that such activity is being conducted as part of and within the scope of

an authorized and regular part of the curriculum or is part of a training or instructional program being conducted by a school district or government agency.

- B. Any activity conducted by a person pursuant to any license issued by the State of Illinois or any agency thereof charged with the responsibility of licensing, prescribing standards for and supervising such activity or profession, in and to the extent that such activity is conducted within the course and scope of the exercise of the privileges authorized by such license or the duties of such agency.

SEC. 22.13-6 – ORDINANCE ENFORCEMENT OFFICER. The Building Commissioner shall be the Enforcement Officer for this Ordinance and shall have the following powers and duties:

- A. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of Sexually Oriented Entertainment Business Licenses as set forth in this Ordinance;
- B. To conduct or provide for such inspections of Sexually Oriented Entertainment Business Establishments as shall be necessary to determine and ensure compliance with the provisions of this Ordinance and other applicable provisions of law;
- C. To periodically review the provisions of this Ordinance and the conduct and operation of Sexually Oriented Entertainment Business Establishments and their Licenses and to make such reports and recommendations to the City Council as deemed necessary;
- D. To conduct such hearings, studies, and investigations on Sexually Oriented Entertainment Business Establishments, and the regulations pertaining thereto, as deemed necessary, and to conduct such hearings on the revocation or suspension of a Sexually Oriented Entertainment Business License as required pursuant to this Ordinance;
- E. To establish written rules and regulations implementing the provisions of this Ordinance, including but not limited to, the content and processing of any application or petition and the conduct of any hearing; and
- F. To take such further actions as deemed necessary to carry out the purpose and intent of this Ordinance and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Ordinance.

SEC. 22.13-7 – SEXUALLY ORIENTED ENTERTAINMENT BUSINESS LICENSE REQUIRED: It shall be unlawful for any person to engage in, conduct, establish, operate or maintain a Sexually Oriented Entertainment Business within the City unless the person first obtains and continues to maintain in full force and effect a Sexually Oriented Entertainment Business License issued by the City Clerk as required by this Ordinance.

SEC. 22.13-8 – OPERATION WITHOUT LICENSE PROHIBITED: It shall be unlawful for persons not having a current and valid Sexually Oriented Entertainment Business License to establish, operate, or maintain a Sexually Oriented Entertainment Business within the City at any time after the effective date of this Ordinance.

SEC. 22.13-9 – OPERATION IN VIOLATION OF LICENSE PROHIBITED: It shall be unlawful for any Licensee to establish, operate, or maintain a Sexually Oriented Entertainment Business within the City except in the manner authorized by, and in compliance with, the provisions of this Ordinance and the Licensee’s Sexually Oriented Entertainment Business License.

SEC. 22.13-10. – CONTENT AND DISPLAY OF LICENSE: Every Sexually Oriented Entertainment Business License shall be provided by the City and shall, at a minimum, prominently state on its face the name of the Licensee, the expiration date, and the address of the Sexually Oriented Entertainment Business Establishment. Every Licensee shall cause the Licensee’s Sexually Oriented Entertainment Business License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Licensed Premises so it can be easily seen and read at any time by any person entering the Licensed Premises.

SEC. 22.13-11 – LICENSE TERM: Except as hereinafter provided, Sexually Oriented Entertainment Business Licenses shall be operative and valid, unless first terminated, suspended or revoked, for a term of one (1) year commencing on January 1 of the year following the year of issuance and terminating on December 31 of that same year. Sexually Oriented Entertainment Business Licenses issued after January 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended or revoked, for a term commencing on the date of issuance and terminating on December 31 of that same year.

SEC. 22.13-12 - LICENSE RENEWAL: A Sexually Oriented Entertainment Business License may be renewed only by making application as required for an initial License pursuant to SEC. 22.13-13 of this Ordinance. Application for renewal shall be made at least forty-five (45) days before the expiration of the then-current license term. The expiration of the License shall not be affected or extended by a renewal application that is made less than forty-five (45) days before expiration.

SEC. 22.13-13 – FORM AND SUBMITTAL OF LICENSE APPLICATION:

- A. Required Form: An application for a Sexually Oriented Entertainment Business License, or the renewal thereof, shall be made in writing to the City Clerk on a form prescribed by the City Clerk and shall be signed: (1) by the applicant, if the applicant is an individual; (2) by at least one of the persons entitled to share in the profits of the establishment and having unlimited personal liability for the obligations of the establishment and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two (2) or more persons share the profits and liabilities of the organization; (3) by a duly authorized agent, if the applicant is a corporation; or (4) by a trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the Licensed Premises for which a Sexually Oriented Entertainment

Business License is sought. Each initial or renewal application shall be accompanied by seven (7) identical applications.

B. Administrative Processing Fee:

Every applicant for a Sexually Oriented Entertainment Business License or for the renewal of an existing Sexually Oriented Entertainment Business License shall pay an Administrative Processing Fee in the amount of \$250.00 by certified check to the Town of Normal, Illinois at the time of filing such application. Such fee shall in all cases be nonrefundable and shall be deposited in the general corporate fund of the City. Such fee shall be used to defray, in part, administrative costs incurred by the City in processing such application and is not made in lieu of any other fees or taxes required under this Ordinance.

C. Required Information and Documentation: Each application for a Sexually Oriented Entertainment Business License shall include the following information and documentation:

1. Applicant Background Profile:

- a. Individuals – If the applicant is an individual, include the applicant’s legal name, the applicant’s business address and written proof of the applicant’s age.
- b. Partnerships (general or limited)- If the applicant is a partnership, joint venture or other type of organization where two (2) or more persons share the profits and liabilities of the organization, include the applicant organization’s complete name and official business address; the legal name, the ages, *and* business addresses of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization.
- c. Corporations – If the applicant is a corporation, include the corporation’s complete name and official business address; the legal name, the ages *and* business addresses, of all directors, officers, and managers of the corporation and every person owning or controlling the voting shares of the corporation; the corporation’s date and place of incorporation and the object for which it was formed; proof that such corporation is in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.
- d. Land Trusts- If the applicant is a land trust, include the applicant land trusts’ complete name; the legal name, and the business address of the trustee of the land trust; the legal name, and the ages *and* business addresses, of each beneficiary of the land trust and

the specific interest of each such beneficiary in land trust; and the interest, if any, that the land trust holds in the Licensed Premises, as required by Chapter 765 ILCS 405 (Illinois Compiled Statutes). All such applications shall be verified by the applicant in his/her capacity as trustee, or by the beneficiary as a beneficial owner of interest in such land trust.

2. If a corporation or partnership is an interest holder that must be disclosed pursuant to SEC. 22.13-13(C) above, then such interest holders shall disclose the information required in said Section with respect to their interest holders.
3. The general character and nature of the business of the applicant and the length of time that the applicant has been in such business.
4. The location, including street address and legal description, and telephone number, of the premises for which the Sexually Oriented Entertainment Business License is sought, and the identity of each fee simple owner of the licensed premises. If the applicant is not the fee simple owner, a copy of the lease therefore shall be provided.
5. The specific name of the business that is to be operated under the Sexually Oriented Entertainment Business License and the specific type or types of sexually oriented entertainment businesses that the applicant proposes to operate in the licensed premises.
6. A site plan showing the lot or property on which the Sexually Oriented Entertainment Business Establishment is or will be located, and the location of the building or portion thereof in which the Sexually Oriented Entertainment Business is or will be located, the number of available parking spaces, the location and type of available and proposed lighting, landscaping, trash enclosures, and all means of ingress and egress to and from the property. The site plan need not be professionally prepared, but shall be drawn to scale with marked dimensions to an accuracy of plus or minus one (1) foot.
7. A floor plan diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and rest rooms. A professionally prepared floor plan diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however that each such diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions and to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the licensed premises and to demonstrate compliance with the provisions of this Ordinance. The

requirements of this paragraph shall not apply for a renewal applications if the applicant adopts a floor plan diagram that was previously submitted for the license sought to be renewed and if the licensee certified the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous floor plan diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other City approval otherwise required pursuant to applicable City ordinances and regulations.

8. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed sexually oriented entertainment business establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to SEC. 22.13-13(C)(1) of this Ordinance.
- D. Incomplete Applications Returned: Any application for a Sexually Oriented Entertainment Business Establishment that does not include all the information and documents required pursuant to Subsection C of this SEC. 22.13-13 as well as the Administrative Processing Fee pursuant to Subsection B of this SEC. 22.13-13 shall be deemed to be incomplete and shall not be acted on or processed by the City. The City Clerk shall, within ten (10) days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

SEC. 22.13-14 – PROCESSING OF LICENSE APPLICATION:

- A. Reviewing Departments: Within five (5) days after receipt of a complete application for a Sexually Oriented Entertainment Business License that includes all the information, documents, the administrative processing fee as required pursuant to SEC. 22.13-13 of this Ordinance, the City Clerk shall transmit a copy of such application to the Reviewing Departments.
- B. Reviewing Department Reports: Each of the Reviewing Departments shall, within 45 days after transmittal of the application of thereto, or within such other period of time as the City and the applicant may otherwise agree: (1) review the application; (2) conduct such inspections of the proposed Licensed Premises and background investigations of the applicant and any of the individuals identified in the application pursuant to SEC. 22.13-13(C)(1); SEC. 22.13-13(C)(2); and SEC. 22.13-13(C)(8) of this Ordinance, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed Sexually Oriented Entertainment Business Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations; and (3) prepare and submit to the Building Commissioner a written report regarding the results and findings of such reviews, inspections, and investigations.

- C. **Building Commissioner Review:** The Building Commissioner shall also conduct such inspections and investigations as the Building Commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Sexually Oriented Entertainment Business Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations.
- D. **Reliance on Diagrams:** In the event that the Licensed Premises has not yet been constructed or reconstructed to accommodate the proposed Sexually Oriented Entertainment Business Establishment, the Building Commissioner and the reviewing departments shall base their respective reports, investigations, and inspections to the extent necessary, on the site plan and floor plan diagrams submitted pursuant to SEC. 22.13-13(C)(6) and SEC. 22.13-13(C)(7) of this Ordinance. Any Sexually Oriented Entertainment Business License issued prior to the construction or reconstruction necessary to accommodate the proposed a Sexually Oriented Entertainment Business shall be subject to the condition that the Sexually Oriented Entertainment Business shall not be open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagrams submitted with the application.
- E. **Applicant Cooperation Required:** An applicant for a Sexually Oriented Entertainment Business License shall cooperate fully with the inspections and investigations conducted by the Building Commissioner and the Reviewing Departments. The applicant's refusal (1) to give any information reasonably relevant to the investigation of the application; (2) to allow the Licensed Premises to be inspected; (3) to appear at any reasonable time and place for examination under oath of regarding the application; or (4) to otherwise cooperate with the investigation and inspection required by this Ordinance shall constitute an admission by the applicant that the applicant is ineligible for a Sexually Oriented Entertainment Business License and shall be grounds for the Building Commissioner to direct the City Clerk to deny the License.
- F. **Time for Issuance or Denial:** The Building Commissioner shall, within forty five (45) days after submittal of a properly completed application, or within such other period of time as the City and the applicant shall otherwise agree, either direct the City Clerk to issue a Sexually Oriented Entertainment Business License pursuant to the provisions of SEC. 22.13-15(A) of this Ordinance or to direct the City Clerk to deny issuance of a Sexually Oriented Entertainment Business License pursuant to the provisions of SEC. 22.13-15(B) of this Ordinance. The City Clerk shall issue or deny the License within said forty-five (45) day period, or such other period of time agreed to by the City and the applicant, regardless of whether or not the Building Commissioner has received all of the Reviewing Department reports. Provided, if after forty-five (45) days a criminal history background investigation has not been completed, the City Clerk may issue a temporary Sexually Oriented Entertainment Business License during the investigation period. The temporary Sexually Oriented Entertainment Business License shall be valid for ninety (90) days from date of issuance and shall automatically terminate at the end of the ninety (90) day term. The City Clerk shall revoke the temporary Sexually

Oriented Entertainment Business License immediately upon an unsatisfactory completion of a criminal history background investigation.

- G. Decision Final: The action taken by the City Clerk to issue or deny a sexually oriented entertainment business license pursuant, respectively, to SEC. 22.13-15(A) or SEC. 22.13-15(B) of this Ordinance shall be final, subject to judicial review.

SEC. 22.13-15 – STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE:

- A. Issuance: The City Clerk shall issue a Sexually Oriented Entertainment Business License to an applicant if, but only if, the Building Commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Building Commissioner and the Reviewing Departments and on any other credible information on which it is reasonable for the Building Commissioner to rely:
1. All of information and documents required by the SEC. 22.13-13 of this Ordinance for issuance of a Sexually Oriented Entertainment Business License have been properly provided and the material statements made in the application are true and correct.
 2. For Sexually Oriented Entertainment Business Establishments, all persons identified in the application pursuant to SEC. 22.13-13(C)(1); SEC. 22.13-13(C)(2); and SEC. 22.13-13(C)(8) of this Ordinance are at least eighteen (18) years of age and not under any legal disability.
 3. No person identified in the application pursuant to SEC. 22.13-13(C)(1); SEC. 22.13-13(C)(2); and SEC. 22.13-13(C)(8) of this Ordinance is overdue on payment to the City for taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Sexually Oriented Entertainment Business Establishment.
 4. The Sexually Oriented Entertainment Business Establishment, the Licensed Premises, and the proposed operation of the Sexually Oriented Entertainment Business comply with all then-applicable building, health, and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then-applicable provisions of The Town of Normal Zoning Code, as amended (Zoning Code).
 5. No Sexually Oriented Entertainment Business License shall be issued to any person or premises for which a massage therapy studio license or a liquor license has been issued by City.
 6. When a Sexually Oriented Entertainment Business License has been revoked or surrendered following notice of a hearing, as provided herein, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of a Sexually Oriented Entertainment Business on the premises described and in the revoked licenses.

7. Sexually Oriented Entertainment Business Establishments shall be subject to the following location requirements:
 - a. Sexually Oriented Entertainment Business Establishments may be located only in the B-1 General Business District, as set forth in The town of Normal Zoning Code, as amended (Zoning Code), subject to the location criteria cited herein below in Paragraph (b) of this Subsection 7.
 - b. No lot line of any lot to be occupied by any Sexually Oriented Entertainment Business Establishment shall be located closer than one thousand (1,000) feet to the lot line of any other lot occupied by a Sexually Oriented Entertainment Business Establishment, and no lot line of any lot to be occupied by any Sexually Oriented Entertainment Business Establishment shall be located closer than thirteen hundred and twenty (1320) feet to the lot line of any other lot used for an amusement center, an amusement park, a day care center, children's home, children's museum, orphanage, agency operated family home, agency operated group home, child care facility, foster care home, hobby shop or toy store, institutional home for the care of children, nursery school or preschool, elementary school, junior high school, senior high school, park, playground, gymnasium, recreation center, a miniature golf course, a place of worship, a religious education facility, a residential dwelling, a hospital, a skating rink or a zoo.
 8. The applicant shall either own or have a valid lease for the licensed premises for the term of the Sexually Oriented Entertainment Business License.
 9. The applicant has confirmed in writing and under oath as part of the application of that the applicant has read this Ordinance and all provisions of the City Zoning Code applicable to Sexually Oriented Entertainment Business Establishments, that of the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed Sexually Oriented Entertainment Business Establishment and its proposed operation are and shall be in compliance therewith.
- B. Denial of License: If the Building Commissioner determines that the applicant does not meet any one or more of the conditions set forth in Subsection A. of this SEC. 22.13-15, then the Building Commissioner shall direct the City Clerk to deny issuance of the Sexually Oriented Entertainment Business License and shall give the applicant written notification and explanation of such denial. The City Clerk's notice of denial shall be delivered in person or by certified U. S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. The Sexually Oriented Entertainment Business License shall be deemed denied on the day that the notice of denial is delivered in person or three (3) days after it is placed in the U. S. mail as provided in this Subsection B.

- C. License Deemed To Be Issued: If the City Clerk does not issue or deny the Sexually Oriented Entertainment Business Establishment or grant a temporary license, within forty five (45) days after the properly completed application is submitted, then the Sexually Oriented Entertainment Business License applied for shall be deemed to have been issued.

SEC. 22.13-16 – INSPECTIONS BY THE CITY:

- A. Authority: The Building Commissioner and other Reviewing Department representatives with jurisdiction shall periodically inspect all the Sexually Oriented Entertainment Businesses as shall be necessary to determine compliance with the provisions of this Ordinance and all other applicable laws.
- B. Licensee Cooperation: A licensee shall permit representatives of the City to inspect the licensed premises and the Sexually Oriented Entertainment Business Establishment for the purpose of determining compliance with the provisions of this Ordinance and all other applicable laws at any time during which the licensed premises is occupied or the Sexually Oriented Entertainment Business Establishment is open for business.
- C. Interference or Refusal Illegal: It shall be unlawful for any Licensee, any Sexually Oriented Entertainment Business Establishment Employee or any other person to prohibit, interfere with the, or refuse to allow, any lawful inspection conducted by the City pursuant to this ordinance or any other authority.
- D. Suspension or Revocation: Any such a prohibition, interference, or refusal shall be grounds for suspension or revocation of the Sexually Oriented Entertainment Business License pursuant to SEC. 22.13-48 of this Ordinance.

SEC. 22.13-17 – OPERATIONAL RESTRICTIONS FOR ALL SEXUALLY ORIENTED ENTERTAINMENT BUSINESS ESTABLISHMENTS: General Compliance: All Sexually Oriented Entertainment Business Establishments shall comply with the provisions of this Ordinance; all other applicable City ordinances, resolutions, rules and regulations; and all other applicable federal, state and local laws.

SEC. 22.13-18 – HOURS OF OPERATION: No Sexually Oriented Entertainment Business Establishment shall be open for business at any time between the hours of 12:01 a.m. and 7:00 a.m., prevailing time whether Central Standard Time or Central Daylight Savings Time on any day

SEC. 22.13-19 – ANIMALS: No animals, except only for animals trained and used to assist a person with a disability shall be permitted at any time at or in any Sexually Oriented Entertainment Business Establishment.

SEC. 22.13-20 – REST ROOMS: All rest rooms in Sexually Oriented Entertainment Business Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No explicit sexual material or live performances displaying specified sexual activities shall be provided or allowed at any time in the rest rooms of Sexually Oriented Entertainment Business Establishments. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment.

SEC. 22.13-21 – RESTRICTED AREAS: No Sexually Oriented Entertainment Business Establishment patron shall be permitted at any time to enter into any of the nonpublic portions of any Sexually Oriented Entertainment Business Establishment, including specifically but without limitation, any storage areas or dressing or other rooms provided for the benefit of Sexually Oriented Entertainment Business Establishment employees. No cameras or other surveillance devices shall be installed or maintained by the business operator in the dressing room facilities for the purpose of broadcasting or projecting specified anatomical area, images or specified sexual activities for viewing by the patrons of the establishment or for broadcasting or projecting images over of the Internet. This subsection shall not apply to persons to bringing goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises; provided, however, that any such person shall remain in such nonpublic areas only for the purposes and to the extent and time necessary to perform their job duties.

SEC. 22.13-22 – SPECIFIED PROHIBITED ACTS AT SEXUALLY ORIENTED ENTERTAINMENT BUSINESS ESTABLISHMENTS:

- A. No person at any Sexually Oriented Entertainment Business Establishment shall appear, be present, or perform while nude. No Sexually Oriented Entertainment Business Establishment patron shall appear, be present or perform while nude.
- B. No Sexually Oriented Entertainment Business Establishment employees or any other person at any Sexually Oriented Entertainment Business Establishment shall perform or conduct any specified sexual activity with or for any Sexually Oriented Entertainment Business Establishment patron or any other Sexually Oriented Entertainment Business Establishment employee or any other person. No Sexually Oriented Entertainment Business Establishment patron or any other person at any Sexually Oriented Entertainment Business Establishment shall perform or conduct any specified sexual activity with or for any employee or any other Sexually Oriented Entertainment Business Establishment patron or any other person. No Sexually Oriented Entertainment Business Establishment employees or any other person at any Sexually Oriented Entertainment Business Establishment shall perform or conduct any role playing interaction with or for any Sexually Oriented Entertainment Business Establishment patron or any other Sexually Oriented Entertainment Business Establishment employee or any other person.
- C. Straddle Dances shall be prohibited at all Sexually Oriented Entertainment Business Establishments.
- D. No massage therapy shall be provided at any Sexually Oriented Entertainment Business Establishment.

- E. No alcoholic liquor shall be delivered, received, sold, purchased, provided, or consumed by any person at any Sexually Oriented Entertainment Business Establishment.

SEC. 22.13-23 – EXTERIOR DISPLAY PROHIBITED: No Sexually Oriented Entertainment Business Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any explicit sexual material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than a lot of which the licensed premises is located. No portion of the exterior of the Sexually Oriented Entertainment Business Establishment shall utilize or contain any flashing lights, searchlights, or spotlights, or any other similar lighting systems. All exterior lighting shall comply with applicable Town codes and ordinances and shall provide at least one foot candle of illumination on the property.

SEC. 22.13-24 – SIGN LIMITATIONS: All signs for Sexually Oriented Entertainment Business Establishments shall be flat wall signs. The maximum allowable sign area shall be one (1) square foot of sign area per foot of lot frontage on a street, but in no event exceeding thirty-two (32) square feet. The maximum number of signs shall be one per lot frontage. Temporary signs shall not be permitted in connection with any Sexually Oriented Entertainment Business Establishment.

SEC. 22.13-25 - NOISE AMPLIFICATION OUTDOORS: No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.

SEC. 22.13-26 – GAMBLING AND RELATED DEVICES PROHIBITED: No sexually oriented entertainment business establishment shall contain any video pinball, slot, bagatelle, pigeonhole, pool, or any other games, machines, or implements.

SEC. 22.13-27 – LIGHTING: All areas of the sexually oriented entertainment business establishment shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at a minimum illumination level of not less than one (1) foot candle as measured at the floor level. It shall be the duty of the business operator and the business operator's agents to insure that the minimum illumination level required by this Section is maintained at all times that a patron is present on the premises.

SEC. 22.13-28 – MANAGER'S STATION: Each sexually oriented entertainment business establishment shall have one or more manager's stations. The interior of each sexually oriented entertainment business establishment shall be configured in such a manner that there is *either* a direct or substantially unobstructed view from at least one manager's station to every part of the entire premises (except restrooms) of such establishment to which any sexually oriented entertainment business establishment patron is permitted access for any purpose. Where the manager's station will not have a clear view of the entire premises, the use of wide-angle mirrors or video systems shall be required to provide continuous monitoring of blind spots or remote parts of the premises (except restrooms).

SEC. 22.13-29 – AGE LIMITATIONS: No employee of a Sexually Oriented Entertainment Business Establishment shall be under the age of eighteen (18) years old.

SPECIAL RESTRICTIONS FOR ADULT VIDEO ARCADES

SEC. 22.13-30 – PROHIBITED EXCEPT IN AN ADULT MEDIA STORES: Adult video arcades shall be prohibited in all adult sex business establishments except adult media stores.

SEC. 22.13-31 – OCCUPANCY AND PROHIBITED ACTS: Only one individual shall occupy a video viewing booth at any one time. No individual occupying a video viewing booth shall engage in any specified sexual activities or damage or deface any portion of a video viewing booth.

SEC. 22.13-32 – OPEN BOOTH REQUIREMENT: In addition to satisfying the manager's station requirements of SEC. 22.13-28 of this Ordinance, all adult media stores containing adult video arcades shall be physically arranged in such a manner that the entire interior portion of each video-viewing booth shall be visible from the common continuous main aisle in the adult video arcade. To satisfy this requirement, there shall be a permanently open and unobstructed entrance way for each video-viewing booth and for the entrance way from the area of the adult media store that provides other adult media to the area of the adult media store containing the adult video arcade. Each of these entrance ways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult media store containing video-viewing booths or any person situated in a video-viewing booth. It shall be unlawful to install video viewing booths within any sexually oriented entertainment business establishment for the purpose of providing secluded viewing of hard core materials or live performances of specified sexual activities.

SEC. 22.13-33 – AISLE REQUIRED: There shall be one continuous lighted main aisle adjacent to the entrance to each video viewing booth provided in any adult media store. Each person situated in a video-viewing booth shall be visible at all times from said aisle.

SEC. 22.13-34 – APERTURES PROHIBITED: Except for the open entranceway to a video-viewing booth, the walls and partitions of each video-viewing booth shall be constructed and maintained as solid opaque walls or partitions without any apertures, holes or openings that would facilitate specified sexual activity between persons on either side of such walls or partitions.

SEC. 22.13-35 – SANITATION REQUIRED: The floors, seats, walls and other interior portions of all of video-reviewing booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booth shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the owner and operator's license to conduct the sexually oriented entertainment business.

SEC. 22.13-36 – SIGN REQUIRED: A sign shall be posted in a conspicuous place at or near the entrance way to each video-viewing booth that states that (1) only one (1) person is allowed in a video-viewing booth at any one time; (2) that it is unlawful to engage in any specified sexual activities while in a video-viewing booth; and (3) it is unlawful to possess or consume any alcoholic liquor while in a video-viewing booth.

SEC. 22.13-37 – AGE LIMITATIONS:

- A. No employee of an adult video arcade shall be under the age of eighteen (18) years old.
- B. No patron of an adult video arcade shall be under the age of eighteen (18) years old.

SPECIAL RESTRICTIONS FOR ADULT CABARETS

SEC. 22.13-38 – PERFORMANCE AREA: The performance area of an Adult Cabaret shall be limited to one or more stages or platforms (Cabaret Stages) permanently anchored to the floor. Each Cabaret Stage shall be elevated above the level of, and separate from the Adult Cabaret patron seating area by a minimum distance of twenty-four (24) inches. Each Cabaret Stage shall be separated by the minimum distance of thirty-six (36) inches from all areas of the premises to which the adult cabaret patrons have access. A contiguous barrier at least thirty-six (36) inches in height and located at least thirty-six (36) inches from all points of each Cabaret Stage shall separate each Stage from all patron seating areas. No adult cabaret patron shall be allowed at anytime on any Cabaret Stage. Each Cabaret Stage shall have a minimum area of six hundred square (600) feet with minimum dimensions of twenty (20) feet by thirty (30) feet. The business operator shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such a separate access is not physically feasible, the business operator shall provide a minimum three (3) foot wide walk aisle for entertainers between the dressing room area and the stage, with the railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers of an adult cabaret. No entertainers either before, during or after performances, shall have physical contact with a patron on the premises and no patron shall have physical contact on the premises with any entertainer either before, during or after performances by such entertainer.

SEC. 22.13-39 – LIGHTING: Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible all times. A minimal lighting of not less than one foot candle measured at (thirty) 30 inches above the floor and on ten (10) foot centers shall be maintained and all times for all areas of the adult cabaret where adult cabaret patrons are admitted.

SEC. 22.13-40 – TIPPING: No adults cabaret patron shall offer, and no adult and cabaret employee having performed on any cabaret stage shall accept, in any form any tip or gratuity offered directly or personally to the employee by the adult cabaret patron. Rather, all tips and gratuities to adult cabaret employees performing on any cabaret stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the adult cabaret establishment or shall be placed by the adult cabaret patron on the cabaret stage on which the adult cabaret employee is performing.

SEC. 22.13-41 – NOTICE OF SIGN RULES REQUIRED: A sign not to exceed two (2) square feet in area with letters at least one (1) inch high shall be conspicuously displayed on or adjacent to every adult in every stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE TOWN OF NORMAL,
ILLINOIS.

NO ALCOHOLIC LIQUOR SHALL BE PERMITTED AT ANY TIME..

ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY PHYSICAL CONTACT WITH THE PATRONS ON THE PREMISES.
2. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.

SEC. 22.13-42 – AGE LIMITATIONS:

- A. No employee of an adult cabaret shall be under the age of eighteen (18) years old.
- B. No patron of an adult cabaret shall be under the age of eighteen (18) years old.

SEC. 22.13-43 – SECURITY GUARDS REQUIRED: Adult cabarets shall employ security guards in order to maintain public peace and safety, based upon the following standards:

- A. At least one (1) security guard at all times while the businesses is open. If the occupancy limit of the premises is greater than thirty-five (35) persons, one additional security guard shall be on duty, for each additional thirty-five (35) patrons.
- B. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of this Ordinance. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and be duly licensed as a security guard as required by applicable provisions of State law. No Security guard required pursuant to this Section shall act as a door person, ticket seller, ticket taker, admitting person, or employee occupant of the manager's station while acting as a security guard.

SPECIAL RESTRICTIONS FOR ADULT MOTION PICTURE THEATERS

SEC. 22.13-44 – SEATING: Each adult motion picture theater shall provide seating in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches or other multiple person seating structures. The number seats shall equal the maximum number of persons who may occupy the adult theater.

SEC. 22.13-45 – AISLE REQUIRED: Each adult motion picture theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible at all times.

SEC. 22.13-46 – SIGN REQUIRED: Each adult motion picture theater shall have a sign posted in a conspicuous place at or near each entrance way to the auditorium or similar area that lists the maximum number of persons that may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

SEC. 22.13-47 – AGE LIMITATIONS:

- A. No employee of an adult motion picture theater shall be under the age of eighteen (18) years old.
- B. No patron of an adult motion picture video theater shall be under the age of eighteen (18) years old.

LICENSE REVOCATION OR SUSPENSION

SEC. 22.13-48 – GROUNDS: Pursuant to the procedures of set forth in SEC. 22.13-50 of this Ordinance, the Building Commissioner may direct the City Clerk to suspend for not more than thirty (30) days, or revoke, any Sexually Oriented Entertainment Business License if the Building Commissioner, based upon credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

- A. The Licensee has violated any of the provisions or requirements of this Ordinance or the sexually oriented entertainment business license issued pursuant here to, or the provisions of the City Zoning Code applicable to the licensed premises or to the sexually oriented entertainment businesses establishment.
- B. The Licensee (1) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the City for issuance or renewal of any sexually oriented entertainment businesses license or (2) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf.
- C. The Licensee has committed a felony or other criminal act on the licensed premises.
- D. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the licensed premises or the sexually oriented entertainment businesses establishment, allows, a sexually oriented entertainment business employee and a sexually oriented entertainment business patron, or any other person to (1) violate any of the provisions or requirements of this Ordinance or the provisions or requirements of the sexually oriented entertainment business license issued pursuant hereto or (2) commit a felony or any criminal act on the licensed premises.

- E. The Licensee, or any other person, identified pursuant to SEC. 22.13-13(C)(1); SEC. 22.13-13(C)(2); and SEC. 22.13-13(C)(8) of this Ordinance becomes disqualified for the issuance of a sexually oriented entertainment business license at any time during the term of a license at issue.

SEC. 22.13-49 – LICENSEE’S RESPONSIBILITY FOR EMPLOYEES: Every act or omission of whatsoever nature at the licensed premises constituting a violation of any of the provisions of this Ordinance by any officer, director, manager, agent or employee of any Sexually Oriented Entertainment Business shall be deemed and held to be an act of such licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done or omitted by the licensee personally. Accordingly, any act or omission of any such persons constituting a violation of the provisions of this Ordinance shall be deemed, for purposes of determining whether the licensee’s Sexually Oriented Entertainment Businesses License shall be issued, revoked, suspended, or renewed, to be an act or omission of the Licensee.

SEC. 22.13-50 – PROCEDURE: A sexually oriented entertainment business establishment license may be a suspended for not more than thirty (30) days, or revoked, pursuant to the terms and conditions set forth herein.

- A. Notice. Upon determining that one or more of the grounds for suspension or revocation under SEC. 22.13-47 of this Ordinance may exist, the City Clerk shall serve a written notice on the licensee in person or by certified U. S. mail, postage prepaid, a return receipt requested, addressed to the licensee’s address as set forth in the licensee’s application. A written notice shall contain a minimum, (1) state that the Building Commissioner has determined that the sexually oriented entertainment business license may be subject to suspension or revocation pursuant to SEC. 22.13-47 of this Ordinance; (2) identify the specific grounds for the Building Commissioner’s determination; and (3) set a date for a hearing regarding the Building Commissioner’s determination as to the possibility of suspension or revocation of the sexually oriented entertainment business license. The date of the hearing shall be no less than five (5) days after service of the Building Commissioner’s notice, unless an earlier or later date is agreed to by the licensee and the Building Commissioner.
- B. Suspension of Sexually Oriented Entertainment Business License Due to Unsanitary Conditions: The Building Commissioner may order the immediate suspension of a sexually oriented entertainment business license if the Building Commissioner finds, based upon specific and credible evidence, that a threat to public health exists by reason of unsanitary conditions which could lead to a spread of communicable disease. The Building Commissioner shall give the licensee a written notice setting forth the reasons for the suspension. The suspension shall continue so long as the threat to public health continues unabated by the licensee. The licensee may request judicial review of the action of the Building Commissioner.

- C. **Hearing:** The hearing shall be conducted by the Building Commissioner. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Building Commissioner for suspending or revoking the license, and the City and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the sexually oriented entertainment business establishment pursuant to SEC. 22.13-50 of this Ordinance shall be made a part of the hearing record. Provided, the Building Commissioner may designate a hearing officer to schedule, convene and conduct the public hearing. In such case, the hearing officer shall have the same powers as the Building Commissioner to conduct the hearing. Where such designation has been made, a hearing officer shall submit proposed findings and recommendations to do the Building Commissioner within seven (7) days of the close of the hearing. Within fourteen (14) days after the close of the hearing, the Building Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Building Commissioner shall be final and shall be subject to judicial review.
- D. **Notice and Effective Date of Suspension or Revocation:** The Building Commissioner's written decision shall be posted at Office of the City Clerk and shall be served by the City Clerk on the licensee in person or by certified U. S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. To permit the licensee the opportunity to obtain a judicial review, any suspension or revocation, as the case may be, shall take effect on the tenth (10th) day following the date that the Building Commissioner's written decision is delivered as provided in this paragraph.
- E. **Surrender of License and Security:** Upon the suspension or revocation of a sexually oriented entertainment business license pursuant to this Ordinance, the City Clerk shall take custody of the suspended or revoked license.

RECORD KEEPING, PENALTIES, NUISANCES, & SEVERABILITY

SEC. 22.13-51 – ADMINISTRATIVE RECORD: The City Clerk shall cause to be kept in the City Clerk's office an accurate record of every sexually oriented entertainment business license application received and acted on, together with all relevant information and material pertaining to such application, and any sexually oriented entertainment business license issued pursuant thereto.

SEC. 22.13-52 – RECORD KEEPING BY LICENSEE:

- A. The licensee of every sexually oriented entertainment business establishment shall maintain a register of all of its employees. For each such employee, the register shall include the following information:
1. Legal name;
 2. Date of birth;
 3. Gender;

4. Date of commencement of employment; and
 5. Date of employment termination, if applicable.
- B. The Register shall be maintained for all current employees and all employees employed at any time during the preceding thirty-six (36) months. The Licensee shall make the Register of its sexually oriented entertainment business establishment employees available for inspection by the City immediately upon demand at all reasonable times.

SEC. 22.13-53 - PENALTY FOR VIOLATION: Any person who violates, neglect, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this Ordinance or of any of the provisions or requirements of any Sexually Oriented Entertainment Business License, upon conviction thereof, shall be fined not less than \$250.00 or more than \$3,000.00 for each offense. Each violation of this Ordinance may be grounds for revocation of any Sexually Oriented Entertainment Business License issued to any such establishment by the City.

SEC. 22.13-54 - NUISANCE DECLARED: Any sexually oriented entertainment business establishment established, operated, or maintained in violation of any of the provisions or requirements of this Ordinance or of any sexually oriented entertainment business license shall be and the same is, declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of any other remedies set forth in this Ordinance, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining a sexually oriented entertainment business establishment contrary to the provisions of this Ordinance.

SEC. 22.13-55 - RULES FOR COMPUTATION OF TIME: Unless otherwise specifically set a forth in this Ordinance, the time within which any act required by this Ordinance is to be done shall be computed by excluding the first day and including the last day, unless the last date is Saturday, Sunday or a federal or state holiday, in which case it shall also be excluded. If the day immediately following such a Saturday, Sunday, or holiday is also a Saturday, Sunday or holiday, such succeeding day shall also be excluded.

SEC. 22.13-56 - SEVERABILITY: In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid or ineffective provisions not been included herein.

(Entire Division 13 of Chapter 22 Added 6/17/02 by Ord. No. 4801)

DIVISION 14 – VIDEO GAMING LICENSE

SEC. 22.14-1 DEFINITIONS: For the purpose of this Division, the certain words or phrases shall be defined as set forth:

- A. Video Gaming Terminal shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.
- B. Establishment shall mean any business licensed by the State of Illinois to have or operate a video gaming device in Normal and shall include any “licensed establishment,” “licensed fraternal establishment,” “licensed veterans establishment,” and “licensed truck stop establishment” as those terms are defined in the State of Illinois Video Gaming Act, 230 ILCS 40/5.
- C. Distributor shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.
- D. Terminal Operator shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.

SEC. 22.14-2 LICENSED REQUIRED: No establishment shall have on its premises any video gaming terminal without first obtaining a video gaming license from the Town of Normal and paying the appropriate fee.

SEC. 22.14-2.5 MORATORIUM ON NEW LICENSES:

- A. Notwithstanding any other provision of this Division 14, no application for a video gaming license will be accepted by the Town until February 1, 2017.
- B. Notwithstanding any other provision of this Division 14, no new video gaming license may be issued by the Town on any application received prior to the effective date of this ordinance until February 1, 2017.
- C. This Section 22.14-2.5 is automatically repealed on April 1, 2017.

(Entire SEC. 22.14-2.5 Added 9/6/2016 by Ord. No. 5656)

SEC. 22.14-3 LICENSE APPLICATION REQUIREMENTS: The license applicant shall provide the following information to the Town of Normal on a form provided by the Town:

- A. The legal name of the establishment,
- B. The business name of the establishment,
- C. The address of the establishment where the video gaming terminals are to be located,
- D. The business office address of the establishment if different from the address of the establishment,

- E. A phone number for the establishment,
- F. An e-mail address for the establishment, if any,
- G. The name and address of every person owning more than a five percent (5%) share of the establishment,
- H. The name, address, phone number and e-mail address (if any) of any terminal operator or distributor owning, servicing or maintaining a video gaming terminal,
- I. A copy of the establishment's State of Illinois Video Gaming License,
- J. A statement as to the number of video gaming terminals which the establishment will have on its premises,
- K. A statement that the establishment is not in arrears in any tax, fee or bill due to the Town of Normal or State of Illinois,
- L. A statement that the establishment agrees to abide by all State and Federal laws and any local ordinance,
- M. A statement that no owner with more than a five percent (5%) interest or manager of the establishment has ever been convicted of a felony, a gambling offense, or a crime of moral turpitude. In the event that an establishment cannot provide such statement, the establishment may apply for a Certificate of Rehabilitation from the City Manager indicating that the individual who would disqualify the establishment from obtaining the Video Gaming License has been rehabilitated and is no longer a threat to violate the law. The City Manager may consider the nature of the offense, the length of time since the offense, the length of time since release from custody, and other factors to determine if the individual has rehabilitated himself such that he is no longer likely to commit another offense.

SEC. 22.14-4 VIDEO GAMING LICENSE FEES: The fee for a Video Gaming License in the Town of Normal shall be \$200 per video gaming terminal per year or portion thereof. Video Gaming Licenses shall be issued by the Clerk and shall be for a twelve-month period commencing on April 1 of each year. There shall be no pro-ration of any fee.

SEC. 22.14-5 NUMBER OF VIDEO GAMING TERMINALS: DENSITY:

- A. No establishment shall have on its premises more video gaming terminals than are permitted by the Town of Normal Video Gaming License.
- B. After February 16, 2017, no establishment may locate to a premises that is within 200 feet of the boundary of any parcel that is located within a zoning district that is zoned as R-1AA, R-1A, or R-1B. (Added 2/6/2017 by Ord. No. 5679) (Amended 9/5/2017 by Ord. No. 5706)

SEC. 22.14-6 UNLAWFUL ACTIVITY: No establishment shall permit the use of a video gaming terminal in any manner not authorized by State law including, but not limited to, improper location of terminals, lack of required oversight, payouts in excess of those provided for by law, side bets, underage use, and other illegal gambling activities.

SEC. 22.14-7 EMPLOYER RESPONSIBILITY: Any action by an employee of an establishment in violation of the provisions of this Ordinance shall be considered a violation committed by the establishment.

SEC. 22.14-8 LICENSE DENIAL: A Video Gaming License may be denied if any required information is omitted or false, or if the applicant does not meet the licensing requirements. The Clerk shall send a letter to an applicant stating the reason for the denial. An applicant may appeal any denial of a Video Gaming License to the City Manager who shall then hold a hearing to determine if the denial of the license was for a lawful reason. It shall be the burden of the applicant to show that he meets the qualifications for a license. The rules of evidence shall not apply at the hearing and hearsay will be permitted.

SEC. 22.14-9 LICENSE REVOCATION: Any Video Gaming License may be revoked, after notice and hearing by the City Manager, or his designee, for any of the following reasons:

- A. Failure to pay the Video Gaming License fee,
- B. Violation of any law occurring on the establishment's premises committed by the establishment or an employee of the establishment,
- C. Violation of any law or State regulation regarding video gaming or video gaming terminals,
- D. Violation of any law occurring on the establishment's premises which the establishment did not take adequate means to prevent, or did not respond in an appropriate manner after it became aware of such violation,
- E. Failure to pay any tax, fee, or bill due to the Town of Normal, or
- F. Failure to provide current information regarding the ownership or location of the business.

The rules of evidence shall not apply at the hearing and hearsay will be permitted. At the hearing, the City Manager, or his designee, shall determine by a preponderance of the evidence whether a lawful reason exists to revoke the license. The City Manager, or his designee, after determining that a lawful reason exists to revoke the license, shall also determine whether that lawful reason merits the sanction of a revocation of the license.

SEC. 22.14-10 RIGHT OF ENTRY: Any licensee must permit the entry into the establishment of any police officer or agent of the Town charged with investigating crime or compliance with this Code at any time when persons are present in the establishment for the purpose of investigating compliance with this Code or State Statute regarding video gaming. The Town of Normal is authorized to obtain a warrant from a court should entry to the establishment be denied.

SEC. 22.14-11 RECORDS: Each establishment shall maintain records for four (4) years and shall provide those records to the Town within seven (7) days of a request for the purpose of an audit.

SEC. 22.14-12 PENALTY: Any person, including any establishment, found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this Chapter, except when otherwise specifically provided, upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist.

(Entire Division 14 Added 3/4/2013 by Ord. No. 5485)

DIVISION 15 – TREE TRIMMER AND CUTTER

SEC. 22.15-1 DEFINITION: A tree trimmer and cutter means any person who for a fee engages in any manner in pruning, trimming, bracing or removal of trees whether diseased or not diseased.

SEC. 22.15-2 LICENSE REQUIRED: It shall be unlawful for any person to act or operate as a tree trimmer and cutter in the Town of Normal without obtaining a license prior thereto.

SEC. 22.15-3 APPLICATION: Any person desiring to become a tree trimmer and cutter in the Town of Normal shall apply to the Town Clerk in writing for a license. The application shall state the name and address of the applicant; whether the applicant is an individual, partnership, firm or corporation; the number, make and style of vehicles to be used by the applicant in carrying on the business of tree trimmer and cutter; and a copy of a State of Illinois Emerald Ash Borer Compliance Agreement issued by the Illinois Department of Agriculture.

SEC. 22.15-4 Reserved. (Amended 2/1/2016 by Ord. No. 5618)

SEC. 22. 15-5 INSURANCE:

- A. No person shall be issued a license required by this Division until the applicant furnishes the Town with the following insurance policies or certificates of insurance:
1. A public liability insurance policy in the sum of at least one hundred thousand dollars (\$100,000) for bodily injury to each person, three hundred thousand dollars (\$300,000) for bodily injury for each accident and one hundred thousand dollars (\$100,000) for property damage for each accident. Said insurance shall cover operations including the applicant's own direct work, work performed by subcontractors and automobile and motor vehicles used in the business.
 2. A certificate showing that the applicant's agents and employees are protected by workers' compensation insurance as required by law.
- B. Such policy or certificate shall provide that it may not be canceled by the insurer except after ten (10) days written notice to the Town Clerk, and if such insurance is so canceled and the licensee shall fail to replace the same with another policy conforming to the provisions of this Section, said license shall also be automatically suspended until such insurance shall have been replaced.

SEC. 22.15-6 BOND: Prior to the issuance of a tree trimmer and cutter license, the applicant shall post a bond in the principal sum of five thousand dollars (\$5,000) with the Town Clerk indemnifying the Town and public for any damages or injury or failure to remove debris, or failure to comply with any other provisions of this Ordinance. The form of bond shall be acceptable by the Town.

SEC. 22.15-7 REMOVAL OF DEBRIS: After completion of any work on public or private property, licensee shall clean the work site and remove all wood and debris from the property and public rights-of-way. Licensees are responsible for the legal disposal of all debris; debris resulting from the work of a licensed tree trimmer or cutter may not be left on private or public property for pick up and disposal by the Town. Debris infected with the Emerald Ash Borer must be disposed of according to Illinois Department of Agriculture guidelines.

SEC. 22.15-8 VEHICLES: Each vehicle used by a tree trimmer and cutter in the conduct of business shall bear thereon in legible characters the name and phone number of the proprietor. No tree, limb, branch, stump or root of any sort shall be transported over any of the streets or alleys within the Town, except in vehicles constructed as to prevent the loss of contents during transportation.

SEC. 22.15-9 ESTIMATE REQUIRED: A copy of a written estimate shall be provided to the property owner for approval prior to the performance of any work. This estimate shall include the name, address and phone number of the tree trimmer and cutter, a detailed description of all services or work to be performed and the total estimated cost of the services to be provided. In the event that a determination is made that the actual charges for the services will exceed the total written estimate by ten percent (10%) or more, the customer shall be immediately notified of the new charges. A customer so notified may authorize or cancel the service. The customer shall be responsible for payment of services provided. In no event shall a customer be required to pay more than the amount of the original estimate plus ten percent (10%) of the original written estimate if the customer did not receive notification of a change in the estimate.

SEC. 22.15-10 TERM AND FEE: A tree trimmer and cutter license shall be operative and valid, unless first terminated, suspended or revoked, for a term of one (1) year commencing on January 1 of the year of issuance and terminating on December 31 of the same year. The annual license fee shall be \$25 payable to the Town of Normal upon application for a license.

SEC. 22.15-11 RENEWAL: A tree trimmer and cutter license may be renewed by filing a license renewal form with the Town Clerk annually, on or before December 10 of each year, and payment of the \$25 license fee. Such form shall supply any changes in information supplied by the initial registration form.

SEC. 22.15-12 LICENSE – SUSPENSION OR REVOCATION:

- A. The City Manager is authorized to suspend or revoke a tree trimmer and cutter license in conformity with the provision of this Section.
- B. No tree trimmer and cutter license shall be suspended or revoked until after an administrative hearing before the City Manager. The licensee shall be given no less than five (5) days written notice of the hearing. Such notice shall contain the time, date, and place of the hearing and a list of the alleged violations which will be considered at the hearing. The City Manager shall conduct the hearing, dispose of procedural requests, motions and similar matters, continue the hearings from time to time when necessary, and rule on the admissibility of evidence. Witnesses shall be sworn, but the strict rules of evidence shall not apply. The licensee shall, at all times, be afforded due process, including, but limited to, the right to counsel, the right to confront and cross-examine witnesses, and the right to present evidence on his own behalf.

- C. The City Manager may, after notice and hearing, suspend or revoke a tree trimmer and cutter license for any of the following reasons:
1. The licensee has violated any state or federal laws or violated any Town ordinance regulating or relating to tree servicing business;
 2. The willful making of any false statement as to a material fact in the license application or renewal;
 3. The permitting of any violation of state law or Town ordinance by the licensee;
 4. Failure to conduct the licensed business in compliance with all applicable laws, Town codes, McLean County health ordinances, State of Illinois law, and all regulations and lawful orders of any regulatory bodies;
 5. Suspension or revocation of the license of the licensee by a state governing body;
 6. Suspension or revocation of the legal status of the licensee, such as, but not limited to, suspension or revocation by the Secretary of State of the right to transact business in Illinois; or
 7. Failure to pay any fee or tax due to the Town of Normal.

SEC. 22.15-13 PENALTY: Any person found guilty of violating any provision of this Division shall be fined not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each offense. Each day that any such violation or failure continues shall be considered as a separate, distinct offense and shall be punishable as such.

(ENTIRE DIVISION 15 OF THIS CHAPTER ADDED 3/18/2013 BY ORD. NO. 5488)