

TITLE III – BUSINESS REGULATIONS

CHAPTER 1 SOLICITORS

Section 1. PURPOSE.

In order to protect the residents of Coal Valley from persons who have gained, or sought to gain, admittance to residences in this Village for the purpose of soliciting, or on the pretext of soliciting, and by their conduct have made nuisances of themselves by disturbing and annoying the occupants, or by their acts and conduct have violated the rights of the occupants to the quiet and peaceful enjoyment and security of their homes; and in some cases from persons who have apparently sought admittance to residences as solicitors for the purpose of gaining information for some illegal purpose or to commit an illegal act, it is determined that regulations are necessary for the safety, comfort, good order and welfare of the residents of the Village of Coal Valley.

Section 2. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

SOLICITING

The activity of going door to door, or by creating any sound in any manner calculated to attract the attention of the occupant of any residence or residences, for the purpose of:

Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever, or,

Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or,

Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation, or project.

EXCLUSION:

Soliciting, for the purpose of this article, does not include the activities of those salespersons or representatives of corporations or organizations, while visiting a resident within the Village, upon the express prior invitation of that resident, or while paying calls on established businesses, corporations or organizations within the Village for the purposes of conducting business or securing sales or contributions.

RESIDENCE

Shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

REGISTERED SOLICITOR

Shall mean and include any person who has obtained a valid Certificate of Registration as hereinafter provided, and which Certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

ITINERANT VENDORS.

Any person who transports tangible personal property for retail sale within the Village who does not maintain in this Village an established office, distribution house, in-house sales, warehouse, service center, or residence from which the business is conducted. However, this chapter does not apply to any person who delivers tangible personal property within this Village who is fulfilling an order for the property which was solicited or placed by mail or other means.

PEDDLER.

A solicitor who seeks to sell or obtain orders for property, as set forth in this section, who travels to the location of the prospective customer in order to conduct his or her business.

(Example: One who takes supply of merchandise door to door to make a sale or takes an order for x number of a specific piece of merchandise).

TRANSIENT MERCHANT

Any person who is engaged temporarily in the retail sales of goods, wares, or merchandise in the Village and who, for the purpose of conducting the business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this does not apply to any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him or her, to any person selling vegetables, fruits, or perishable farm products at any established Village market, or to any person operating a stand or booth on or adjacent to property owned by him or her or upon which he or she resides.

Section 3. CERTIFICATE OF REGISTRATION REQUIRED.

Every person desiring to engage in soliciting from residents within this Village is required to make written application for a Certificate of Registration provided in Section 4 of this Chapter. It is considered a violation of this act to engage in the act of soliciting, as defined above, without a valid Certificate of Registration in the immediate possession of the solicitor. Any person soliciting within this Village must display to any resident so solicited, or to any police officer, a valid certificate of registration upon request.

EXEMPTIONS: PERSONS OR ORGANIZATIONS WHO MEET THE CRITERIA AS A 501 (C) 3 ORGANIZATION AND/OR ARE PART OF A NATIONAL ORGANIZATION (BSA, GSA,) WHILE SOLICITING FOR ANNUAL FUND RAISING EVENTS ARE EXEMPT FROM OBTAINING A CERTIFICATE OF REGISTRATION. EXEMPT ORGANIZATIONS/ PERSONS MUST ABIDE BY THE DUTY TO DEPART AS EXPLAINED IN SECTION 8 OF THIS ORDINANCE.

Section 4. APPLICATION FOR CERTIFICATE OF REGISTRATION.

Application for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Village and filed with the Chief. The applicant for each certificate is required to post a non-refundable processing fee of \$25.00 in addition to any other fee assessed for processing the application. The applicant shall truthfully state in full the information requested on the application as follows:

- a. Name and address of present place of residence, length of residence at such address; business address if other than residence address; and their Social Security number;

- b. Address of place of residence during the past three years if other than present address;
- c. Physical description of the applicant;
- d. Name and address of the person, business, firm or corporation, with whom the applicant is employed by or represents; and the length of time of such employment or representation;
- e. Name and address of employer during the past three years if other than the present employer;
- f. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
- g. Period of time for which the Certificate is applied for;
- h. The date, or approximate date, of the latest previous application for Certificate under this Section, if any;
- i. Has a Certificate of Registration issued to the applicant under this Section ever been revoked.
- j. Has the applicant ever been convicted of a violation of any of the provisions of this Section or other Illinois Municipality codes regulating soliciting?
- k. Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?
- l. Sales Tax Identification Number;
- m. Tax Exemption Number (if any);
- n. Number and description of vehicles to be use to include License Plate number and state of registration.
- o. Also such additional information as the Chief of Police may deem necessary to process the application.
 - 1. Oath. All statements made by the applicant upon the application shall be under oath.
 - 2. Finger printing. Every applicant is required to submit to finger printing by the Police Department of this Village in connection with the application for Certificate, and a \$25.00 fee will be collected.
 - 3. Record keeping. The Administrative Assistant shall keep an accurate record of every application received and acted upon together with all other information and data pertaining to all Certificates of Registration issued under the provisions of this Chapter, and of the denial of applications.
 - 4. Non-issuance of Certification. No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of this State or any other State or any Federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued has previously

been revoked.

Section 5. ISSUANCE AND REVOCATION OF CERTIFICATE.

The Chief of Police, after consideration of the application and all information obtained, shall deny the application if the applicant does not possess the qualifications for such Certificate as required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Charter. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued immediately.

5.1 Registration Fee. Each solicitor shall pay to the Village Clerk a registration fee of \$50 for the first day and \$10 for each day thereafter.

5.2 Revocation. Any Certificate of Registration shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter.

Immediately upon such revocation, written notice shall be given by the Chief of Police to the holder of the Certificate in person or by certified U.S. mail addressed to his or her residence address set forth or identified in the application. Immediately upon the giving of such notice the Certificate of Registration shall become null and void.

5.3 Expiration Date. The Certificate of Registration shall state the expiration date.

Section 6. POLICY ON SOLICITING.

It is hereby declared to be the policy of the governing body of this Village that the occupant or occupants of the residences in this Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.

Section 7. NOTICE.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Chapter, shall comply with the following directions:

7.1 Notice of the determination by the occupant concerning soliciting at any residence, shall be given in the manner following:

Notice shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words.

“REGISTERED SOLICITORS INVITED” or “NO SOLICITING” or “NO SOLICITORS”

In lieu of, or in addition to the notice, notification may be given orally, or upon any printed or written notice forbidding solicitation, or forbidding trespassing, conspicuously posted or exhibited at the main entrance to such land, property, or building on which the residence is located.

If no notice is given per this section, permission to solicit will be assumed.

Section 8. DUTIES/DEPARTURE.

It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence is located to first examine the NOTICE, if any is posted, and be governed by the statement contained thereon. If a "NO SOLICITING" or "NO SOLICITORS" or "NO TRESPASSING" notice has been posted, the solicitor shall immediately and peacefully depart the premises.

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

Section 9. UNINVITED SOLICITING PROHIBITED.

It shall constitute a nuisance and a violation of this ordinance for any person to go upon any premises and ring the doorbell, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant, and engage in soliciting, in defiance of the notice given or exhibited at the residence.

Section 10. TIME LIMIT ON SOLICITING.

It shall constitute a nuisance for any person whether registered under this Chapter or not to go upon any premises and ring the door bell, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant and engage in soliciting prior to 9:00 o'clock A.M. or after 7:00 o'clock P.M. of any week day, or at any time on a Sunday or on a State or National Holiday.

Section 11. PENALTY.

Any person violating any of the provisions of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley.

CHAPTER 2 AUCTIONEERS

Section 1. DEFINITION.

The term "auctioneer", as used in this chapter, includes any person, firm, association, or corporation who or which shall engage in the conducting of auction sales or crying off property at auction, except those who act by virtue of legal process. The term "auctioneer" includes those who conduct an auction sale or cry off their own property at auction, as well as those who conduct a sale of or cry off the property of others

Section 2. LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation to exercise the business or trade of an auctioneer, or sell or offer for sale by way of public venue, auction or outcry, within the village, any goods, wares, merchandise or other effects whatsoever, without first having obtained a license and executed a bond to the village as provided in this chapter.

Section 3. APPLICATION FOR LICENSE.

An application for an auctioneer's license shall state thereon the applicant's business address, residence address, whether the license is for a single auction or on an annual basis, time spent previously in the auctioneering business and where, and the applicant's previous business name, if any. If the application is for a license to conduct a single auction, the application shall state the location where said auction shall be held and the time of holding said auction. If the application is for a license to conduct auctions on an annual basis, then the applicant, if licensed, shall report to the village clerk's office at least fifteen (15) days prior to conducting any auction during the license term, the place where each auction is to be held and the time of conducting each auction.

Section 4. CHARACTER OF APPLICANT.

All licenses shall be issued only to persons of good character. The village chief of police shall investigate the character of each applicant before any license shall be issued under the provisions hereof.

Section 5. BOND REQUIREMENTS.

No person shall receive a license to sell goods at auction in the village until he shall first have executed to the village a bond in the penal sum of one thousand dollars (\$1,000.00) with corporate surety approved by the village clerk, conditioned upon the strict observance of all ordinances of the village respecting auctions and auctioneers and for the indemnification of any purchaser at such public auction who suffers any loss by reason of misrepresentation at such auction. The bond shall be kept in full force and effect during the period for which the license is granted and shall, in addition thereto, be kept in full force and effect for a period of thirty (30) days after the expiration date of the license.

Section 6. LICENSE FEES.

Any person may become an auctioneer and be licensed to sell personal or real property at public auction in the village upon complying with the provisions of this chapter and the payment of the license fee as follows:

- a. For the right to conduct a single auction: Ten dollars (\$10.00).
- b. For the right to conduct auctions on an annual basis: Twenty five dollars (\$25.00).

Section 7. NONTRANSFERABILITY OF LICENSE; POSTING REQUIRED.

No license issued under the provisions of this chapter shall be transferable or be held to authorize any person other than the one named therein to sell or cry goods at auction. In no case shall any license be held to authorize any two (2) persons to sell under it at one and the same time. The license shall in all cases be posted in a conspicuous place where the sale is being held during the time of such sale.

Section 8. DAYS AND HOURS OF SALE.

Upon evidence that the peace and quiet of the neighborhood has been disturbed no auctioneer shall sell or offer for sale any goods or wares.

CHAPTER 2 JUNK AND SECONDHAND DEALERS

Section 1. REGISTER

- a. Each licensee under this Chapter shall keep a book or register in which shall be clearly

written, at the time of purchase of any article or thing in the way of his business, an accurate account and description of the article or thing so purchased, and the name, residence and description of the person from who such purchase was made, and the date.

- b. When making a purchase of any article or thing from a person, each licensee under this Chapter shall require such person to show a form of official identification, such as a state driver's license, state issued identification card or similar form of identification, to verify the information entered into the licensee's book or register.
- c. The register required by subsection A shall, at all reasonable times, be open for the inspection of the Village President and any member of the police force.

Section 2. LICENSE.

- a. Required. No person shall use, exercise or carry on the trade or business of a dealer in secondhand furniture, household goods or other articles, exercise or carry on the business of a keeper of a junk shop, for the purpose of and sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, tin, empty bottles, slush or lead within the Village, without first obtaining a license from the Office of the Village Clerk.
- b. Transferability. No license issued pursuant to this Chapter shall be transferable from one premises to another or from one person to another.
- c. Classes of license; annual fees.
 - (1) Any person carrying on the trade or business of a dealer in secondhand or used clothing only, shall be designated as a "Class A (any person, firm or corporation which operates or maintains a junk store or junkyard) junk shop and secondhand dealer," and shall pay to the Village the sum of fifteen dollars (\$15.00) per year for the license required by this Chapter.
 - (2) Any person carrying on the trade or business of a dealer in secondhand furniture, household goods, or other articles, except those who carry on the trade or business of a dealer in secondhand clothing only, shall be designated as a "Class B (any business engaged in the purchase, trading in, dealing in or storing of junk, rags, secondhand articles, motor vehicles maintained for wrecking or for the ultimate purpose of selling, trading or dealing in parts of said motor vehicles, and a business engaged in junking motor vehicles) junk shop and secondhand dealer," and shall pay to the Village the sum of twenty-five dollars (\$25.00) per year for the license required by this Chapter.
- d. Bond required of Class B dealers. Each person licenses as a "Class B junk shop or secondhand dealer," at the time of receiving his license, shall enter a joint and several bond to the Village, with two (2) sufficient sureties, in the penal sum of five hundred dollars (\$500.00), conditioned for the due observance of all provisions of the Village Code or other Village ordinances, as may be in force or passed, respecting dealers in secondhand articles, at any time during the continuance of such license, or, in lieu thereof, post cash bond in the amount of one hundred dollars (\$100.00).
- e. Revocation or suspension. Any license issued pursuant to this Chapter may be revoked or suspended by the Village President for cause, after hearing upon written notice, or the bond may be forfeited, or both.

Section 3. PARENTAL CONSENT REQUIRED TO DEAL WITH MINOR.

It shall be unlawful for any person licensed pursuant to this Chapter to purchase or receive property from a minor without the written consent of the minor's parent or guardian.

Section 4. TRANSACTIONS WITH INTOXICATED PERSONS OR THIEVES.

No person license pursuant to this Chapter shall take any article from any person intoxicated, nor from any person known to be a notorious thief, or to have been convicted of larceny or burglary.

CHAPTER 3 PAWNBROKERS

Section 1. DEFINED.

Any person who loans money on deposit or pledge of personal property or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the property back again at a stipulated price, is hereby defined and declared to be a "pawnbroker".

Section 2. LICENSE REQUIRED.

No person shall exercise or carry on the business of a pawnbroker within the Village without being duly licensed as provided in this Chapter.

Section 3. ANNUAL LICENSE FEE.

The annual fee for a license required by this Chapter shall be fifty dollars (\$50.00).

Section 4. BOND.

Each person licensed pursuant to this Chapter shall, at the time of receiving a license, enter into a joint and several bond to the Village, with two (2) sufficient sureties, in the penal sum of two thousand dollars (\$2,000.00), conditioned for the due observance of all provisions of this Code and other ordinances of the Village as may be passed or enforced respecting pawnbrokers, at any time during the continuance of the license. In lieu of the bond required by this Section, the licensee may post a two hundred dollar (\$200.00) cash bond.

Section 5. REVOCATION OF LICENSE.

- a. It shall be the duty of the Chief of Police to report to the Village President any failure of any person licensed pursuant to this Chapter to comply with any of the provisions of this Chapter, and the Village President may revoke the license of such person.
- b. The Village President may, for cause, revoke or suspend the license issued pursuant to this Chapter, or forfeit the bond, or both.

Section 6. REGISTER.

Each pawnbroker shall maintain in English language a book or register in which an accurate account and description shall be made of every transaction at the time of the transaction. Such register shall be on forms provided by the Village Police Department and shall contain the date of pawn, time of pawn, amount pawned for, a complete description of the article pawned (including serial numbers where applicable), the name and address of the person pledging or pawning each article, a complete description and thumbprint of the person pledging or pawning each article, and the rate of interest to be charged on the loan or pawn. No entry made in such register shall be erased, obliterated or defaced.

Section 7. IDENTIFICATION.

When making an entry into the book or register required in Section 6, each pawnbroker shall require the person for whom such entry is being made to show a form of official identification, such as a state driver's license, state issued identification card or similar form of identification, to verify the information entered into the pawnbroker's book or register.

Section 8. MEMORANDUM OF TRANSACTION.

Each pawnbroker shall, at the time of each pledge or deposit, deliver to the person pawning or pledging any goods, article or thing, a memorandum or note, signed by him, which memorandum shall contain the substance of the entry required to be made in his register; and no charge shall be made or received by any pawnbroker or keeper of a pawnbroker's office for any such entry memorandum or note.

Section 9. INSPECTION.

- a. The register required in the Chapter, as well as each article or thing of value pawned or pledged, shall, at all reasonable times, be open to inspection by the Village President or any member of the police force authorized by the Village President to inspect the register or goods.
- b. In addition to being subject to inspection as provided above, each pawnbroker on or before noon of Friday of each week, shall cause to be delivered to the Chief of Police, or his designee, of the Village Police Department, a copy of the register for the prior week's (Friday through Thursday, inclusive transactions. Should any pawnbroker fail to submit such register, the Chief of Police shall report such failure to the Village President and the Village President shall suspend the license granted hereunder for thirty (30) days or until submission of the register, whichever is sooner. If the failure has not been corrected at the end of thirty (30) days, the Village President shall issue a show cause order to the licensee ordering his appearance to show cause why the license should not be revoked. After hearing on such show cause order, the Village President may revoke, reinstate or extend suspension of the license granted hereunder as is warranted by the facts deduced at the hearing.

Section 10. BUYING CERTAIN ARTICLES PROHIBITED.

No pawnbroker shall, under any pretense whatever, purchase or buy any secondhand furniture, metals or clothes, or any other article or thing whatever offered to him a pawn or pledge.

Section 11. TRANSACTION WITH MINORS.

No person licensed pursuant to this Chapter shall take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities or other article of value, or valuable thing, from any minor, or the ownership of which is in or which is claimed by any minor, or which may be in the possession or control of any minor.

Section 12. TRANSACTIONS WITH INTOXICATED PERSONS OR THIEVES.

No person licensed pursuant to this Chapter shall take any article from any person intoxicated, nor from any person known to be a notorious thief, or to have been convicted of larceny or burglary.

Section 13. EMPLOYMENT OF PERSONS UNDER SIXTEEN.

No person licensed pursuant to this Chapter shall employ any person under the age of sixteen (16) years to take pledges in pawn.

CHAPTER 4-AGGRESSIVE PANHANDLING

Section 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:

- a. "Panhandling" shall mean any request for or solicitation of an immediate donation of money. A request or solicitation to purchase an item for an amount far exceeding its value, and circumstances where a reasonable person would understand that the purchase is in substance a donation, constitutes panhandling. Panhandling shall not include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person.
- b. "Aggressive panhandling" shall mean panhandling that includes one or more of the following actions:
 - 1. The touching of the solicited person without the solicited person's consent.
 - 2. Intentionally blocking the path of travel of the person being solicited.
 - 3. Intentionally blocking the entrance to any vehicle or building.
 - 4. The stepping into the main traveled portion of a city street or highway with the intention of soliciting a donation from a driver or passenger in an automobile on said roadway, without first obtaining a solicitation permit for such activity from the Chief of Police.
 - 5. Continuing to solicit or request a donation from a person after that person has refused an earlier request.
 - 6. Following or remaining alongside a person who, after being solicited, walks away from the person panhandling.
 - 7. Making any statement, gesture or other communication that would cause a reasonable person to feel threatened, fearful or compelled.
- c. The term "person" shall include firms and corporations.

Section 2. UNLAWFUL ACTS.

- a. It shall be unlawful for any person, firm or corporation to engage in aggressive panhandling.
- b. It shall be unlawful for two or more people, firms or corporations to intentionally work in concert to commit acts that would constitute aggressive panhandling if those acts were performed by a single individual, firm or corporation.
- c. It shall be unlawful for any person, firm or corporation to engage in panhandling whether the panhandler or the person being solicited is located in any of the following places.
 - 1. At any bus stop.
 - 2. In any public transportation vehicle or facility.
 - 3. In a vehicle that is parked or stopped on any public street or alley.
 - 4. Within (50) fifty feet of an automatic teller machine or the entrance to a bank, credit union or savings and loan, or, within (50) fifty feet of a residential living facility where persons over the age of (65) sixty-five are the primary residential population.
 - 5. On private property, without the consent of the owner of the property.

6. On the improved portion of any highway, street or roadway without the proper permit.
- d. It shall be unlawful for any person, firm or corporation to engage in panhandling during the evening hours between sunset and sunrise of the next day.

Section 3. SEVERABILITY

If any section, clause, sentence or phrase of this Ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Ordinance.

Section 4. PENALTY

Any person, firm or corporation violating any provisions of this Ordinance, shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley. Each separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 5 RECREATION HALLS

Section 1. LICENSE.

No person shall operate or permit to be operated within the Village limits, in or upon any premises owned, occupied, or controlled by such person for profit, any recreation hall involving the use of pinball machines, billiard tables, pool tables or other like games without first having obtained a license signed by the Village President, as provided.

Section 2. APPLICATION.

Any person desiring such a license shall first file with the Village Clerk for a written request setting forth the location of the building to be occupied, its owners, and the type of recreation hall business to be conducted, together with the names and residents of surety or sureties offered on the bond required by this Chapter. Upon the filing of the documentation, the Village President may permit to be issued at his discretion, any license for a recreation hall within the meaning of this Chapter, upon payment of the appropriate license fee as provided.

Section 3. BOND.

Before any license is granted, the applicant shall execute a bond to the Village \$10,000 with satisfactory surety which shall be conditioned upon the applicant conducting business within the laws and ordinances of the Village that may be in force at the time of the application.

Section 4. MINORS.

No licensee shall permit any minor under the age of fourteen years to frequent or loiter about the premises occupied by the licensee, or shall in any way violate any provisions of this Chapter in regard to minors, nor shall the licensee permit any betting or gaming, or any riotous or disorderly conduct on or about the premises so occupied.

Section 5. HOURS

Any licensee shall conduct business within the following hours and shall not be open in any other times.

- a. Sunday through Thursday inclusive, 6:00 a.m. to 11:00 p.m.; and
- b. Friday and Saturday, 6:00 a.m. to midnight.

Section 6. INSPECTION.

Every licensee shall be subject to inspection by the Village Police Chief or any Police Officer at any time the Village Police Chief or Police Officer deem it necessary to go upon the premises.

Section 7. TERM OF LICENSE.

License may be granted for a term of one year upon the applicant tendering to the Village the sum of \$25.00 for the license to operate the recreation hall.

Section 8. PENALTY.

Any licensee violating any of the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each and every violation occurring and shall be subject to license revocation at the discretion of the Village President.

CHAPTER 6 MUNICIPAL UTILITY TAX

Section 1. DEFINITIONS.

For the purpose of this Chapter following definitions shall apply:

- a. GROSS RECEIPTS means the consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, or electricity for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of service, product or commodity supplied, at the cost of materials used, labor or service cost or any other expenses whatsoever.
- b. TRANSMITTING MESSAGES, in addition to the usual popular meaning of a person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased) or both to persons in connection with the transmission of messages where such persons do not, in turn, receive consideration in connection therewith, but shall include such furnishing of services or facilities persons of the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.
- c. PERSON means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of the State, or a receiver, trustee, conservator or a representative appointed by order of court. Notwithstanding the foregoing, no municipal utility tax shall be assessed upon bills for utility service rendered to the municipality itself.
- d. PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE means any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales

office or other place of business, or any employee, agent or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

- e. PURCHASE AT RETAIL means any acquisition of electricity by a purchaser for purposes of use or consumption, and for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code 65 ILCS 5/8-11-2, directly in the generation, production, transmission, delivery or sale of electricity.
- f. PURCHASER means any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail, other than from an Exempt Purchaser.
- g. TAX COLLECTOR means the person delivering electricity to the Purchaser.

Section 2. COVERAGE.

A tax is imposed on all persons engaged in the following occupations or privileges:

- a. Persons engaged in the business of transmitting message's by means of electricity, at the rate of five percent (5%) of the gross receipts from such business originating within the corporate limits of the Village.
- b. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village, and not for resale, at the rate of five percent (5%) of the gross receipts from all such gas except that used, during any tax period specified herein, in excess of fifteen million (15,000,000) and up to thirty million nine hundred (30,000,900) cubic feet through any one meter as interruptible fuel for steam boilers and the rate on the gross receipts from such gas shall be two and five-tenths percent (2.5%) and up on the gross receipts of such gas in excess of thirty million (30,000,000) cubic feet shall be thirty-five hundredths percent (0.35%).
- c. Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the Village and not for resale, at the rate of five percent (5%) of the gross receipts therefrom, excluding, however, from those gross receipts, receipts collected for street lighting at the Municipal rate. The tax imposed under this Section shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing or sale of electricity where the use or consumption of the electricity is subject to the tax imposed under Section 2 (E) (1) of this Chapter.
- d. Persons engaged in the business of distributing, furnishing or selling gas for use or consumption within the corporate limits of the Village, and not for resale, at, the rate of five percent (5%) of the gross receipts therefrom.
- e. Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village.
- f. The tax is in addition to all taxes, fees and other revenue measures imposed by the

Village, the State of Illinois or any other political subdivision of the State.

- g. Notwithstanding any other provision of this Chapter, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.
- h. The tax shall be imposed with respect to the use or consumption. of electricity by residential customers with respect to the use or consumption of electricity by nonresidential customers in accordance with Section 16 104 of the Public Utilities Act (220 ILCS 5/16-104)

Section 3. INTERSTATE COMMERCE EXCLUDED AND RELATED REGULATIONS:

No tax is imposed by this Section with respect to any transaction in interstate commerce or otherwise to the extent of which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this Chapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by statute and imposed by Chapter 4 of this Title.

Such tax shall be in addition to the payment of money, or value of products or services furnished to the Village by taxpayer as compensation from the use of its streets, alleys or other public places, or installation and maintenance therein thereon, or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

Section 4. COLLECTION OF TAX.

- a. Subject to the provision of Section 6 of this Chapter regarding the delivery of electricity to re-sellers tax imposed under this Chapter shall be collected from purchasers by the person maintaining a place of business in this State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.
- b. Any tax required to be collected by this Chapter, and tax in fact collected, shall constitute a debt owed to the Village by the person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges thereafter collected, the delivering supplier shall be obligated to remit such tax.
- c. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax they-collect to reimburse them for their expense incurred in keeping records, billing customers, preparing the filing returns, remitting the tax and supplying data to the Village upon request.

Section 5 TAX REMITTANCE AND RETURN.

- a. Every tax collector shall, on a monthly basis, file a return on a form prescribed by the Village. The return and accompanying remittance shall be due on or before the day of the month following the month during which the tax is collected or is required to be collected under Section 4 of this Chapter.
- b. If the person delivering electricity fails to collect from the purchaser or is excused from collecting the under Section 6 of this Chapter, then the purchaser shall file a return in a form prescribed by the Village and pay the tax directly to the Village on or before the day of the month following the month during which electricity is used or consumed.

Section 6. RESALES.

- a. Electricity that is delivered to a person in the Village shall be considered to be for the use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Village Clerk and furnishes that number to the person who delivers the electricity and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.
- b. If a person who receives electricity in the Village claims to be an authorized reseller of electricity, that person shall apply to the Village Clerk for a resale number. The application shall state facts showing why the applicant is not liable for the tax imposed by this Chapter on any purchases of electricity and shall furnish such additional information as the Village Clerk may reasonably require.
- c. Upon approval of the application, the Village Clerk shall assign a resale number to the applicant and shall certify the number to the applicant.
- d. The Village Clerk may cancel the resale number of any person if the person fails to pay any tax payable under this Section for electricity used or consumed by the person, or if the number:
 - 1. was obtained through misrepresentation, or
 - 2. is no longer necessary because the person has discontinued making resale's.
- e. ~~(1)~~ If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Chapter directly to the Village pursuant to Section 4 on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 2 and remit the tax pursuant to Section 5(A) on the amount of electricity delivered by the reseller to a purchaser.

~~(2)~~ Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of the section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Village the total amount of electricity delivered to the reseller, and such other information that the Village may reasonably require.

Section 7. BOOKS AND RECORDS.

Every tax collector, and every taxpayer required to pay the tax imposed by this Amendment shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Section. The books and records shall be subject to and available for inspection at all times during business hours of the day.

Section 8. CREDIT FOR OVERPAYMENT.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Section from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor, shall be so credited. If a taxpayer under this Section is unable to use a credit authorized by this Section solely because the tax imposed by this Section has been replaced by the tax imposed under Section 2 (E) (1) then the taxpayer may apply such credit against any tax due under Section 2 (E) (1).

Section 9. STATUTE OF LIMITATION.

No action to recover any amount of tax due under the provisions of this Section shall be commenced more than three (3) years after the due date of such amount.

Section 10. PENALTIES.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

CHAPTER 7 MUNICIPAL USE TAX

Section 1. DEFINITION, RATE AND COVERAGE.

A tax is hereby imposed in accordance with the provisions of 65 ILCS 5/8-11-6 upon the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is title or registered with an agency of Illinois government. The tax shall be at a rate of 1% of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.

Section 2. COLLECTION.

The tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

CHAPTER 8 MUNICIPAL RETAILERS' OCCUPATION TAX

Section 1. COVERAGE.

A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in this Village, at the rate of 1% of the gross receipts from such sales made in the course of such business while this Chapter is in effect, in accordance with the provisions of 65 ILCS 5/8-11-1.

Section 2. REPORTING.

Every person engaged in business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption".

Section 3. PAYMENT.

At the time a report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

Section 4. ADMISSION TAX LEVIED:

1. There is hereby imposed and levied upon every person who pays an admission charge to any movie theater, miniature golf course, or other place of amusement located wholly within the corporate boundaries of the Village of Coal Valley, Illinois, a local amusement tax of ten cents (\$0.10) on each admission charge.

There shall be paid to the Village of Coal Valley at such time or times as it shall hereinafter prescribe, the sum of ten cents (\$0.10) for each person entering the movie theater, miniature golf course, or other place of amusement of the proprietor, upon a ticket of admission. The proprietor may, if it desires, collect such amount from each admittee in addition to the amount or amounts charged for such ticket of admission or other evidence of admission.

2. Accurate records and books shall at all times be kept and maintained by the proprietor of the place for amusement showing the number of admissions of admission tickets issued and used each day the place of amusement is open to the public. The Village or its duly authorized representative shall at all times have access to the admission records of any proprietor for the purpose of examining and checking the same and ascertaining whether or not the proper amount has been or is being paid to the Village of Coal Valley as herein provided. The proprietor shall file a report of admissions for the prior month, with the Village Clerk, accompanied by the proper remuneration payable to the Village of Coal Valley, not later than the 10th date of the following month.

CHAPTER 9 MUNICIPAL SERVICE OCCUPATION TAX

Section 1. COVERAGE.

A tax is imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of 1% of the cost price of all tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of 65 ILCS 5/8-11-5.

Section 2. FILING.

Every supplier or serviceman required to account for Municipal Service Occupation Tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Nine of the "Service Occupation Tax Act," approved July 10, 1961, as amended.

Section 3. PAYMENT.

AT the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.