

**AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO THE ELIMINATION OF VARIOUS LICENSES**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PEORIA, ILLINOIS, as follows:**

Section 1. Chapter 18 (Licenses and Miscellaneous Business Regulations) of the Code of the of the City of Peoria is hereby amended by deleting the stricken language and adding the underlined language as follows:

ARTICLE II. AMUSEMENTS Carnivals

GENERALLY

Sec. 18-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Amusement arcade means any building or a separate room within a building which is primarily devoted to and wherein are operated two or more automatic amusement devises for profit, except mechanical music devices.~~

~~Automatic amusement device means any mechanical amusement machine or device, the operation of which is governed or controlled by the deposit of a coin or token, except mechanical music devices. The term shall include, but not be limited to, pinball machines, coin- or token-operated pool tables, coin- or token-operated electronic games, coin- or token-operated carnival-type rides and coin- or token-operated moving picture devices.~~

~~Bowling alleys means any establishment wherein there is operated one or more lanes for participating in the sport of bowling.~~

Carnival means any aggregation of attractions for profit, whether shows, acts, games, vending devices or amusement devices, whether conducted under one or more managements or independently, which are temporarily set up or conducted in a public place or upon any private premises accessible to the public, with or without admission fee to the aggregation as a whole.

~~Mechanical music device means any mechanical device which produces or reproduces music, the operation of which is governed and controlled by the deposit of a token or coin therein, including, but not limited to, jukeboxes and coin- or token-operated pianos or musical instruments.~~

~~Motion picture theatre means any establishment which exhibits motion pictures, moving pictures or cinema for profit, except by means of an automatic amusement device.~~

~~Pool hall means any establishment operated, wherein there is kept a billiard or pool table or tables, whether or not a fee is charged for the use of the table or tables; provided, however, that for the purposes of this definition, the keeping of a coin or token-operated pool table shall not render the establishment a pool hall.~~

Sec. 18-27. License; required.

(a) No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated an ~~amusement arcade, bowling alley, carnival, motion picture theatre or pool hall~~ without having first obtained a license to do so.

~~(b) — No person shall install, keep, maintain or use, or permit the installation, keeping, maintenance or use of an automatic amusement device not contained in an amusement arcade or any mechanical music device regardless of whether it is contained in an amusement arcade, unless there is a license for the current calendar year affixed to the machine or posted pursuant to section 18-32.~~

~~(c) — No person shall deliver or install or cause to be delivered or installed an automatic amusement device or a mechanical music device within the city for use by any person from the operation thereof unless there is a license therefor for the current calendar year.~~

~~(d)~~(b) No person who has held an ~~amusement~~ a carnival license issued under this article that has ever been revoked for cause within the previous five years, shall install, deliver, or maintain any mechanical music device or automatic amusement device, either as an owner, lessee, manager, officer or agent, or in other capacity.

(e), (f) Reserved.

Sec. 18-28. License fees.

(a) The applicant for a license under this article shall pay the city treasurer, prior to filing an application, the respective annual fee:

~~(1) — Amusement arcade \$220.00~~

~~(2) — Automatic amusement device, per machine 30.00~~

~~(3) — Bowling alley, per lane 20.00 or 200.00 whichever is less.~~

(4) Carnival, per week 60.00

~~(5) — Mechanical music device, per machine 30.00~~

~~(6) — Motion picture theatre:~~

a. — Less than 400 seats 110.00

b. — 400 — 799 seats 165.00

c. — 800 or more seats 220.00

~~(7) — Pool halls, per table 20.00 or 200.00 whichever is less.~~

~~(b) Should the application be denied, the license fee shall be refunded to the applicant.~~

Sec. 18-29. License application.

An application for any license required by this article shall be made in writing to the comptroller which shall set forth the following:

- (1) The name of the individual, partnership, corporation or association applying for the license.
- (2) The residence, phone number and driver's license number of the applicant or partners; or, if a corporation or association, the residence, phone number and driver's license number of the principal officers.
- (3) The location for which the license is requested.
- (4) The type of license requested.
- (5) The seating capacity and price of admission intended to be charged.
- (6) Whether the applicant, his partners or the principal officers of the corporation or association have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.

Sec. 18-30. Investigation of license application.

Upon receipt of an application for a license required by this article, ~~other than a license for an automatic amusement device or mechanical music device,~~ the comptroller shall cause a copy of the application to be sent to the Community Development Department ~~planning and growth management department, inspection department,~~ police department, and fire department which shall report back to the comptroller or his designate within 15 days whether the location for which the license is sought meets applicable city codes and whether the applicant meets the requirements for issuance of the license requested.

Sec. 18-31. License issuance.

Upon receipt of the report from the departments referred to in section 18-30, the comptroller shall issue the license requested unless he/she shall find:

- (1) That the applicant is under the age of 18;
- (2) That the applicant or principal officer therein has been convicted within the last five years or any sentence of imprisonment was completed less than five years prior to the application date of sex offenses as defined under Article 11 of the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq. or any gambling related offense in any jurisdiction;
- (3) That the operation of the ~~amusement~~ carnival as proposed would not comply with all applicable laws, including but not limited to building, health, zoning and fire codes of the city; or
- (4) That the applicant or any principal officer therein has held a license or had an interest in a license issued pursuant to this article that was revoked for cause.

(5) That an applicant for a carnival license has not been issued a valid permit from the State of Illinois;

(6) That the applicant or his/her employer has had an application submitted pursuant to this article denied within the last three years;

(7) That the applicant, its partners, officers or listed shareholders has knowingly furnished false or misleading information on any application for a license required under this article or any investigation into any such application or conduct of the business under such license.

Sec. 18-32. License posting.

(a) Every license issued under the provisions of this article ~~for an amusement arcade, bowling alley, carnival, motion picture theatre or pool hall shall~~, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

~~(b) — Every license issued under the provisions of this article for a mechanical music device or an automatic amusement device shall be either affixed to the device for which it has been issued in a prominent location on the front of the machine or affixed to a pane of glass which is prominently displayed in a conspicuous place upon the premises for which the license is issued.~~

Sec. 18-33. License transfer.

(a) A license issued pursuant to this article ~~for a mechanical music device or automatic amusement device where the license is not affixed to the machine, an amusement arcade, bowling alley, carnival, motion picture theatre or pool hall~~ may not be transferred, sold or assigned to any other person; nor shall such license be transferred to any location other than that listed on the application.

~~(b) — A license issued pursuant to this article for a mechanical music device or an automatic amusement device where the license is affixed to the machine shall not be transferred to any device other than the one listed upon the application. The location of the device, however, may be changed by notifying the comptroller of the new location.~~

Sec. 18-34. License revocation and suspension.

(a) Any license issued ~~for an amusement~~ may be revoked or suspended for a period not to exceed 30 days by the city manager if the city manager shall find after a hearing:

(1) That the licensee has violated any of the provisions of this article, the laws of the United States or state, or ordinances of the city related to the operation of the amusement business;

(2) That the licensee has been convicted of any offense set forth in section 18-31(2); or

(3) That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this article or any investigation into any such application.

(b) The licensee shall be responsible for the acts of his agents, servants and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this article shall be revoked or suspended, the city manager shall give at least ten days' written notice to the licensee setting forth the alleged

violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses.

Secs. 18-35—18-49. Reserved.

ARTICLE II ADULT BUSINESSES GENERALLY

DIVISION 1. GENERALLY

Sec. 18-50. Purpose and findings.

(a) Purpose. It is the purpose of this ordinance to regulate sexually oriented adult businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the city. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. This ordinance does not apply to theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers, and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

(b) Findings. Based on evidence of the adverse secondary effects of sexually oriented adult uses, presented in hearings and in reports made available to the City, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003) (and cases cited therein); *Wise Enterprises, Inc. v. Unified Gov't of Athens-Clarke County, Georgia*, 217 F.3d 1360 (11th Cir. 2000); see *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Artistic Entm't, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Schultz v. City of Cumberland*, 26 F.Supp.2d 1128 (W.D. Wisc. 1998), *aff'd in part, rev'd in part*, 228 F.3d 831 (7th Cir. 2000); See *Gary v. City of Warner Robins, Georgia*, 311 F.3d 1334 (11th Cir. 2002); *Blue Canary Corp. v. City of Milwaukee*, 270 F.3d 1156 (7th Cir. 2001); *Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd. of California*, 99 Cal. App. 4th 880 (Cal. Ct. App. 2002); *Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Berg v. Health & Hospital Corp.*, 865 F.2d 797 (1989); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (1999); *Entertainment Concepts v. Maciejewski*, 631 F.2d 497 (1980); *Genusa v. City of Peoria*, 619 F.2d 1203 (1980); *Graff v. City of Chicago*, 9 F.3d 1309 (1993); *North Avenue Novelties, Inc. v. City of Chicago*, 88 F.3d 441 (1996); *Chulchian v. City of Indianapolis*, 633 F.2d 27 (7th Cir. 1980); *United States v. Sturman*, 49 F.3d 1275 (7th Cir. 1995); *County of Cook v. Renaissance Arcade and Bookstore*, 122 Ill. 2d 123 (1988) (including cases cited therein);

and other cases; and on reports of secondary effects occurring in and around sexually oriented adult businesses, including, but not limited to, Phoenix, Arizona-1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Indianapolis, Indiana -1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; St. Cloud, Minnesota - 1994; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Police Reports, Gary, Indiana - 2000; Dallas, Texas - 1997; St. Croix City, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study -1994; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Adult uses, (June 6, 1989, State of Minnesota)], the City finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, illicit sex acts, potential spread of sexually transmitted diseases, lewdness, public indecency, illegal drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.
- (2) Sexual acts, including masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semi-private rooms, booths, or cubicles for view films, videos, or live sexually explicit shows.
- (3) The consumption of alcoholic beverages on the premises of sexually oriented businesses exacerbates the deleterious secondary effects of such businesses.
- (4) Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating.

Sec. 18-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore, adult novelty store, or adult video store means a commercial establishment which has significant or substantial portion of its stock-in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas";
- (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

The term adult bookstore, adult novelty store, or adult video store shall also include a commercial establishment which regularly maintains one or more adult arcades. Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show

images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances that are characterized by the display of "specified sexual activities"; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the display of "specified sexual activities" or nudity or "specified anatomical areas".

Adult motel means a motel, hotel, or similar commercial establishment which:

- (1) Offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and
- (2) Regularly offers sleeping rooms for rent for a period of time less than ten hours.

Adult mini motion picture theater means an enclosed building with a capacity for less than 50 persons used regularly and routinely for presenting material distinguished or characterized by an emphasis on matter displaying "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter displaying "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult model studio means a place where persons, who regularly appear in a state of nudity or semi-nudity, are provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

It is a defense to prosecution for any violation of this article that a person appearing in a state of nudity or semi-nudity or semi-nudity did so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credited are transferable to college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:

- a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
- b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Distinguished or characterized by an emphasis upon means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to materials "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the materials so described are those whose dominant or principal character and theme are the exhibition or description "specified anatomical areas" or "specified sexual activities."

Employ, employee and employment describe and pertain to any person who performs any service on the premises of a adult use, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Hearing officer shall mean the City Manager of the City of Peoria or a designee of the city manager.

Licensee shall mean a person in whose name a license to operate a adult use has been issued, as well as the individual or individuals listed as an applicant on the application for a adult use license. In case of an "employee," it shall mean the person in whose name the adult use employee license has been issued.

Nudity or state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or cause to be operated or operator shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any persons on the premises of an adult use who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated an adult use whether or not that person is an owner, part owner, or licensee of the business.

Regularly features or regularly shown or regularly presented means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult use.

Semi-nude or state of semi-nudity means the exposure of a bare male or female buttocks or the female breast below a horizontal line across the top of the areola at its highest point with less than a complete and opaque covering.

Specified anatomical areas means any of the following conditions:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region, or pubic hair;

- b. Buttock;
 - c. 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 opaquely covered.

Specified sexual activities means any of the following conditions:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation.
- (3) Excretory functions as part of or in connection with any activities set forth in subsections (1) through (2) of this definition.

Viewing room booth or cubicle means an area designed for the viewing of videos, books or other visual materials characterized by an emphasis on specified sexual activities or specified anatomical areas, which area is less than 80 square feet of floor area. Video room booth or cubicle does not include the theater area of an adult motion picture theater or an adult mini motion picture theater that has a capacity of at least ten people.

Sec. 18-52. Sexually oriented adult uses enumerated.

The following shall be considered sexually oriented adult uses for the purpose of this article:

- (1) Adult bookstore, adult novelty store, or adult video store.
- (2) Adult cabaret.
- (3) Adult motel.
- (4) Adult mini motion picture theater.
- (5) Adult motion picture theater.
- (6) Adult model studio.

Sec. 18-53. Limitations on sexually oriented adult uses.

- (a) Sexually oriented adult uses shall be permitted subject to the following restrictions:
 - (1) A sexually oriented adult use shall not be allowed within 500 feet of another existing sexually oriented adult use.
 - (2) A sexually oriented adult use, other than an adult bookstore, adult novelty store, or adult video store, shall not be located within 750 feet of any zoning district which is zoned for residential use. For purpose of this section, "zoned for residential use" means R1 through R8 districts, to include RE-Estate Residence District. B1, C1 and C2 are not categories included in "zoned for residential use" for purposes of this section. An adult bookstore, adult novelty store, or adult video store shall not be located within 700 feet of any zoning district which is zoned for low (R-1), medium (R-2), or high density (R-3) residential use.

(3) A sexually oriented adult use shall not be located within 500 feet of a preexisting school or place of worship.

(4) A sexually oriented adult use shall not be located in a building or structure which contains another business that sells or dispenses in some manner alcoholic beverages.

(5) The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented adult use is prohibited unless the sexually oriented adult use has a liquor license issued pursuant to Chapter 3 of this Code.

(b) The provisions stated in this section shall not apply to any sexually oriented adult use in existence and lawfully established at the time this article takes effect, so long as the sexually oriented adult use continues to conduct its business at the location it was doing business when this article took effect and does not change the nature of the sexually oriented adult use; provided that such sexually oriented adult use may expand its operation into an adjoining structure which is not closer to a district zoned for residential use or a preexisting school or place of worship and is operated as an integral part of the original location; and provided further that a sexually oriented adult use in existence and lawfully established at the time this article took effect, October 21, 2003, may, so long as the sexually oriented adult use continues and does not change the nature of the sexually oriented adult use, relocate to a location which brings the location more into compliance with the terms of section 18-53. "More into compliance" means, for example, that if an existing sexually oriented adult use were within 250 feet of a place of worship, it would be more in compliance if it were relocated to a site more than 375 feet from any zoning district which is zoned for residential use, and satisfied all other requirements of subsection (a) above.

Sec. 18-54. Measurement of distances.

For the purposes of this article, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult use to the nearest property line of another adult use, school, place of worship or district zoned for residential use.

Sec. 18-55. Exterior display.

No adult use shall be conducted in any manner that permits the observation of any material characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" by display, decoration, sign, show window or other opening from any public way or from any property not licensed as a sexually oriented adult use.

Sec. 18-56. Display of license and permit.

(a) Every licensee shall display a valid license in a conspicuous place at or near the entrance to the sexually oriented adult use so that the same may be readily seen by persons entering the premises.

~~(b) All persons required under this article to obtain a sexually oriented adult use employee permit pursuant to this article must display on request during the hours of operation of such business an identification card provided by the city police department containing the legal name, and date of birth of the employee.~~

Sec. 18-57. Employment of minors; minors not allowed on premises.

(a) It shall be unlawful for any sexually oriented adult use licensee or his manager or employee to employ in any capacity within the sexually oriented adult business any person who is not at least 18 years of age.

(b) It shall be unlawful for any individual under the age of 18 years of age to enter or remain on the premises of a sexually oriented adult use.

(c) It shall be unlawful for any sexually oriented adult use licensee or his manager or employee to allow a person who is under the age of 18 years of age to enter or remain on the premises of a sexually oriented adult business or use.

(1) If a licensee or his manager or employee believes or has any reason to believe that the entry upon the premises is prohibited because of the nonage of the prospective entrant, he shall, before allowing such entry onto the premises, demand presentation of some form of positive identification, containing proof of age, issued by a public official in the performance of his official duties.

(2) For the purpose of preventing the violation of this section, any licensee or his manager or employee may refuse entry to any person who is unable to produce adequate positive identification of identity and of the fact that he is 18 years of age or over.

(3) Proof that the licensee or his manager or employee demanded, was shown and reasonably relied upon such positive identification in any transaction forbidden by this section is competent evidence and may be considered in any criminal or ordinance prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

(4) No person shall transfer, alter or deface such identification card; use or attempt to use the identification card of another; carry or use or attempt to use a false or forged identification card; or obtain or attempt to obtain an identification card by means of false information.

Sec. 18-58. Certain illegal activities on premises enumerated.

Nothing contained in this article is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or city ordinance. It shall be unlawful for an operator to knowingly violate the following regulations or to allow, either knowingly or through negligent failure to supervise, an employee or a patron to violate the following regulations.

(a) It shall be a violation of this article for an operator or employee to knowingly operate an adult video booth other than as follows: the adult video booth shall be permanently open. The entrance way shall not be closed or obstructed, entirely or partially by any door, curtain, participation, drape or any other obstruction.

(b) It shall be a violation of this article for any person to knowingly enter or remain present in an adult booth at any time the adult booth is occupied by another person, unless two or more persons are necessary for repair or maintenance of the booth.

(c) It shall be a violation of this article for any person to create, maintain, or permit holes or openings of any kind to exist between adult booths.

(d) It shall be a violation of this article for any person to possess, use, or distribute any illegal controlled substance on the premises of a sexually oriented adult use.

(e) It shall be a violation of this article for any person to engage in any act of sexual intercourse, masturbation, sodomy, lewdness, assignation, or prostitution on the premises of a sexually oriented adult use.

Sec. 18-59. Inspections.

Sexually oriented adult uses and sexually oriented adult use employees shall permit officers or agents of the City of Peoria to inspect, from time to time and at least twice a year, the portions of the sexually oriented adult use premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this article, during those times when the sexually oriented business is occupied by patrons or is open for business. Such inspections shall be made in a reasonable manner, and shall not include areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Sec. 18-60. Violation and penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than \$100.00 or as provided in section 1-5 of this Code. The city corporation counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this article to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the city, provided, however, that nothing in this section and no action taken hereunder shall be held to exclude ordinance violation proceedings authorized by law.

Sec. 18-61. Liquor license required.

Any licensee under this Article III must obtain a Class "A" liquor license under section 3-52 of the Code of the City of Peoria to sell alcoholic beverages on the premises licensed under this Article III.

Secs. 18-62—18-75. Reserved.

DIVISION 2. LICENSE

Sec. 18-76. Required; filing of application; filing fee.

(a) It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a sexually oriented adult use, without first having obtained a separate license for such sexually oriented adult use from the city comptroller.

~~(b) It shall be unlawful for any person to be an employee, as defined in this article, of a sexually oriented business in the City of Peoria without a valid sexually oriented business employee license.~~

~~(c)~~(b) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the city comptroller a completed application made on a form provided by the city comptroller. The application shall be signed by the applicant and notarized. An application shall be considered complete when it contains the information required in section 18-77.

Sec. 18-77. Application contents.

(a) An application for a sexually oriented adult business license or a sexually oriented adult business employee license shall be considered complete when it contains the information required in paragraphs (1) through (7) below, as applicable:

(1) The applicant's full true name and any other names used in the preceding five years.

(2) Written proof that the individual is at least 18 years of age in the form of a copy of a birth certificate or a picture identification document issued by a governmental agency.

(3) Current business address or another mailing address of the applicant.

(4) If the application is for a sexually oriented adult business license, the business name, location, legal description, mailing address, and phone number of the sexually oriented adult business.

(5) If the application is for a sexually oriented adult business license, the name and business address of the statutory agent or other agent authorized to receive service of process.

(6) If the application is for a sexually oriented adult business license, a diagram of the premises showing a plan thereof specifying the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. The diagram shall also designate the location of any viewing rooms, booths or cubicles. The diagrams shall also designate the place at which the permit will be conspicuously posted if granted. A professionally prepared diagram in the nature of an engineers or architects blueprints shall not be required, but the diagram shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(7) If the application is for a sexually oriented adult business license, the type of adult business for which a license is sought.

(b) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner or other person who will participate directly in decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under section 18-78 and each applicant shall be considered a licensee if a license is granted.

(c) A person or entity who obtains a license under this article is not required to also obtain a general business license or an amusement arcade license from the City of Peoria.

(d) The information provided by an applicant in connection with an application for a license under this article shall be maintained by the city comptroller on a confidential basis, except that such information may be disclosed only to law enforcement agencies performing a law

enforcement or public safety function, or as may be required or permitted under governing law or court order.

Sec. 18-78. Issuance.

(a) Upon the filing of a completed application under section 18-77 ~~for a sexually oriented adult business employee license~~, the city comptroller shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city to deny or grant the license. Within 20 days of the initial filing date of a completed application under section 18-77 for a sexually oriented adult business license or ~~a sexually oriented adult business employee license~~, the city comptroller shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The city comptroller shall approve the issuance of a license unless one or more of the following is found to be true:

- (1) That the applicant is under the age of 18 years or under any legal disability.
 - (2) An applicant has failed to provide information as required by section 18-77 for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The license application fee required by this article has not been paid.
 - (4) An applicant has committed a violation of section 18-58 or section 18-59 of this article within the previous year.
 - (5) In the case of a sexually oriented business license application, the sexually oriented adult business premises is in a location that does not comply with the locational requirements of the Peoria City Code.
 - (6) In the case of a sexually oriented business license application, the premises is not in compliance with the interior configuration requirements of this article.
 - (7) The applicant has a liquor license which has not been surrendered.
- (b) Every sexually oriented adult business license ~~and sexually oriented adult business employee license~~ issued pursuant to this division will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked. Application for renewal shall be made at least 90 days before the expiration date, and when made less than 90 days before the expiration date, the expiration of the license shall not be affected.
- (c) The license, if granted, shall state on its face the name of the person, persons, or entity to whom it is granted, the number of the license issued, the expiration date, and, if the license is for a sexually oriented adult business, the address of the sexually oriented adult business.

Sec. 18-79. Suspension or revocation.

(a) The city may issue a written letter of intent to suspend a sexually oriented business license for a period not to exceed 30 days if the sexually oriented business licensee has knowingly violated this article or has knowingly, or through negligent failure to supervise, allowed an employee to violate this article.

(b) Reserved. ~~The city may issue a written letter of intent to suspend a sexually oriented business employee license for a period not to exceed 30 days if the employee has knowingly violated this article.~~

(c) The city shall issue a letter of intent to revoke a sexually oriented business license ~~or a sexually oriented business employee license~~, as applicable, if the licensee commits three or more violations of this article within a 12-month period.

(d) The city shall issue written intent to revoke a sexually oriented adult business license ~~or a sexually oriented adult business employee license~~, as applicable, if:

(1) The licensee has knowingly given false information in the application for the sexually oriented business license.

(2) The licensee has engaged in or allowed possession, use, or sale of controlled substances on the premises;

(3) The licensee has knowingly engaged in or allowed prostitution, masturbation, sexual intercourse, sodomy, bestiality, oral copulation or flagellation on the premises;

(4) The sexually oriented business licensee knowingly operated the sexually oriented business during a period of time when the license was suspended;

(e) The fact that any relevant conviction is being appealed shall have no effect on revocation of a license.

(f) When, after the notice and hearing procedure described in section 18-80, the hearing officer revokes a license, the revocation shall continue for three years and the licensee shall not be issued a sexually oriented business license ~~or sexually oriented business employee license~~ for three years from the date revocation becomes effective, provided that, if the conditions of section 18-80(b) are met, a provisional license will be granted pursuant to that section.

Sec. 18-80. Hearing; denial, suspension, and revocation; appeal.

(a) If facts exist which warrant denial, suspension, or revocation of a license under this article, the city shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds thereof, by personal delivery, or by certified mail. The notification shall be directed to the most current business address or other mailing address on file with the city comptroller for the respondent. Within ten working days of receipt of such notice, the respondent may provide to the city comptroller a written response that shall include a statement of reasons why the respondent believes the license should not be denied, suspended, or revoked.

Within five days of the receipt of respondent's written response, the city comptroller shall notify respondent in writing of the hearing date on respondent's denial, suspension, or revocation proceeding. Within ten working days of the receipt of respondent's written response, the hearing officer shall conduct a hearing at which respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the city's witnesses. The city shall also be represented by counsel, and shall bear the burden of proving the grounds for deny, suspending, or revoking the license. The hearing shall take no longer than two days, unless extended to

meet the requirements of due process and proper administration of justice. The hearing officer shall issue a written opinion within five days after the hearing.

If a court action challenging the city's decision is initiated, the city shall prepare and transmit to the court a transcript of the hearing within ten days after the issuance of the hearing officer's written opinion. If a response is not received by the city comptroller in the time stated or, if after the hearing the hearing officer finds that grounds as specified in this article exist for denial, suspension, or revocation, then such denial, suspension, or revocation shall become final five days after the hearing officer sends, by certified mail, written notice to the respondent that the license has been denied, suspended, or revoked. Such notice shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction. If the hearing officer finds that no grounds exist for denial, suspension, or revocation of a license, then within five days after the hearing, the hearing officer shall order the city comptroller to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. The city comptroller shall contemporaneously therewith issue the license to the applicant.

(b) When a decision to deny, suspend or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal or challenge such action to any court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's enforcement of the denial, suspension, or revocation, the city shall immediately issue the aggrieved party a provisional license. The provisional license shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the aggrieved party's appeal or other action to restrain or otherwise enjoin the city's enforcement.

Sec. 18-81. Interior configuration.

(a) Any viewing rooms, booths or cubicles shall be permanently open. The entranceway to these rooms, booths or cubicles must be open and unobstructed. The entrance way shall not be capable of being closed or obstructed, entirely or partially by any door, curtain, partition, drape or any other obstruction.

(b) It shall be the duty of the licensee to ensure that any viewing rooms, booths, or cubicles remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials, and at all times to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to section 18-77.

(c) No viewing room, booth or cubicle may be occupied by more than one person at any time.

(d) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level.

(e) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

- (f) No licensee shall allow openings of any kind to exist between viewing rooms or booths.
- (g) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (h) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (i) All wall surfaces and ceiling surfaces in viewing rooms, booths or cubicles must be constructed of or permanently covered by non-porous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used.
- (j) Restrooms shall not contain video reproduction equipment.

Sec. 18-82. License fees.

The city council hereby establishes the following fees for sexually oriented adult business licenses:

Initial sexually oriented adult business license and subsequent renewals \$220.00

~~Adult business employee license and annual renewal license 110.00~~

~~Kitchen staff, including dishwashers and cooks but not including waitstaff - Initial and annual renewal 60.00~~

Sec. 18-83. Transfer of license.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

Sec. 18-84. Scierter required to prove violation or business licensee liability.

Notwithstanding anything to the contrary, for the purposes of this article, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly, or through negligent failure to supervise, allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability for the violative act is imputed was powerless to prevent the violation.

Sec. 18-85. Severability.

This article and each section and provision hereunder are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is

hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

Secs. 18-86—18-95. Reserved.

ARTICLE V. AUCTIONS AND AUCTIONEERS

DIVISION 1. GENERALLY

Sec. 18-141. Definition.

For the purposes of this article, an auctioneer is any person who, at public outcry, offers for sale to the highest bidder any goods, wares or merchandise for profit.

Sec. 18-142. Restrictions generally.

It shall be unlawful for any ~~licensed~~ auctioneer to conduct a sale at public auction for any person of any goods, wares, merchandise or property, whether the same shall be their own property or whether they sell the same as agents or employees of others; provided, however, that this section shall not apply to judicial sales or sales by executors or administrators, by trustees of assignees under deed of assignment, by lienors, or by public officers in the manner described by law, to sales of household effects on the premises of the owner of the same; provided further, that it shall not apply to auction sales at the place named in the license of the auctioneer, nor to the sale at public auction of the stock on hand of any person that shall, for the period of one year next preceding such sales, have been continuously in business in the city as a retail or wholesale merchant. In addition thereto, sales at public auction of the stock on hand of any such person which has been continuously in business in the city as a retail or wholesale merchant for a period of one year next preceding such sales shall be held only subject to the following conditions:

- (1) When sales to be held; continuance. Such sales shall be held on successive days, and shall not continue for more than 30 days in all, and a period of at least 365 days must have elapsed after the conclusion of any such auction sale conducted before another auction sale shall be commenced for the same merchant.
- (2) Hours of sale. Such sales must be held only between the hours of 8:00 a.m. and 11:00 p.m., and at no other time in any day.
- (3) Sign. During the conduct of the sale, a sign must be maintained at the place of the sale, plainly visible to persons attending the same, showing the name of the auctioneer and the name and address of the merchant whose goods are being sold at auction.
- (4) Conducting certain other businesses at place of sale. Except in the case of auction sales conducted at the auction room of some duly licensed auctioneer, during the time while such auction sale is being conducted, no business other than the business which has been conducted for the period of six months immediately prior to the commencement of the auction sale shall be conducted or engaged in at and in the place of sale.

Sec. 18-143. Reserved. ~~Only licensed auctioneers to conduct auctions.~~

~~No person shall dispose of any goods, wares, merchandise or property at public auction in the city except through the medium of an auctioneer licensed to conduct such auction by the city; provided, however, that nothing contained in this section shall apply to judicial sales, to sales by executors or administrators, by trustees or assignees under deed of assignment, by lienors or by public officers in the manner prescribed by law, or to the sale of household effects sold on the premises of the housekeeper owning the same, or to sales sponsored by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale, or which are incorporated as a not-for-profit corporation by the State of Illinois.~~

~~Sec. 18-144. Prohibited acts by auctioneer.~~

~~No auctioneer who has been duly licensed by the city to conduct auction sales in the city shall do and perform any of the following acts:~~

- ~~(1) Make any false representation as to the character, quality, condition, value or ownership of any goods, wares, merchandise or property offered for sale.~~
- ~~(2) Substitute any other article for the article sold and struck off to a bidder.~~
- ~~(3) Bid in any goods, wares, merchandise or property offered by him for sale, and no person shall act as an accomplice for the purposes of making mock bids at any auction.~~
- ~~(4) Employ a bellman, crier, instrument of music or any means of attracting the attention of passersby, other than a sign as provided in this article.~~

~~DIVISION 2. LICENSE~~

~~Sec. 18-161. Required.~~

~~No person shall act as an auctioneer without having obtained a license.~~

~~Sec. 18-162. Fee.~~

~~Before any auctioneer's license shall be issued, the applicant therefor shall pay to the city treasurer a fee in the sum of \$110.00.~~

~~Sec. 18-163. Bond prerequisite to issuance.~~

~~Before any license shall be issued to any person to act as auctioneer in the city, the applicant for such license shall make, execute and deliver to the city his license and permit bond in the penal sum of \$1,000.00, conditioned for the faithful observance of the laws of the state, the provisions of this article and other ordinances of the city, as the same apply to the business of auctioneers and auction sales. Such bond shall be approved by the corporation counsel as to the sufficiency of the surety thereon, and as to the form and manner of the execution thereof.~~

~~Sec. 18-164. Issuance.~~

~~Upon compliance with the provisions of this division, the license shall be issued to the applicant to sell at public auction in the city and only in the place named in the license, except as provided in this article.~~

~~Sec. 18-165. Transferability.~~

~~No auctioneer's license shall be transferable.~~

~~Sec. 18-166. Expiration.~~

~~All auctioneer licenses shall expire one year from the date of issuance.~~

Secs. 18-1671—18-185. Reserved.

ARTICLE VIII. OUTDOOR ADVERTISERS

DIVISION 1. GENERALLY

Sec. 18-311. Definition.

The term "outdoor advertiser" as used in this article is hereby defined to mean any person engaged in the business of placing, posting or painting any advertisements, notices or displays in or on any place in the city for the purpose of outdoor advertising, so that the resulting display is visible from any street, alley, sidewalk or other public place in the city.

Sec. 18-312. Posting advertisements on illegal structures.

No person shall post or maintain any advertisement or signs on any billboard or signpost which does not fully conform to all the provisions of article XVII of the city's zoning ordinance and all other ordinances of the city affecting the erection or maintenance of structures.

Sec. 18-313. Billposting, etc., without consent of owner, etc., of premises.

No person shall, without the consent of the owner or occupant of the premises, post, stick or place any handbill, showbill, placard or notice upon any building, wall, fence or tree box.

Sec. 18-314. Duties.

(a) Prevention of refuse accumulating, etc. It shall be unlawful for any person engaged in the business of outdoor advertising to permit any refuse resulting from the erection or maintenance of any signs, display boards or billboards erected or maintained by such licensee to accumulate anywhere in the city, except by placing it in properly established and maintained refuse receptacles. It shall be unlawful to permit any loose or flapping combustible materials to hang from or to be attached to any billboard or signboard or other place used for display or advertising purposes. All refuse resulting from the operation of the business of an outdoor advertiser must be carefully gathered up and disposed of.

(b) In connection with weeds, etc. It shall be the duty of every outdoor advertiser to keep all grass and weeds and other growths, excepting trees and ornamental shrubbery, cut down so the same shall not grow to a greater length than ten inches, within six feet of any billboard or signboard ~~used by such licensee; provided, that this obligation shall extend only to property controlled by the licensee.~~

Sec. 18-315. Identification of licensee on advertisements.

It shall be unlawful for any outdoor advertiser to carry on his business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by such

advertiser or in any notice, placard or advertisement posted by him, in such lettering so as to be visible from a distance of at least five feet from the notice or advertisement.

Sec. 18-316. Article not applicable to official notices.

The provisions of this article shall not apply to the posting of signs or notices by order of any court or any public officer in the performance of his duty.

DIVISION 2. LICENSE

~~Sec. 18-336. Required.~~

~~It shall be unlawful for any outdoor advertiser to engage in or do the business of outdoor advertising in the city, without having first obtained a license therefor; provided, that no license issued under this division shall be construed so as to permit the use of any structures, natural or artificial, for advertising purposes, which are located in any public street, sidewalk, alley or other place in the city.~~

~~Sec. 18-337. Application.~~

~~Applications for the license required by this division shall be filed with the comptroller and shall be accompanied by a list of all places, including billboards or signboards or natural structures, contemplated to be used or on which it is intended to place signs or advertisements. This list shall be added to from time to time by the licensee as the right to post or place advertisements or signs on additional places is required.~~

~~Sec. 18-338. Fees.~~

~~The annual license fee for the license required by this division shall be \$30.00, where the licensee uses or maintains not more than 25 billboards or signboards; and if such licensee uses or maintains more than 25 billboards or signboards, such annual license fee shall be \$300.00. Each application for a license as an outdoor advertiser contemplated by this article shall be accompanied by a statement under oath of the number of billboards, signboards or display boards used by the applicant in the city for such outdoor advertising. Upon the acquisition or use by construction or otherwise of more than 25 billboards as provided by this article, such licensee shall give notice in writing of such additional number of billboards or signboards and shall be required to pay the annual license fee where the number of billboards shall exceed 25 in number. Such annual license fee shall be due and payable on January 1 of each year.~~

~~Secs. 18-339—18-355. Reserved.~~

ARTICLE X. SCAVENGERS

DIVISION 1. GENERALLY

~~Secs. 18-401—18-420. Reserved.~~

DIVISION 2. VEHICLES AND EQUIPMENT

~~Sec. 18-421. Identification of vehicle.~~

Every vehicle used under this article shall be conspicuously and permanently marked with the name of the person owning the same ~~and the number of his license~~. The letters and figures used in such marking shall not be less than six inches in height.

Sec. 18-422. Specifications.

No part of the contents of any privy, vault, sink, or cesspool, except substances other than excrements insoluble in water, or any accumulation of any offensive fluid, liquor or semiliquid substances or materials, being in any excavation, cellar or place within the limits of the city, shall be removed therefrom; nor shall the same be transported through any of the streets or avenues of the city, unless and except the same shall be removed and transported by means of an airtight and watertight iron vehicle of a capacity of not less than 70 cubic feet, and in such a manner as shall prevent entirely the escape of any noxious or offensive odors therefrom, and by a permit from the public health board. All tools, pails and tubs used by the scavengers shall be made from galvanized iron or other metal, and shall be free from all wood to prevent saturation of night soil into them. All carts and vehicles mentioned in this division and all boxes, tubs and receptacles thereon in which any substance in this division referred to may be or is carried shall be strong and tight, so that no part of such contents or load shall fall, leak or spill therefrom, and shall be adequately and tightly covered so as to prevent the same from becoming offensive or dangerous to health.

Sec. 18-423. Disinfection.

All carts and vehicles under the provisions of this division shall be thoroughly disinfected and put in an inoffensive condition when not in use.

Sec. 18-424. Unnecessary offensiveness.

(a) No driver of a cart or vehicle coming under the provisions of this division, nor any person having undertaken or being engaged in and about the loading or unloading thereof, nor any person engaged about the cleaning or emptying, or having undertaken to empty or remove any garbage, offal or the contents of any vault, sink, privy, catch-basin, cesspool or any noxious or offensive substance, shall do, or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building or premises.

(b) No vehicle for carrying any offal, swill, garbage or rubbish or the contents of any privy, vault, cesspool or sink, or having upon it or in it other nauseous or offensive substances shall, without necessity therefor, stand or remain; nor shall a needless number gather before or near any building, place or business, or other premises where any person may be; nor shall any such vehicle occupy an unreasonable length of time in loading or unloading, or in passing along any street or through any inhabited place or ground; nor shall any such vehicle, or the driver thereof or anything pertaining thereto, or the person in charge thereof, be in a condition needlessly filthy or offensive; and when not in use, such vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offense shall be given to any inhabitants of the city or so as to endanger the health of any person.

Sec. 18-425. Overloading; falling contents.

No person in charge of any vehicle shall allow, and it shall be the duty of every scavenger, contractor or person who has ordered or procured, or is having any of the materials or

substances referred to in this article carried, or who is carting the same, to prevent any such vehicle to be fully loaded, or to be so improperly or negligently driven or managed that any offensive liquids, or any garbage, rubbish, offal, dirt or materials being so conveyed shall fall upon or in any place, street or premises. It shall be the duty of every such person at once to replace such vehicle and remove any such substance which has fallen therefrom.

ARTICLE XV. CHILDREN'S HOSPITALS

~~Sec. 18-631. Generally.~~

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

~~Sec. 18-632. Definitions.~~

~~[For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]~~

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

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

~~Sec. 18-633. Regulations.~~

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

~~Sec. 18-634. Application for license.~~

~~Application for issuance or renewal of a City of Peoria children's hospital license shall be made to the City of Peoria in the same manner as provided for in the Illinois Hospital Licensing Act for issuance and renewal of a hospital license by the Illinois Department of Public Health, and shall specifically identify any facility within a hospital devoted exclusively to caring for children for which licensing is sought pursuant to this article.~~

~~Sec. 18-635. License fee.~~

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

~~Sec. 18-636. Denial, suspension, or revocation of license.~~

~~Denial, suspension, or revocation of a hospital license by the Illinois Department of Public Health shall be grounds for denial, suspension, or revocation of a children's hospital license by the City of Peoria. The children's hospital shall immediately report to the City of Peoria any notice by the Illinois Department of Public Health of substantial failure to comply with applicable standards, rules, or regulations.~~

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel