

CHAPTER 115: RETAIL

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SECONDHAND AND PRECIOUS METAL DEALERS

§ 115.10 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENGAGED IN OR CONDUCTING BUSINESS. The purchase, sale, barter, or exchange of any item aforesaid, including advertising therefor and including such business conducted by an established dealer in a permanent location.

EXCLUSIONS. The provisions of this chapter do not apply to the following businesses or dealers:

- (1) Junk, as that term is defined in this chapter;
- (2) Used motor vehicles;
- (3) Antique dealers which for purpose of this exclusion shall be read to be defined as any dealer who engages exclusively in the business or occupation of selling, bartering, or exchanging any painting, furniture, china, or other object painted or made more than 50 years prior to the date of sale, which is valuable primarily by reasons of age, scarcity or the skill and craftsmanship of the article and artisan. Antiques will not include family heirlooms made of gold and silver or other precious metals;
- (4) Coin collectors or coin shops which engage exclusively in the coin business or occupation. Further, that this exclusion does not exempt such dealers or businesses from compliance with the regulations as hereinafter provided in relation to any gold, silver, platinum or other precious metal or jewelry which they may purchase, trade, barter, or exchange in addition to their coin and bullion operations;
- (5) Flea market;
- (6) Neighborhood garage sales;
- (7) Nonprofit or charitable secondhand goods or thrift type shops.

GEMS. Any item containing or having any precious or semi-precious stones customarily used in jewelry or ornamentation.

PRECIOUS METALS. Any item containing as part of its composition in any degree, gold, silver, platinum or pewter.

SECONDHAND DEALER. An individual, partnership, corporation, joint venture, trust association, or any other legal entity however organized, engaged in, or conducting business in the village for purchasing, trading, bartering, or exchanging secondhand personal property, gold, silver and other precious metals.

SECONDHAND GOODS or **USED PERSONAL GOODS**. Shall consist of any item of personal property or object of value such as gold, silver, jewelry, or other precious metals, which is not purchased or sold as new. **SECONDHAND** or **USED PERSONAL GOODS** do not include property purchased by one licensed, established merchant in the normal course of business from another licensed established merchant. **SECONDHAND** or **USED PERSONAL GOODS** shall include, but are not limited to the following items:

- (1) Jewelry of any kind or any metal, precious or semiprecious in nature;
- (2) Gold, silver, and other precious metals in whatever identifiable form except for numismatic coins or bullions;
- (3) Any type of gem or precious stone, including diamonds;
- (4) Office supplies;
- (5) Furniture fixtures;
- (6) Electronic equipment such as televisions, radios, and stereos;
- (7) Appliances.

('79 Code, § 120.01) (Ord. 1341, passed 12-7-87)

§ 115.11 APPLICABILITY OF REQUIREMENTS.

(A) *License requirement.* It shall be unlawful for an individual, partnership, corporation, joint venture, trust, association, or other legal entity to engage in the business of secondhand goods or used personal property, gold, silver or other precious metals dealer as defined in this chapter, without first obtaining a license therefor, as hereinafter provided. A separate license shall be required for each location, place or premises used for the conduct of the business of the secondhand dealer.

(B) *License not transferable.* The privilege extended to the above described license is a personal privilege and shall not be transferable to another individual or entity, nor shall there be any abatement of the fee for such license by reason of the fact that the license holder shall have exercised the privilege for any period less than it was granted.

(C) *License fee.* The fee for such license shall be in the sum of \$80 for the period from May 1, 1997, to December 31, 1997, being the date of termination. Commencing on January 1, 1998, and on January 1 of each year following issuance, the annual fee shall be \$125. (Am. Ord. 1659, passed 2-18-97)

(D) *Place of business; license restrictions.* Any license issued under the

provisions of this chapter shall designate the place in which the secondhand dealer shall carry on such business; and such business shall not be carried on or conducted in any other place than that designated in or by such license.

(E) *Exhibition of license.* The license issued under this chapter shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the village, separate licenses shall be issued for each place of business, and shall be conspicuously in each place of business. A separate \$100 fee will be charged for each additional license issued. A separate license application will be needed for each additional place of business.

(F) *Location change during unexpired term of license.* In the event that a secondhand dealer should move either his/her main or satellite licensed dealership from the existing location to a new location before the expiration of his/her current license, he/she shall be permitted to secure a transfer license at a fee of \$50 per unexpired license to be valid until his/her existing license should expire.

(G) *Application for license.* Applicants for a license under this chapter, whether a person, firm, corporation or other legal entity, shall file a written sworn application signed by the applicant, if an individual, by all partners, if a partnership, by all members of the joint venture or association, and by the president of a corporation with the Village Clerk, showing:

- (1) The name or names of the person or persons having the management or supervision of the applicant's business;
- (2) The local address or addresses of such person or persons while engaged in the business;
- (3) The permanent address or addresses of such persons;
- (4) The capacity in which such person or persons will act, that is, whether as proprietor, agent or otherwise;
- (5) If a corporation, other than an Illinois corporation, the laws of the state that the same is incorporated under;
- (6) The place or places in the village where it is proposed that applicant's business will be conducted;
- (7) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers;
- (8) Credentials from the person, firm or corporation, for which the applicant proposed to do business, authorizing the applicant to act as such representative;

(9) Whether or not the person or persons having management or supervision of the applicant's business have been convicted of a felony, misdemeanor or violation of any municipal ordinance, the nature of such offense and the punishments assessed therefor;

(10) The place or places, other than the permanent place of business of the applicant, where applicant, within the six months prior to this current application, conducted a previous business in secondhand or used personal goods, stating the nature thereof and giving the street address of any building or office in which such business was conducted.

(H) *Records of transactions required.*

(1) Every secondhand dealer shall keep a record, which record system guidelines shall be established in conjunction with the Chief of Police for the purpose of promoting uniformity and accessibility to the Police Department with minimum inconvenience to both the dealer and the department. However, under no circumstances will a looseleaf system be considered to be a proper medium of recordkeeping.

(2) The record of all transactions shall be written in the English language and in a clear, legible manner.

(3) The record maintained by the secondhand dealer shall be made at the time of the transaction and shall set forth the following information:

(a) Name, age, sex, general description of the individual with whom the transaction is had, as well as the individual's residence and his/her signature on the receipt and permanent record kept by the dealer;

(b) Confirmation of identification, by also securing a driver's license number along with the state of issuance of such license, military identification card number and the account number of a major credit card account, if used for purchase. This number shall be recorded along with the information designated.

(c) The price or consideration paid or received at the time of the transaction.

(d) A description of every article (except as to the sale of goods by him/her of newspapers, magazines, or other wastepaper, rags, and clothing) received, purchased, sold or exchanged by the dealer giving the manufacturer's name and other marks of identification appearing on the article including, but not limited to, the serial number, if any, on the article.

(e) If the property is delivered by motor vehicle, the license number of the delivering vehicle and the issuing state of said license shall be recorded

along with all other identification requirements enumerated;

(f) All entries in the record shall be signed by the person making the entry;

(g) Such records shall be retained for a period of one year from the date of the transaction.

(I) *Report to the Chief of Police or his/her designated agent.* It shall be the duty of every secondhand dealer to make out and make available for the inspection of the Chief of Police or his/her designated agent before the hour of 12:00 noon, each and every business day, a copy of the records required to be kept under the terms of this chapter, reflecting the completed transactions of the previous day.

(J) *Record inspection.* The record book, the goods, articles or things purchased, received or kept for sale or exchange, by every secondhand dealer, shall be open to inspection of any member of the Police Department at all reasonable business times, or any person duly authorized in writing for such purpose by the Chief of Police.

(K) *Goods to be kept without concealment for seven business/working days.* Every dealer in secondhand goods must keep without concealment for a period of seven working/ business days, subject to the inspection by any police officer, all goods, wares and merchandise, purchased or received from any person, before selling, shipping or otherwise disposing of the same. Proviso: Any goods, wares, or merchandise purchased or received from any person may be sold, shipped, or otherwise disposed of prior to the expiration of the seven working/business day holding period if the goods, wares, or merchandise have been sooner inspected by the Chief of Police or his/her designated agent and received written clearance for such further disposition.

(L) *Melting, wrecking and remodeling.* No secondhand dealer shall melt any watch, watchcase, jewelry or other identifiable article composed or manufactured in whole or in part of gold, silver, platinum, or other precious metals until such dealer shall have made a record of his/her intention to do so along with all other data required to be recorded by the specific recordation provisions of this section and shall have reported the same to the Chief of Police or his/her designated agents within the Burglary and Theft Division and unless and until he/she shall have kept such article intact in his/her licensed place of business, for inspection for seven working/business days after the report provided for in division (I) of this section has been made available to the Chief of Police or his/her designated agent: unless the identifiable article proposed to be melted down, wrecked or remodeled has been sooner inspected by the Chief of Police or his/her designated agent and received written clearance for such melting, wrecking or remodeling from same.

(M) *Purchasing from minors.* No secondhand dealer shall deal in secondhand articles with a minor (an individual under the age of 18 years of age; or receive any goods or articles from any minors, 17 years old or younger).

(N) *Suspension and revocation of license.* Upon conviction for a violation of any of the provisions of this chapter, the license granted under the provisions of this chapter, shall be suspended for a period not less than 30 days in duration at the end of which the individual must secure a clearance from the Village Clerk, verifying the expiration of the suspension period. Upon a second conviction for a violation of any provisions of this chapter within the license period under which the previous suspension occurred, the license granted under the provisions of this chapter shall be revoked for a period of one year in duration at the end of which the individual may submit a re-application for another license.

('79 Code, § 120.02) (Ord. 1341, passed 12-7-87)

§ 115.12 DENIAL OF LICENSE AND APPEAL OF SUCH DENIAL.

Upon receipt of an application for a license, the village in conjunction with the Police Department shall cause such investigation of the applicant's business responsibility or moral character to be made as deemed necessary to protect the public good.

('79 Code, § 120.03) (Ord. 1341, passed 12-7-87)

§ 115.13 LICENSE DENIAL; GROUNDS.

(A) The village may deny a license if the investigation reveals one or more of the following:

(1) Conviction of a felony within five years immediately preceding the date of the filing of the application;

(2) Conviction of any crime of moral turpitude within five years immediately preceding the date of the filing of the application.

(3) Fraud, misrepresentation, or false statement of facts of material consequence in the application;

(4) Proof of a complaint with appropriate officials in the area where last business was pursued within the last 12 months preceding the current application or on file with local officials indicating that applicant has engaged in a fraudulent transaction or enterprise.

(B) The Village Clerk or President shall issue a letter of rejection of license application to the applicant's listed address by certified mail with a statement indicating the reasons for rejection.

('79 Code, § 120.04) (Ord. 1341, passed 12-7-87)

§ 115.14 APPEAL.

An appeal from the Village Clerk or President's decision to deny application for a license shall be made to the President or the Village Clerk in writing, within seven days of the receipt of the decision. The appeal shall state the specific grounds for the appeal. The applicant will be granted the opportunity to present his/her evidence at the Village Board of Trustees hearing to show why the President or the Village Clerk's decision should not be sustained.

('79 Code, § 120.05) (Ord. 1341, passed 12-7-87)

§ 115.15 COIN DEALERS, COIN COLLECTION SWAP MEETS AND CONVENTIONS.

(A) Coin collectors and coin dealers shall not be subject to the extensive record keeping and goods retention requirements for secondhand goods or used personal property dealers to the extent of their actual dealings in coins. However, if any such coin establishment also purchases, trades, barter or exchanges any other type of secondhand personal property including gold, silver or other precious metals or jewelry in conjunction with its coin dealership, such establishment shall be subjected to the extensive record keeping, licensing and goods retention requirements as established in this chapter as far as whose other items of gold, silver or precious metals or jewelry are concerned.

(B) Coin collectors and coin dealers although not subject to the record keeping, licensing requirements, and goods retention provisions of this chapter as relates to their coin dealings, nonetheless will be required to meet the following conditions as they relate to their coin business:

(1) All coin dealers and collectors who conduct a coin business and conduct no other precious metal business shall be required to register with the Village Clerk.

(2) All coin swap meets and conventions shall be required to register with the Village Clerk no later than three days before the scheduled date of the swap meet. The sponsor or sponsors of such a swap meet shall be required to submit the following information at the time of registration:

- (a) The type of swap meet to be conducted;
- (b) The location of the swap meet or convention;
- (c) The time and date of the swap meet or convention and its expected duration;
- (d) The approximate number of participants.

('79 Code, § 120.06) (Ord. 1341, passed 12-7-87)

§ 115.16 PENALTY.

Any person violating any of the provisions of this subchapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than \$750 for each offense.

('79 Code, § 120.07) (Ord. 1341, passed 12-7-87)

SOLICITORS

§ 115.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REGISTERED SOLICITOR. 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/her person while engaged in soliciting.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING. Any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character, or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purpose of insurance of any type, kind, or character;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication; or
- (4) Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

('79 Code, § 113.01) (Ord. 794, passed 4-17-72)

§ 115.26 CERTIFICATE OF REGISTRATION.

Every person desiring to engage in soliciting from persons in residences within this village is required to make written application for a certificate of registration as hereinafter provided.

('79 Code, § 113.02) (Ord. 794, passed 4-17-72)

§ 115.27 APPLICATION FOR CERTIFICATE OF REGISTRATION.

(A) Application for a certificate of registration shall be made on a form provided by the Village Clerk of this village and filed with him/her. The applicant shall truthfully state in full the following information requested on the application:

(1) Name, age, and address of present place of residence and length of residence at such address; business address if other than residence address; and Social Security number;

(2) Physical description of the applicant;

(3) Name and address of the person, firm, corporation, or association with whom the applicant is employed or represents; and the length of time of such employment or representation;

(4) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage in;

(5) Period of time for which the certificate is applied;

(6) The date, or approximate date, of the latest previous application for certificate under this chapter, if any;

(7) Whether a certificate of registration issued to the applicant under this chapter has ever been revoked;

(8) Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or the ordinance of any other Illinois municipality regulating soliciting;

(9) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state, or under the federal law of the United States;

(B) All statements made by the applicant on the application or in connection therewith shall be under oath.

(C) The Village Clerk shall cause to be kept in that office an accurate record of every application received and acted on, together with all other information and data pertaining thereto, of all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application on which it was issued.

(D) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or under the federal law of the United States within five years of the date of the application.

('79 Code, § 113.03) (Ord. 794, passed 4-17-72; Am. Ord. 1134, passed 3-15-82)

§ 115.28 ISSUANCE AND REVOCATION OF CERTIFICATE.

(A) The Village Clerk, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, or the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith. All applications not expressly approved or rejected within five days of application shall be deemed approved, and the certificate of registration shall be issued forthwith.

(B) Any certificate of registration issued hereunder shall be revoked by the Village Clerk if the holder of the certificate, prior to the expiration of the certificate, is convicted of a violation of any kind of the provisions of this chapter; 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 on such revocation, written notice thereof shall be given by the Village Clerk to the holder of the certificate in person or by certified U.S. mail addressed to his/her other residence address set forth in the application.

(C) Immediately on giving notice, the certificate of registration shall become null and void.

(D) The certificate of registration shall state the expiration date thereof.
(79 Code, § 113.04) (Am. Ord. 1134, passed 3-15-82)

§ 115.29 VILLAGE POLICY ON SOLICITING.

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

be the duty of every holder of a certificate of registration, and a condition of holding the certificate, to acknowledge and abide by any notice regulating soliciting as provided in § 115.30.

(79 Code, § 113.05) (Ord. 794, passed 4-17-72; Am. Ord. 1134, passed 3-15-82)
Penalty, see § 10.99

§ 115.30 NOTICE REGULATING SOLICITING.

Every village resident who wishes to restrict solicitation shall do so in the following manner:

(A) Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation or any condition on solicitation shall be contained in a weatherproof card, posted in a conspicuous manner on or near the main entrance door to the residence containing a message qualifying the solicitation in words consisting of letters not less than - inch in height.

(B) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon. (79 Code, § 113.06) (Ord. 794, passed 4-17-72; Am. Ord. 1134, passed 3-15-82)

§ 115.31 DUTY OF SOLICITORS.

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.

(79 Code, § 113.07) (Ord. 794, passed 4-17-72; Am. Ord. 1134, passed 3-15-82)
Penalty, see § 10.99

§ 115.32 UNINVITED SOLICITING PROHIBITED.

It is declared to be unlawful and shall constitute a nuisance for any person to go on any premises and ring the door bell on or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of § 115.30.

(79 Code, § 113.08) (Ord. 794, passed 4-17-72; Am. Ord. 1134, passed 3-15-82)
Penalty, see § 10.99

§ 115.33 TIME LIMIT ON SOLICITING.

It is declared to be unlawful and shall constitute a nuisance for any person, whether registered under this subchapter or not, to go on any premises and ring the door bell on or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 a.m. or after 9:00 p.m. of any weekday, or prior to 9:00 a.m. or after 6:00 p.m. of any Saturday, or at any time on a Sunday.

('79 Code, § 113.09) (Ord. 794, passed 4-17-72; Am. Ord. 1134, passed 3-15-82)
Penalty, see § 10.99

§ 115.34 FEE FOR CERTIFICATE OF REGISTRATION.

Before a certificate of registration shall be issued to any applicant, he/she shall pay to the Village Clerk a fee of \$10 for each certificate of registration issued to him/her, and each such certificate of registration shall expire on April 30 after its issuance.

('79 Code, § 113.10) (Ord. 794, passed 4-17-72)

§ 115.35 SOLICITING CONTRIBUTIONS ON HIGHWAYS.

Soliciting contributions from the occupants of any vehicle as described in ILCS Ch. 625, Act 5, § 11-1006(c) is hereby allowed and permitted within the village limits of the village, subject to the following conditions:

(A) Solicitation on highways within the village shall be allowed only at intersections where all traffic is required to come to a full stop.

(B) The soliciting agent shall be:

(1) Registered with the Attorney General as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor," as provided in ILCS Ch. 225, Act 460, §§ 1 *et seq.*;

(2) Engaged in a statewide fund raising activity; and

(3) Liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.

(C) Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high visibility vest.

(D) A minimum on one solicitor shall be required at each entrance to the

highway intersection at which solicitations are being sought.
(79 Code, § 113.11) (Ord. 1411, passed 10-16-89) Penalty, see § 10.99

SCAVENGERS

§ 115.45 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of scavenger, for the collection or disposal of animal, human, or vegetable refuse or offal, without having first obtained a license.

(79 Code, § 118.045) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86)
Penalty, see § 10.99

§ 115.46 LICENSE FEE.

The fee for a license to operate as a scavenger shall be \$80 for the period from May 1, 1997, to December 31, 1997, being the date of termination. Commencing on January 1, 1998, on January 1 of each year following issuance, the annual fee shall be \$125.

(79 Code, § 118.046) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86)
Penalty, see § 10.99

§ 115.47 APPLICATION FOR LICENSE.

The application for a license required by this subchapter shall be made to the Village Clerk.

(79 Code, § 118.047) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86)

§ 115.48 LIMIT ON NUMBER.

There shall not be more than seven licenses for scavengers issued or in effect at any one time.

(79 Code, § 118.048) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86; Am. Ord. 1356, passed 7-5-88)

§ 115.49 VEHICLE REQUIREMENTS.

(A) All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies, or suitable provisions for covering the body.

(B) Vehicles used for the collection and disposal of garbage or of refuse containing garbage, shall have watertight, enclosed metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect breeding, and shall be maintained in good repair. The vehicles shall not at any time be overloaded so as to cause spillage.

('79 Code, § 118.049) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86)
Penalty, see § 10.99

§ 115.50 STORAGE AND DISPOSAL OF REFUSE.

It shall be unlawful for any scavenger to dispose of or store any refuse in any place within the village limits or within one mile therefrom, except with the express permission of the Village Board of Trustees.

('79 Code, § 118.050) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86)
Penalty, see § 10.99

§ 115.51 HOURS OF OPERATION.

It shall be unlawful for any person to engage in the business of scavenger, within the village, between the hours of 7:00 p.m. and 7:00 a.m. of the day following.

('79 Code, § 118.051) (Ord. 381, passed 8-1-49; Am. Ord. 1298, passed 6-16-86)
Penalty, see § 10.99