

ORDINANCE NO. 16-41 B

**AN ORDINANCE AMENDING TITLE 5 OF THE
"CARPENTERSVILLE MUNICIPAL CODE," AS AMENDED,
REGARDING THE REGULATION OF CHECK CASHING SERVICES**

WHEREAS, pursuant to Title 5 of the "Carpentersville Municipal Code," as amended ("**Village Code**"), the Village regulates various types of businesses operated within the Village; and

WHEREAS, the Village desires to update Title 5 of the Village Code to establish regulations for businesses offering check cashing services operating within the Village; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interest of the Village and its residents to amend Title 5 of the Village Code, as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: CHECK CASHING SERVICES.

Chapter 5.48, titled "Other Businesses," of Title 5, titled "Business Licenses and Regulations," of the Village Code is hereby amended to add a new Section 5.48.010, titled "Check Cashing Services," which section will hereafter read as follows:

5.48.010 – Check Cashing Services

- A. Definition. "Check Cashing Services" are defined as the acceptance and conversion into cash of a check of any type, including, but not limited to, personal checks, paychecks, payroll checks, cashier's checks, certified checks, travelers checks, and money or postal orders, in exchange for a fee of any type, including, but not limited to a flat fee, a percentage share of the cash value of the check, and any combination thereof.**
- B. Regulations. Except as provided in Section 5.48.010.C of this Code, in order to obtain a business license of any type from the Village, any business offering Check Cashing Services must comply with the following:**
- 1. A bonded, licensed, and insured security guard must be provided on the premises during business hours, except during such times when not less than 20 employees of the business are on the premises.**



If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect and

SECTION 3. SEVERABILITY.

- 2. Interior and exterior video security cameras must be installed in such a manner to record a full view of all entrances, exits, and parking areas on the premises, to the satisfaction of the Chief of Police and the Community Development Director. Such cameras must continuously record these locations every day of the year and 24 hours of each day. Businesses offering Check Cashing Services must store and preserve all video recordings for not less than 30 days after the recordings were made.
- 3. Businesses offering Check Cashing Services must make accessible to the Police Department live video feeds, and all stored and preserved video recorded by the security cameras required pursuant to Section 5.48.010.B.2 of this Code.
- 4. A sign must be posted in a prominent location on the premises that states: "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."
- 5. Exterior windows of the business premises must not be obscured in any manner, including without limitation by the placement of signs, dark window tinting, shelving, racks, or similar obstructions.
- 6. Exterior phones, security bars and roll up doors are prohibited.
- 7. All cash not in immediate use by the business must be stored in a time-lock safe, which safe must be located in an area of the premises separated by at least two separate locked doors from the area accessible to the public.
- C. Exemptions. The following types of businesses are exempt from the regulations set forth in Section 5.48.010.B of this Code:
 - 1. Banking institutions that are subject to regulations imposed by the Federal Deposit Insurance Corporation; and
 - 2. Currency exchanges licensed pursuant to the Illinois Currency Exchange Act, 205 ILCS 405/1 et seq., as may be amended.

are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purposes and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law; provided, however, that the effective date will not occur prior to May 1, 2017.

Motion made by Trustee Humpfer, seconded by Trustee Sabbe, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 6 day of DECEMBER, 2016, pursuant to a roll call vote as follows:

AYES: 6 _____

NAYS: 0 _____

ABSENT: 0 _____

APPROVED by me this 6 day of December, 2016.

Ed Ritter
Village President

(SEAL)

ATTEST:
Suzanne DePalma
DEPUTY Village Clerk

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