

ORDINANCE NUMBER: 2017-01

AN ORDINANCE AMENDING CHAPTER 14, "AMUSEMENTS" OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois has recently reviewed the Village Code of Ordinances and as such has reviewed Chapter 14 Amusements; and

WHEREAS, as part of that review, the Village Board has determined that various revisions must be made to Chapter 14 Amusements to amend license fees and to reflect current practices within the Village.

NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, AS FOLLOWS:

SECTION 1: Chapter 14 "Amusements" shall and hereby is amended to read as follows (new language reflected in **bold**, language to be deleted reflected as ~~strikethrough~~):

Chapter 14 - AMUSEMENTS

ARTICLE I. - IN GENERAL

Sec. 14-1. - Application of chapter provisions.

The provisions of this chapter shall apply to all public shows, theatricals, circuses, and other amusements in the village, whether or not specifically licensed in another article of this chapter. The provisions of sections 14-6 and 14-61 shall not apply to a person, firm, partnership, or corporation licensed as an amusement arcade under the provisions of article II of this chapter.

Sec. 14-2. - License required.

It shall be unlawful to conduct or operate any amusement which is open to the public for which an admission fee is charged without having first secured a license therefor.

Sec. 14-3. - License applications to be made to village clerk.

All applications for licenses required by this chapter shall be made to the village clerk.

Sec. 14-4. - License fees.

- (a) The license fees for amusements shall be in accordance with the article which governs the particular amusement.
- (b) Where no license fee is specifically provided for in this chapter, the fee shall be as follows:
 - (1) Circuses and menageries, per day, plus ~~\$50.00~~ **60.00** per day water usage fee.....\$100.00
 - (2) Carnivals, per day, plus water usage fee of ~~\$50.00~~ **60.00** per day100.00
 - (3) Exhibitions of inanimate objects, per day10.00
 - (4) Other public amusements not specifically licensed, per day10.00

Sec. 14-5. - President and board of trustees to authorize issuance of license when public place is used.

No license shall be granted for any carnival, exhibition, show or other amusement to be given on any public street or sidewalk or in any place where the main accommodation for the audience will be in a public place, except on order of the president and board of trustees.

Sec. 14-6. - Inspections.

It shall be the duty of the chief of police to see that every exhibition, amusement, show, theatrical or other public performance is inspected by a member of the police department to ensure conformity with the provisions of this Code and other ordinances of the village concerning such amusements.

Secs. 14-7—14-40. - Reserved.

ARTICLE II. - AMUSEMENT ARCADES

DIVISION 1. - GENERALLY

Sec. 14-41. - 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 the operation by any person, firm, partnership or corporation of 20 or more coin-operated amusement devices for public use upon premises solely within one enclosure.

Coin-operated amusement device means any amusement machine or device which is operated or put into operation, in whole or in part, by the insertion of a coin, token or similar object. The term does not include coin-operated musical devices, bona fide vending machines in which gaming or amusement features are not incorporated, any gambling device or slot machine. Nothing in this definition shall be construed to permit the use of any device prohibited by law or use of any device in any manner prohibited by law.

Sec. 14-42. - Restrictions and responsibilities.

- (a) No amusement arcade nor any coin-operated amusement device or coin-operated musical device therein shall be operated so as to constitute a public nuisance.
- (b) It shall be the responsibility of the licensee to maintain order on the licensed premises at all times.
- (c) It shall be the responsibility of the licensee to see that the licensed premises do not become overcrowded so as to constitute a hazard to the health or safety of persons therein.

- (d) The licensee shall provide a full-time attendant who is 18 years old or older upon the licensed premises during all business hours.
- (e) It shall be unlawful, for any person, firm, partnership, or corporation engaged in the business of operating an amusement arcade to sell, offer for sale, or knowingly permit to be sold or offered for sale or to be dispensed or consumed or brought on the licensed premises any alcoholic beverages unless the owner of such premises shall possess a valid liquor license issued by the village.
- (f) Every amusement arcade licensed under this article shall have affixed on its premises in plain view, a certificate evidencing the issuance of its license.
- (g) The license required and described in this article shall be purely a personal privilege and shall not constitute property. It is not transferable in any manner.

Sec. 14-43. - Enforcement and penalties.

- (a) *Fines.* Any person, firm, partnership or corporation operating an amusement arcade shall be subject to a fine of ~~not less than \$50.00 nor more than \$750.00~~ **not less than \$100.00 nor more than \$750.00** for each violation of this article, as determined by the court of competent jurisdiction. Each day, after notice of the violation to the owner, shall constitute a separate violation.
- (b) *Revocation or suspension.* The president of the board of trustees may revoke or suspend any license issued under this article for any violation of any provision of this chapter or for any violation of state law.
- (c) *Costs.* If a violation of any of these provisions of this article is found to have occurred, then, and in that event, the hearing officer may assess as costs any administrative expenses, fees for hearing officer or any other expenses incurred in the hearing.

Secs. 14-44—14-60. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-61. - Required.

No person, firm, partnership or corporation shall keep within the village any amusement arcade unless such person, firm, partnership or corporation shall have first procured an amusement arcade license as provided in this division.

Sec. 14-62. - Exemption from other licensing requirements of chapter.

No person, firm, partnership or corporation shall own, operate or permit operation of an amusement arcade on premises owned, leased or operated by him, or engage in the business of operating an amusement arcade in the village unless an annual amusement arcade license has been obtained. A person, firm, partnership or corporation licensed as an amusement arcade is exempt from all other licensing requirements of this chapter.

Sec. 14-63. - Application; fee, information required; inspections; term.

- (a) Such amusement arcade licenses shall be obtained upon application to the village clerk and the payment of an annual license fee of \$200.00 for each amusement arcade. Such fee shall not be in lieu of any other fee required by sections 14-4, 14-221 and 14-224. Amusement arcade licenses shall cover an annual period from May 1 through April 30 for each year hereafter; provided, however, that the initial amusement license fee for each applicant shall be prorated as of the date of the application therefor. The application must be signed and sworn to by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign and verify the application. In case the applicant is a corporation, all officers must sign and verify the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:
- (1) The applicant's full name.
 - (2) The applicant's residence address.
 - (3) The applicant's business address.
 - (4) The address of the proposed amusement arcade.
 - (5) The name and address of every person who has any interest in the amusement arcade, and the nature of that interest.
 - (6) Whether or not the applicant or the applicant's principal has been convicted of any felony, or of pandering, gambling, operation of a gambling device, operation of a gaming house or being a keeper of a house of ill fame, or any other misdemeanor.
 - (7) Whether or not the applicant or spouse, or any member of the applicant's household is a member or employee of the police department of the village, whether or not any member or employee of the police department of the village is interested in any way, either directly or indirectly, in the license applied for, the devices, or the operation of the devices; and whether or not the applicant has received or borrowed money or anything else of value or accepted credit from any member or employee of the police department or the spouse of any member of the household of any such member or employee.
 - (8) A statement that the applicant, if requested by the president of the board of trustees, will permit a record of his fingerprints to be made by the police department of the village for the purpose of additional investigation to determine whether or not the application should be granted.
- (b) Upon receipt of the application and the fee, the village clerk shall refer the application to the chief of police, who shall cause the arcade to be inspected promptly and report to the village clerk whether the coin-operated amusement devices in the arcade are equipped for operation or are actually operated in violation of the laws of the state or the village. If the police chief finds that the applicant is of good moral character and that the coin-operated amusement devices in the arcade are not so equipped or operated, the inspecting officer shall place a sticker on each machine showing the date of inspection and so report to the village clerk. The clerk shall then issue a license for the arcade, and the number of the license shall be placed on the sticker on each coin-operated amusement device in the arcade. The police chief shall make at least one additional inspection of each coin-operated amusement device in the arcade during the license year to determine whether the machines are operated or equipped for operation in violation of the law of the state or village, and may make additional inspections at any time. The date of each inspection shall be shown on the sticker of each machine.

Sec. 14-64. - Change of location.

- (a) No license shall be valid except for the location shown in the application or on the application or on such change of location.
- (b) If any coin-operated amusement device is moved from a different location to the arcade, the arcade licensee shall notify the police chief, who shall cause the new machines to be inspected promptly and report to the village clerk whether the coin-operated amusement device in the arcade is equipped for operation or is actually operated in violation of law. If the police chief finds that the coin-operated amusement device in the arcade is not so equipped or operated, he shall place a sticker on that machine, bearing the number of the arcade license, showing the date of inspection and so report to the village clerk.

Secs. 14-65—14-100. - Reserved.

ARTICLE III. - BILLIARDS AND POOL HALLS

DIVISION 1. - GENERALLY

Secs. 14-101—14-120. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-121. - Required.

No person shall operate, maintain or conduct a billiard, pool, bagatelle or other pigeonhole table open to the public without first having obtained a license therefor.

Sec. 14-122. - Application.

The application for a license required by this article shall be made in writing to the village clerk and shall state the intended location of the place of business and the number of tables to be used therein.

Sec. 14-123. - Fee.

The annual fee for a license required by this division shall be \$35.00 per table.

Secs. 14-124—14-150. - Reserved.

ARTICLE IV. - CIRCUSES AND CARNIVALS

DIVISION 1. - GENERALLY

Sec. 14-151. - Insurance and indemnity required.

Each application for a permit required by division 2 of this article shall be accompanied with an insurance policy issued by a reputable insurance company acceptable to the president of the board of trustees, naming the village as the coinsured against any and all claims, suits, damages, costs, losses, attorneys fees, and expenses in any manner resulting from or arising out of the operation of the circus or carnival for which the permit is sought. Such policy shall be effective on or before 12:01 a.m. on the day that the circus or carnival commences to set up inside the corporate limits and shall run until 12:00 p.m. on the day the circus or carnival leaves the corporate limits of the village. The policy of insurance shall carry limits of \$500,000.00 for personal injury per person and \$10,000.00 of property damage coverage for each occurrence.

Secs. 14-152—14-170. - Reserved.

DIVISION 2. - PERMIT

Sec. 14-171. - Required.

No person shall conduct or operate a circus or carnival in the village or operate a sideshow or concession in connection with a circus or carnival without having first obtained a permit therefor.

Sec. 14-172. - Application.

Applications for permits required by this article shall be made in writing to the village clerk and shall specify the place in which the circus or carnival is to be conducted.

Secs. 14-173—14-200. - Reserved.

ARTICLE V. - COIN-OPERATED AMUSEMENT DEVICES

DIVISION 1. - GENERALLY

Sec. 14-201. - 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:

Operator means any person who sets up for operation by another any coin-operated amusement device, whether such setting up for operation, leasing, renting or distributing be for a fixed charge or rental or on the basis of a division of the income derived from such machine or device or otherwise.

Sec. 14-202. - Operator to maintain local address.

Each operator of a coin-operated amusement device shall maintain a business ~~or residence~~ address in the village.

Sec. 14-203. - Automatic payoff devices not to be authorized.

The license provided for in division 2 of this article shall not authorize the operation of any automatic payoff machine or device.

Secs. 14-204—14-220. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-221. - Required.

It shall be unlawful to offer or maintain for public use any coin-operated device, machine or mechanism for amusement purposes without first having obtained a license from the village.

Sec. 14-222. - Application; contents.

Application for a license required by this article shall be made to the village clerk and shall state the full name and address of the applicant, the name of the owner of the device, machine or game and the location where the machine or device is to be used or maintained.

Sec. 14-223. - Examination of applicant and premises.

Examination of each applicant for a license required by this article shall be made by and under the direction of the chief of police to determine whether or not the applicant is of good moral character. The premises in which it is proposed that such machine, game or device is to be operated shall be examined to ensure that such operation complies with all applicable laws and regulations.

Sec. 14-224. - Fee.

For each machine licensed pursuant to this division, the applicant shall pay a license fee in the amount of \$35.00 per annum, payable on May 1 of each year.

Sec. 14-225. - To be attached to machine.

The license required by this article shall be conspicuously attached to each machine for which a license is issued.

Sec. 14-226. - Transferability and assignability.

Licenses issued pursuant to this division shall not be assignable or transferable except for the replacement of a like machine.

Sec. 14-227. - Refunds.

There shall be no rebate or refund of any license fee paid pursuant to this article.

Secs. 14-228—14-~~330260~~. - Reserved.

~~ARTICLE VI. RAFFLES~~

~~DIVISION 1. GENERALLY~~

~~Sec. 14-261. Title of article.~~

~~This article shall be known, cited, and referred to as the "Raffle Ordinance of the Village of Cherry Valley, Illinois."~~

~~(Code 1974, § 11-115)~~

~~Sec. 14-262. Purpose of article.~~

~~The purpose of this article is to regulate and control the conduct of raffles within the corporate areas of the village.~~

~~(Code 1974, § 11-116)~~

~~Sec. 14-263. 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:~~

~~*Charitable organization* means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.~~

~~*Education organization* means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools, and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.~~

~~*Fraternal organization* means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of the government by caring for those who otherwise would be cared for by the government.~~

Labor organization means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Licensee means an organization which has been issued a license to operate a raffle.

Nonprofit means organized and conducted on a not for profit basis, with no personal profit inuring to anyone as a result of the operation.

Raffle means a form of lottery, as defined in the Criminal Code of 1961, section 28-2(b) (720 ILCS 5/28-2(b)), conducted by an organization licensed under this article in which:

- (1) The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means one or more of which chances is to be designated the winning chance; and
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Religious organization means any church, congregation, society or organization founded for the purpose of religious worship.

Value of noncash prizes means the retail value of such prizes.

Veterans organization means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Words not defined in this section shall be interpreted in accordance with the definitions contained in the Webster's Ninth New Collegiate Dictionary, 1983.

(Code 1974, § 11-117)

Cross reference—Definitions generally, § 1-2.

Sec. 14-264.—Operation and conduct.

The operation and conduct of raffles are subject to the following restrictions:

- (1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee.
- (2) No person except a bona fide member of the licensee may participate in the management or operation of the raffle.
- (3) No person may receive remuneration or profit for participating in the management or operation of the raffle.
- (4) A licensee may rent a premises on which to determine the winning chances in a raffle only from an organization which is also licensed under this article.
- (5) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area determined on the license; the winning chances may be determined only at the location specified on the license.

- ~~(6) The maximum price which may be charged for each raffle chance sold, offered for sale, conveyed, issued or otherwise transferred for value shall not exceed \$250.00.~~
- ~~(7) No cash prize in excess of \$150,000.00 may be awarded, and the value of all prizes to be awarded shall not exceed \$250,000.00.~~
- ~~(8) Each raffle chance shall have printed thereon the cost of the chance, the aggregate retail value of all prizes to be awarded in the raffle, and the minimum number of raffle chances to be issued except as provided as follows:~~
- ~~a. When raffle chances are sold, conveyed, issued, or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance;~~
 - ~~b. When the raffle chance is also a ticket to an event and a portion of the cost of the ticket is designated for a dinner, golf, or other item of value to be consumed or used by the purchaser at the event.~~
- ~~(9) No person under the age of 18 years may participate in the operation or conduct of raffles, except with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.~~
- ~~(10) Raffle drawings must be held on the date and at the location listed on the raffle license. If a raffle drawing is unable to be held due to an extreme emergency or natural disaster, the licensee must seek approval of the village board before the drawing can be held on a different date. If a drawing is canceled due to inadequate sale of raffle tickets or due to some reason other than an extreme emergency or a natural disaster, the licensee must notify all ticket purchasers, refund all monies and return all prizes within 30 days. Such cancellation will be reported to the village clerk with a full explanation.~~

~~(Code 1974, § 11-123)~~

~~Sec. 14-265. — Manager; fidelity bond.~~

~~The operation and conduct of all raffles shall be under the supervision of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the village not less than 30 days prior to its cancellation.~~

~~(Code 1974, § 11-124)~~

~~Sec. 14-266. — Recordkeeping of gross receipts; expenses; net proceeds.~~

- ~~(a) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to the payee, purpose, amount and the date of payment.~~

- ~~(b) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts, if bingo games are also conducted by the same not-for-profit organization pursuant to the license therefor issued by the state department of revenue and placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.~~
- ~~(c) Each licensee shall report to its membership and to the village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required in this section. A report must be turned in within 30 days of each raffle drawing, with the exception of weekly raffles, which may be reported one a month.~~
- ~~(d) Raffle records shall be preserved for three years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.~~
- ~~(e) No new raffle licenses will be issued to an organization until all reports from the organization's previous raffles have been completed and submitted to the village clerk's office.~~

~~(Code 1974, § 11-125)~~

~~Sec. 14-267. -- Enforcement of article provisions.~~

- ~~(a) *Penalties.* Failure to comply with any of the requirements of this article shall constitute a violation, and any person, upon conviction, shall be fined not more than \$750.00. Each day the violation continues, shall be considered a separate offense. In addition, the village board is authorized to revoke the license of any class D licensee that fails to comply with the reporting requirements of section 14-266(c) in a timely manner.~~
- ~~(b) *Abatement.* The imposition of the penalties in this section prescribed shall not preclude the state's attorney from instituting appropriate action to prevent unlawful raffles or to restrain, correct, or abate a violation of this article of the conditions of a raffle license issued pursuant hereto.~~

~~(Code 1974, § 11-127)~~

~~Secs. 14-268 -- 14-290. -- Reserved.~~

~~DIVISION 2. -- LICENSES~~

~~Sec. 14-291. -- Required.~~

~~No person shall conduct a raffle or sell chances for a raffle in the village without first having obtained a license pursuant to this article. Licenses for raffles shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans; organizations which operate without profit to their members, which have been in existence continuously for a period of five years immediately before making application of a license and have had during the entire five-year period a bona fide membership engaged in carrying out their objectives and which maintain an office in the village; or to a nonprofit fundraising organization that the village determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.~~

~~Sec. 14-292. Classification.~~

~~(a) Class A: general raffle license. A general raffle license shall permit the conduct of a raffle with a maximum single cash prize or the maximum retail value of a single noncash prize not exceeding \$150,000.00 and an aggregate maximum value of all cash and noncash prizes awarded not exceeding \$250,000.00. Multiple drawings may be held to award the prizes, but all drawings must occur on the same day at the same location. The following fees are based upon the total aggregate value of all cash and noncash prizes and shall be paid to the village clerk when the application for a raffle license is filed:~~

~~Less than \$100.00No fee~~

~~\$100.00 to \$4,999.00\$10.00~~

~~\$5,000.00 to \$9,999.0025.00~~

~~\$10,000.00 to \$25,000.0050.00~~

~~Over \$25,000 but not to exceed \$250,000.00 (plus an additional \$50.00 for each additional multiple of \$25,000.00)50.00~~

~~(b) Class B: one ticket, multiple raffles license. A class B license allows up to four raffles to be conducted with the same raffle tickets. Each ticket shall specify the dates of ticket sales and the dates of each drawing. Each drawing date shall be considered a separate raffle and will require a separate license and fee. Each license will allow one drawing event for the prizes awarded. Although a class B license allows up to four raffles, the maximum value of a cash or noncash prize awarded to a single winner shall not exceed \$150,000.00, and the aggregate value of all prizes awarded in all of the raffles shall not exceed \$250,000.00. The fees for a class A raffle license will apply for each of the licenses secured for class B raffles.~~

~~(c) Class C: one time emergency raffle license. A class C raffle license allows a not for profit fundraising organization or group, organized for the sole purpose of providing financial hardship assistance to an identified individual or group of individuals suffering severe financial hardship as a result of an injury, disability, accident or disaster, to conduct one raffle for that purpose. The fee for a class C license shall be \$10.00, payable to the village clerk at the time of application.~~

~~(d) Class D: annual raffle license. An annual raffle license shall permit the conduct of a raffle, or the sale of chances for a raffle, in which the maximum value of all cash or noncash prizes for a single drawing shall not exceed \$5,000.00. Class D raffles shall be licensed annually from January 1 and ending on December 31 of the year. If raffle chances are sold during one calendar year, the drawings held in another calendar year, a license must be obtained for each year. Such license shall permit no more than 52 raffles. The aggregate value of all prizes awarded annually shall not exceed \$25,000.00. The fee for a class D license shall be \$200.00, payable to the village clerk at the time of application. Such annual licenses shall not be prorated as to term or fee.~~

~~(e) Class E: limited annual raffle license. A limited annual raffle license permits an organization to regularly conduct raffles among its own membership at a regularly scheduled organizational meeting. Chances for these raffles may only be sold, and the drawings held, on the date of the meeting. The aggregate value of the prizes awarded at each of these drawings may not exceed \$100.00. Class E raffles shall be licensed annually on a calendar year basis. Such licenses~~

~~shall permit no more than 60 raffles per year. The aggregate value of all prizes awarded annually shall not exceed \$5,200.00. The fee for a class E license shall be \$25.00, payable to the village clerk at the time of application. Renewal applications shall be made on or before November 1 for the following year. Class E licenses shall not be prorated as to term or fee.~~

~~(f) Fee not refundable. The application fees are not refundable, even if the application is rejected by the village board, or if the raffle is canceled.~~

~~(Code 1974, § 11-119)~~

~~Sec. 14-293. Qualifications of applicant.~~

~~Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five years or more immediately before making application for a license and which have had during the entire five year period, a bona fide membership engaging in and carrying out their objectives, or to a not-for-profit fundraising organization or group that is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering severe financial hardship as a result of an illness, disability, accident or disaster. The following groups or individuals are ineligible for any raffle license:~~

- ~~(1) Any person who has been convicted of a felony;~~
- ~~(2) Any person who is or has been a professional gambler or gambling promoter;~~
- ~~(3) Any person who is not of good moral character;~~
- ~~(4) Any organization in which a person described in subsection (1), (2), or (3) of this section has a proprietary equitable, or credit interest or in which such person is active and employed;~~
- ~~(5) Any organization in which a person described in subsection, (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; and~~
- ~~(6) Any organization in which a person described in subsection (1), (2), or (3) of this section is to participate in the management or operation of a raffle.~~

~~(Code 1974, § 11-120)~~

~~**State Law reference**—Similar provisions, 230 ILCS 15/3.~~

~~Sec. 14-294. Application; contents for class A, B and C licenses.~~

~~Any person seeking to conduct or operate a raffle described in section 14-292(a) through (e) shall file an application with the village clerk on forms provided by the village clerk. Applications must be submitted to the village clerk at least ten days prior to the village board meeting at which approval is desired. The application shall contain the following information:~~

- ~~(1) The name, address and type or organization;~~
- ~~(2) The length of existence of the organization and, if incorporated, the date and state of incorporation;~~

- ~~(3) The name, address, telephone number, social security number and date of birth of the organization's presiding officer, secretary, raffle managers and any other members responsible for the conduct and operation of the raffles;~~
- ~~(4) The aggregate value of all prizes to be awarded in the raffle;~~
- ~~(5) The maximum value of each prize to be awarded in the raffle;~~
- ~~(6) The maximum price charged for each raffle chance issued or sold;~~
- ~~(7) The maximum number of raffle chances to be issued;~~
- ~~(8) The areas in which the raffle chances will be sold or issued;~~
- ~~(9) The dates raffle chances will be issued or sold;~~
- ~~(10) The dates and locations at which winning chances will be determined;~~
- ~~(11) A sworn statement attesting to the not for profit character of the applicant or organization, signed by its presiding officer and secretary; and~~
- ~~(12) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.~~

~~(Code 1974, § 11-121)~~

~~Sec. 14-295. Application for class D and E licenses.~~

~~Any organization seeking to conduct or operate a raffle described in section 14-292(d) and (e) shall file an application with the village clerk on forms provided by the village clerk. Applications must be submitted to the village clerk at least ten days prior to the village board meeting at which the approval is desired. The application shall contain the following information:~~

- ~~(1) The name, address and type of the organization;~~
- ~~(2) The length of existence of the organization and, if incorporated, the date and state of incorporation;~~
- ~~(3) The name, address, telephone number, social security number and date of birth of the organization's presiding officer, secretary, raffle managers and any other members responsible for the conduct and operation of the raffles;~~
- ~~(4) The locations at which the chances are to be sold and the drawings held;~~
- ~~(5) The dates the drawings are to be held;~~
- ~~(6) A sworn statement, signed by the presiding officer of the organization, attesting to its not-for-profit status and the length of its existence;~~
- ~~(7) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct;~~
- ~~(8) The number of drawings to be held during the 12-month period.~~

~~(Code 1974, § 11-122)~~

~~Sec. 14-296. — Issuance.~~

- ~~(a) *Review of application; acceptance or rejection.* Organizations shall submit applications to the village clerk's office at least ten days prior to the village board meeting at which the approval is desired. The village clerk shall review all raffle license applications, recommend approval, or denial, and submit them to the village board. The village board shall, within 30 days from the date of the application, accept or reject a raffle license application. If an application is accepted, the village clerk shall forthwith issue a raffle license to the applicant. Chances for each raffle may be issued or sold for a period of 30 days prior to and including the date winning chances are to be determined, unless the village board has specifically authorized a longer period of time, but in no event longer than 365 days prior to and including the date winning chances are to be drawn.~~
- ~~(b) *Contents of license.* A raffle license shall show the following, with respect to each raffle:~~
- ~~(1) The area in which raffle chances may be sold or issued;~~
 - ~~(2) The period of time during which raffle chances may be sold or issued; and~~
 - ~~(3) The dates and locations at which the winning chances will be determined.~~
- ~~(c) *Display.* The license shall be prominently displayed at the time and location of the determination of the winning chances.~~
- ~~(d) *Validity.* Each class A or class C license shall be valid for one raffle. Each class B license shall be valid for up to four raffles. Each class D or class E license shall be valid for a specific number of raffles to be conducted during a specified period of time not to exceed one year.~~

~~(Code 1974, § 11-126)~~

~~Sees. 14-297—14-330. — Reserved.~~

ARTICLE VI. - YOUTH ENTERTAINMENT CENTERS

DIVISION 1. - GENERALLY

Sec. 14-331. - 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:

Person means, but is not limited to, individuals, firms, partnerships, associations, organizations, corporations, ventures, cooperatives, and other business entities of whatsoever kind or nature.

Youth entertainment center means any public or private business or premises which permits, serves or caters to, as part or all of its patrons, persons under the age of 21 and which provides or conducts one or more of the following: dances, entertainment, amusement, pool tables, live or recorded music, social activities, or other amusement or entertainment activities. Excepted from this definition are the following, only if such businesses are primarily used for such enumerated purposes: movie theaters; miniature golf courses; bowling alleys; archery lanes; roller or ice skating halls or rinks; tennis, handball or racquetball courts; restaurants; gymnasiums; licensed amusement centers; alcohol licensed establishments; and not-for-profit benevolent and/or charitable organizations or arcades, and park district facilities.

Sec. 14-332. - Orderly premises; peaceful operations.

- (a) The village police department reserves the right to inspect the licensed premises for compliance with state law and village ordinance at any time, and the holder of the youth entertainment center license agrees to these inspections as a condition of their receipt of the license.
- (b) Each and every youth entertainment center shall, at all times, be operated in an orderly, peaceful, and lawful manner.
- (c) Every licensee and every attendant on duty shall be responsible for the orderly, peaceful, and lawful operation of the youth entertainment center.
- (d) No one under the age of 16, nor over the age of 20, shall be allowed on the premises as a customer while the youth entertainment center is open for business.
- (e) The holder of such license shall require proof of age by all customers prior to such customer entering the premises.
- (f) No alcoholic beverages may be stored or served on the licensed premises.

Sec. 14-333. - Attendant on duty.

- (a) At all times during which the youth entertainment center is open for business, there shall be on the premises either the licensee or a mature and responsible attendant 21 years or older who shall be able to effectively control the conduct of persons and the activities upon the licensed premises.
- (b) Such attendant shall, at all times, maintain order upon the premises and prevent patrons and persons located on the premises from interfering or injuring others.
- (c) Such attendant shall be responsible and liable for all activities that occur on the premises.
- (d) The holder of the license granted under this article is required to advise the village clerk in writing of the identity of the attendant on duty (manager) if it is a person other than the applicant. Should the license holder change the applicant on duty (manager), the license holder shall have 30 days to advise the village of such change in personnel. Should the license holder fail to advise the village of a change in the attendant on duty (manager), this shall be cause for the suspension or revocation of the license granted under this article.
- (e) Each new attendant on duty (manager) shall be required to complete an application for a license for the youth entertainment center within one week after their employment. Failure on the part of the license holder to ensure that its attendant on duty (manager) has completed the application for a license for the youth entertainment center and filed the application with the village clerk for processing within seven days from the date of their initial employment, shall be cause for suspension or revocation of the license granted under this article.

Sec. 14-334. - Hours limited; presence regulated.

- (a) No premises licensed under this article shall be open for business before 4:00 p.m. on days public schools are in session or noon on other days; nor be open for business after 1:00 a.m. on any day.
- (b) No person 16 and over and under 20 shall be present upon or within 300 feet of any youth entertainment center licensed premises before 4:00 p.m. nor after 11:00 p.m. on any day during which school is in session, nor before noon nor after 1:00 a.m. on any other day.
- (c) No employee shall remain upon the licensed premises after 1:30 a.m. on any day.
- (d) In granting, renewing, or otherwise conditioning the youth entertainment center license, or upon the request of any two members of the board of trustees or the village administrator, and for any reason in the public interest, health, safety, welfare, peace, or tranquility, the board of trustees may set or amend the hours during, or other conditions under which, a particular youth entertainment center is allowed to be lawfully open for business.

Sec. 14-335. - Location.

A youth entertainment center shall not be located within 500 feet from any property or premises licensed for the retail sale of alcoholic beverages or within 500 feet of any other licensed youth entertainment center.

Sec. 14-336. - Penalty for violation of article.

- (a) Any person who violates any provision of this article shall, upon conviction, pay a fine in an amount not less than \$50.00, nor more than \$750.00.
- (b) Each day's continuance constitutes a separate violation.
- (c) In addition and/or exclusive to the imposition of the fines and costs described in subsection (a) of this section, the court and/or the board of trustees, upon majority vote, may revoke, suspend, modify, or not review any license issued under this article.
- (d) In addition and/or exclusive to the imposition of the fines and costs described in subsection (a) of this section and action upon the license, a court may grant such injunctive and another relief as the village may, from time to time, request.

Secs. 14-337—14-360. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-361. - Required.

Every person who operates or conducts a youth entertainment center or directly or indirectly engages for himself or another in the activities defined in this article within the village shall first apply for and, if granted, obtain and hold a youth entertainment center license.

Sec. 14-362. - Application; contents; terms.

- (a) Application for a youth entertainment center license shall be made in writing on such forms as prescribed by the village and delivered to the village clerk.
- (b) The application shall include the name and address of the applicant, the location of the business premises, the days and hours the center will be open for business, and a description of any other business to be conducted on the premises, as well as answers to other questions contained in the application.
- (c) A youth entertainment center license shall not be transferable as to ownership or location.
- (d) A youth entertainment center license shall expire on April 30 of each year.
- (e) Applications shall be filed with the village clerk's office, together with the required youth entertainment center license application fee. All applications for a license filed with the village clerk must be completed before such application will be processed. All applicants have 30 days from the date the application is filed with the village clerk by the applicant to provide all the information requested in the application including the fingerprints of the applicant and/or the designated attendant on duty (manager). Any application which has not been completed by the applicant or the attendant on duty (manager) within 30 days after the filing of the application with the village clerk shall be deemed null and void and shall require the applicant to reinitiate the application process anew.
- (f) The board of trustees shall review such application and may grant or deny the applicant a youth entertainment center license based upon location, zoning, projected number or patrons, primary age of patrons, actual lawful occupancy capacity of structure, nature of proposed activities, proposed hours of operation, traffic, parking, noise, crowds, surrounding character of area and neighborhood, and such other health, welfare, safety, peace and tranquility factors and considerations as the board of trustees may, from time to time, specifically address based upon the particular facts and circumstances pertaining to an application.
- (g) If the youth entertainment center license is granted by the board of trustees, it shall be issued by the village clerk upon payment of the required fee.
- (h) Each person issued and holding a valid and lawful youth entertainment center license shall post and at all times conspicuously display his youth entertainment center license upon the property so licensed.
- (i) The board of trustees, upon a majority vote of the members present, may, for any reason it deems in the public interest, health, safety, welfare, peace, or tranquility, upon the initial issuances, and/or from time to time thereafter, set or amend the hours or other conditions under which a particular youth entertainment center is allowed to be lawfully open for business or operate, and/or otherwise condition, regulate, restrict or modify the youth entertainment center license.

Sec. 14-363. - Fee required.

- (a) The fee to process an application for a license to operate a youth entertainment center shall be \$200.00. An application must be submitted for the owner of the youth entertainment center, as well as all attendants on duty (managers). Each application requires a \$200.00 processing fee.
- (b) Such fee shall not be apportioned nor otherwise adjusted or prorated, regardless of the date of issuance or termination.
- (c) No fee shall be refunded.

Sec. 14-364. - Applicant investigation.

- (a) A police investigation into the character and fitness of each applicant shall be conducted before a license may be granted.
- (b) After such investigation, upon the face of the application form, and before such application is forwarded to the board of trustees for its consideration, the chief of police shall recommend either approval or denial.
- (c) If the chief of police recommends denial, the chief of police shall cause to be attached to such application form and forwarded to the board of trustees and the applicant his reasons therefor.

SECTION 2: This Ordinance shall become in full force and effect from and after its approval, passage and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: STEPHEN APPELL

BY ROLL CALL VOTE THIS 24th DAY OF JANUARY, 2017

AS FOLLOWS:

VOTING "AYE": STEPHEN APPELL, NANCY BELT, JEFF FUSTIN,
SALLY HOLLEMBEAK, GARY MAITLAND

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: DAVID SCHROEDER

ATTEST:

APPROVED JANUARY 24, 2017



KATHY TRIMBLE, CLERK



JIM E. CLAEYSSEN, PRESIDENT