

Chapter 4

AMUSEMENTS*

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ARTICLE I. IN GENERAL

Sec. 4-1. Application of Article.

The provisions of this Article, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the Village, whether or not specifically licensed in another article in this chapter. (Code 1958, Sec. 11.101)

Sec. 4-2. License required.

It shall be unlawful to conduct or operate any amusement which is open to the public and for admittance to which a fee is charged, without having first obtained a license therefor. (Code 1958, Sec. 11.102)
Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-3. Applications for license.

Application for licenses required by this Chapter shall be made to the Village Clerk and shall comply with all of the provisions of this Code relating to the particular license. (Code 1958, Sec. 11.102)

Sec. 4-4. License fees for transient amusements.

Licenses for amusements which are not permanently located in the Village shall be as follows:

- (a) Menageries, per day..... \$150.00
- (b) Carnivals, per day\$250.00

* State law reference - Authority of Village to license and regulate amusements generally, 65 ILCS 5/11-42-5

(c) Exhibitions of inanimate objects, per day.....\$100.00

(d) Other amusements, per day..... \$100.00

(Code 1958, Sec. 11.102; Ord. No. 82-15, Sec. 4, 9-15-82, Ord. No. 07-10, Sec 1, 4-19-07)

Sec. 4-5. Amusements held in public places to be approved by Board of Trustees.

No license shall be granted or given for any carnival exhibition, show or other amusement to be given on any public street or sidewalk or in such place that the only main accommodation for the public or the audience will be a public place, except on order of the Village Board of Trustees. (Code 1958, Sec. 11.103)

Sec. 4-6. Inspections.

It shall be the duty of the chief of police to see that every exhibition, amusement, theatrical, or other public show or amusement is inspected and to insure conformity with the provisions concerning such amusements. (Code 1958, Sec. 11.106)

Sec. 4-7. Order, crowding.

(a) The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

(b) It shall be unlawful to permit or gather a crowd to witness any amusement or show so as to create a dangerous condition because of fire or other risks. (Code 1958, Sec. 11.105)

Sec. 4-8. Shows tending to cause or promote riots.

It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance. (Code 1958, Sec. 11.109)

Sec. 4-9. Smoking in places of amusement; signs to be posted.

(a) It shall be unlawful for any person to smoke or carry a lighted cigar, cigarette or pipe on or beneath the stage or in a dressing room of any building used as an assembly hall with seating accommodations for more than one hundred (100) persons or in which theatricals, shows, amusements, lectures or other entertainments are offered, presented, operated or exhibited.

(b) It shall be the duty of the owner of such premises or of the occupant in charge to provide and place printed signs on which the words "no smoking" shall appear in letters at least four (4) inches high, in conspicuous places, at least two (2) signs being upon the stage or in the wings thereof and one (1) in each dressing room. (Code 1958, Sec. 11.110, 11.111)

Sec. 4-10. Exit lights required in certain places of amusement.

It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred (100) persons or more in which theatricals, shows, amusements, lectures and other entertainment is offered, operated or presented to provide and place a sign on which the word "exit" shall appear in letters at least six (6) inches high, over every door or other opening from such hall to every means of egress therefrom, and a light shall be provided with a red globe and placed at or over each sign, which light shall be kept burning during the entire period that the hall is open to the public and until the audience has left the hall. (Code 1958, Sec. 11.112)

Sec. 4-11. Premises to comply with Code provisions.

It shall be unlawful to operate or permit the operation of any amusement licensed in this chapter unless the premises in which such amusement is operated or permitted to be operated conforms with all the provisions or requirements in this Code relating to public buildings and public gatherings. (Code 1958, Sec. 11.113)

Secs. 4-12--4-21. Reserved.

ARTICLE II. PUBLIC GATHERINGS GENERALLY

Sec. 4-22. Compliance with Code.

It shall be unlawful to hold, manage or conduct any meeting or entertainment of any kind in the Village, in any premises other than a building constructed in full compliance with the provisions of this Code and other ordinances and laws pertaining to construction for auditorium, theater or lodge room purposes, excepting in compliance with the other provisions of this article. (Code 1958, Sec. 27.301)

Sec. 4-23. Permits and licenses issued subject to requirements of article.

Any permit or license issued for any such public gathering shall be subject to the condition that this article be fully complied with, whether or not such condition is embodied in the license or permit. (Code 1958, Sec. 27.306)

Sec. 4-24. When inspection by Office of Building and Zoning is required.

No public gathering or entertainment shall be held or conducted in any premises other than a building as described in section 4-22 unless such premises has been examined by the Office of Building and Zoning not more than three (3) days before the date of such gathering and is found to be free from any fire hazard and suitable for the purpose. (Code 1958, Sec. 27.302)

Sec. 4-25. Notice to Village Clerk prior to inspection.

It shall be the duty of any person conducting, calling for or managing any gathering in any premises other than a theater, lodge room or auditorium building constructed as provided in section 4-22, to notify the Village Clerk of the date of such intended use at least ten (10) days before such meeting is to take place; upon such notice the Office of Building and Zoning shall inspect the premises to determine whether or not it complies with the provisions of this article. (Code 1958, Sec. 27.306)

Sec. 4-26. Roof to be nonflammable or treated.

No structure enclosed by a roof shall be used for such purpose unless the same is constructed of nonflammable materials. Tents or structures covered by canvas or similar materials may be so used if such canvas or other material has been properly treated so as to be rendered fire resistive. (Code 1958, Sec. 27.302)

Sec. 4-27. Exits.

Adequate unobstructed exits shall be provided in all premises used for public gatherings to permit rapid egress of all persons attending, and there shall be at least two (2) separate exits located at least thirty (30) feet from each other. There shall be two (2) lineal feet of doorway or exit space for each one hundred (100) people accommodated. (Code 1958, Sec. 27.303)

Sec. 4-28. Persons admitted not to exceed number of available seats.

It shall be unlawful to admit to any such premises regulated by this article a number of persons to exceed the number of actual seats maintained for their accommodation. (Code 1958, Sec. 27.304)

Sec. 4-29. Strength of seats.

Any stands or rows of seats used in any premises regulated by this article shall be so constructed as to be safe for the use designed, and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors of theater buildings, and shall in no event be less than one hundred (100) pounds per square foot. (Code 1958, Sec. 27.304)

Sec. 4-30. Doors to open outward; egress not to be blocked.

All doors or gates on exits from premises regulated by this article shall open outward and no such exit shall be so constructed or locked that egress from inside the premises is blocked. (Code 1958, Sec. 27.305)

Secs. 4-31--4-40. Reserved.

ARTICLE III. ATHLETIC EXHIBITIONS

DIVISION 1. GENERALLY

Sec. 4-41. License required.

It shall be unlawful to conduct, operate or exhibit any race between persons, animals or vehicles, or any baseball game, boxing or wrestling matches or any other athletic contest or exhibition for admission to which a fee is charged without having first procured a license therefor. (Code 1958, Sec. 11.104)

Cross reference--Licenses generally, Sec. 12-1 et seq.

Secs. 4-42-4-43. Reserved.

Editor's note--Sections 4-42 and 4-43, requiring a deposit prior to issuance of a license for athletic exhibitions and specifying the basis for the license fee, derived from Code 1958, Sec. 11.104, were repealed by Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982.

Sec. 4-44. Verification of gross receipts.

The Village Clerk may post a person or any number of persons at the box office of each performance licensed under this division and may examine all books pertaining to such performance showing or tending to show the gross receipts. (Code 1958, Sec. 11.104)

Sec. 4-45. Police protection.

Sufficient members of the police department shall be admitted free of charge to all exhibitions licensed under this division for the purpose of preserving and maintaining order and for services rendered at such exhibitions. (Code 1958, Sec. 11.104)

Secs. 4-46--4-50. Reserved.

DIVISION 2. RESERVED *

Secs. 4-51--4-63. Reserved.

ARTICLE IV. BILLIARDS AND POOL HALLS *

Sec. 4-64. Definition.

For the purposes of this article, the term "poolroom" shall mean any place where one (1) or more billiard, pocket billiard or pool tables are kept or maintained, to be played upon for a charge of any kind.

* Editors note - Ord. No. 77-12, Sec. 1, enacted April 27, 1977, repealed Div. 2, Secs. 4-51--4-53, relative to ski tournaments. Said division was derived from Code 1958, Secs. 11.501, 11.502, 11.505, and Ord. of Jan. 3, 1969, Sec. 2.

* State law reference - Authority of Village to license and regulate pool and other similar tables, 65 ILCS 11-42-2; minors under 16 years of age prohibited from working in pool halls, 820 ILCS 205/7

Sec. 4-65. License required.

No person shall operate or maintain a poolroom open to the public without having first obtained a license therefor. (Code 1958, Sec. 11.201)

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-66. Application for license; contents.

Applications for a license required by this article shall state thereon the intended location of the place of business and the number of tables to be used therein. (Code 1958, Sec. 11.201)

Sec. 4-67. Reserved.

Editor's note--Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982, repealed Sec. 4-67, specifying the license fee for billiard and pool halls, derived from Code 1958, Sec. 11.202.

Sec. 4-68. Presence of certain minors prohibited; exception.

Minors under the age of sixteen (16) years shall not under any circumstances frequent, loiter, go or remain in any hall licensed under this article at any time, unless it be upon some lawful errand and under the direction, consent and knowledge of the parent, guardian or other persons having lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this section. (Code 1958, Sec. 11.203)

Sec. 4-69. Hours of operation.

No billiard hall, or other hall licensed under this article shall be open for business or used between the hours of 1:00 a.m. and 8:00 a.m. on a weekday or between the hours of 1:00 a.m. and 12:00 noon on a Sunday. (Code 1958, Sec. 11.204)

Secs. 4-70--4-79. Reserved.

ARTICLE V. BOWLING ALLEYS *

Sec. 4-80. License required.

No person shall operate or maintain a bowling alley open to the public without having first obtained a license therefor. (Code 1958, Sec. 11.301)

*

State law reference - Authority of Village to license and regulate bowling alleys, 65 ILCS 5/11-42-2; minors under age of sixteen prohibited from working in bowling alleys, 820 ILCS 205/7; bowling alley defined under Liquor Control Act, 235 ILCS 5/1-3.26

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-81. Application for license; contents.

Application for a license required by this article shall be made in writing and shall state thereon the intended location of the place of business and the number of alleys to be used. (Code 1958, Sec. 11.301)

Sec. 4-82. Reserved.

Editor's note--Ord. No. 82-15, Sec. 3, adopted Sept. 15, 1982, repealed Sec. 4-82, specifying the license fee for bowling alleys, derived from Code 1958, Sec. 11.302, and Ord. of April 10, 1961, Sec 1.

Sec. 4-83. Hours of operation.

No person shall keep open, operate or use any bowling alley between the hours of 4:00 a.m. and 6:00 a.m. (Code 1958, Sec. 11.303; Ord. No. 80-23, Sec. 1, 8-20-80)

Sec. 4-84. Gambling on premises.

It shall be unlawful for any person to gamble, bet or permit any form of gambling or betting in any premises used for a bowling alley. (Code 1958, Sec 11.304)

Secs. 4-85--4-94. Reserved.

ARTICLE VI. CIRCUSES **

Sec. 4-95. License required.

No person shall conduct or operate a circus in the Village without having first obtained a license therefor. (Code 1958, Sec. 11.401)

Cross reference--Licenses generally, Sec. 12-1 et seq.

Sec. 4-96. Application for license; contents.

Application for a license required by this article shall be made to the Village Clerk and shall specify the place in or on which the circus is to be conducted. (Code 1958, Sec. 11.402)

Sec. 4-97. License fee generally.

The fee for a license required by this article shall be two hundred and fifty (\$250.00) dollars per day. (Code 1958, Sec. 11.403, Ord. No. 07-10, Sec. 2, 4-19-07)

** State law reference - Carnivals generally, Ill. Rev. Stat., Ch. 85, Sec. 2001 et seq.

Sec. 4-98. License fee for sideshows or concessions operated in connection with circus.

The license fee for each sideshow and concession operated in connection with a circus shall be ten (\$10.00) dollars per day. (Code 1958, Sec. 11.404, Ord. No. 07-10, Sec. 3, 4-19-07)

Sec. 4-99. Bond required for parades held in connection with circus.

It shall be unlawful to conduct any parade connected with a circus on any public street, alley or other public way or place in the Village, unless a permit therefor is first obtained from the Village Board of Trustees. Such permit shall specify the route to be followed, and shall be accompanied by a bond in the sum of ten thousand (\$10,000) dollars conditioned to indemnify the Village for any loss, damage or liability incurred or caused by the conduct of such exhibition or such parade. (Code 1958, Sec. 11.407)

Sec. 4-100. Cheating, defrauding patrons.

It shall be unlawful for any person to cheat, shortchange, or otherwise defraud any person attending or about to attend a circus performance within the Village. (Code 1958, Sec. 11.406)

ARTICLE VII. AMUSEMENT TAX

Sec. 4-101. Definitions.

When used in this article and unless otherwise distinctly expressed, the following words and phrases shall have the meanings set out herein:

- (a) *Admission charge:* The term "admission charge" shall mean any charge for the right or privilege to any entertainment or amusement and shall include, among others, the following: all charges for seats, chairs, tables, benches, reserved or otherwise, and other similar accommodations.
- (b) *Entertainment or amusement:* The term "entertainment or amusement" shall include among others, the following: circuses, motion picture shows, shows of all kinds, including exhibitions, concerts, lectures, vaudeville, side shows, operatic performances, theatrical performances, and any other form of diversion, show or performance other than athletic exhibitions subject to Article III of this chapter.
- (c) *Person:* The term "person" shall include an individual, firm, corporation, company, partnership, association, an unincorporated association and any person acting in a fiduciary capacity.
- (d) *Taxpayer:* The "taxpayer" shall mean any person who conducts or engages in the business of providing entertainment or amusement. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-102. Tax imposed.

There is hereby imposed on every person conducting or engaging in the business of providing entertainment or amusement to which a charge is made for admission within the limits of the Village of Fox River Grove, a tax of twenty-five (\$0.25) cents for each admission. Said tax shall be paid on each and every admission, including complementary or promotional admissions for which no charge is made. Said tax shall be in addition to all other taxes and license fees imposed by law and by ordinance. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-103. Filing of statement and payment of the tax.

Every person conducting or engaging in the business of providing entertainment or amusement and imposing a charge for admission within the limits of the Village of Fox River Grove shall on or before the seventh day following the presentation of an entertainment or amusement, file with the Village Clerk a statement signed and sworn to by such person indicating the number of admissions (including complementary or promotional admissions) to said entertainment or amusement. A remittance for the amount of the tax levied by this article shall accompany the statement. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-104. Inspection of records.

The Village Clerk, either personally or through his authorized agents, shall have the right to inspect and examine the records of every person subject to the tax imposed by this article. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-105. Retention of records.

All records of every person conducting or engaging in the business of providing entertainment or amusement shall be retained for a period of three (3) years. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-106. Liens for unpaid taxes.

A tax due and unpaid under this article shall be a debt due to the Village of Fox River Grove. It shall be a personal obligation of the taxpayer and shall have priority over all other items and obligations except those due to the State of Illinois and the United States. Said lien shall be enforced by the Village Clerk as any other lien would be enforced against a defaulting debtor. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-107. Penalties for nonpayment of tax.

A taxpayer who fails to remit the amount of the tax when due shall, in addition to all other penalties, pay a penalty of five (5%) percent of the amount of the tax due. For each successive thirty (30) days elapsing before payment there shall be added an additional penalty of one and one-half (1.5%) percent. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-108. Determination of tax due by Village Clerk.

If a taxpayer fails to file a statement, or the Village Clerk has reasonable cause to believe that an erroneous statement has been filed, the Village Clerk may proceed to determine the amount of the tax due, and in connection therewith shall make such investigations and take such testimony and evidence as may be necessary; provided, however, that the taxpayer shall be given notice and an opportunity to be heard before any determination is made by the Village Clerk. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-109. Adoption, filing of rules and regulations.

The Village Clerk shall have power to adopt rules and regulations not inconsistent with the terms of this article for the purpose of carrying out and enforcing the payment of the tax herein levied; and a copy of such rules and regulations shall be on file and available for public examination in the Village Clerk's office. Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this article. (Ord. No. 79-13, Sec. 1, 4-18-79)

Sec. 4-110. Violations and penalties.

Every person who willfully violates any of the provisions of this article shall be subject to a fine of not more than five hundred (\$500.00) dollars for each and every violation. (Ord. No. 79-13, Sec. 1, 4-18-79)

ARTICLE VIII. COIN-OPERATED AMUSEMENT DEVICES**Sec. 4-111. Definitions.**

Coin-operated amusement device, when used herein, is defined as follows: any machine, game, table or other device, designed, intended, displayed or kept as an amusement game or test of skill and for the playing of which a charge is made and which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, electronic games, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

Person, as used herein, shall include the following: any person, firm or corporation or association which owns or leases any coin-operated amusement device; the person, firm, corporation or association in whose place of business any such device is placed for use by the public; and the person, firm, corporation or association having control over such device.

Operator, when used herein, shall mean any person, firm, corporation or association in immediate control of premises, including any owner or lessee thereof, within or upon which any coin-operated amusement device is displayed or located. Attendant, as used herein, shall mean any person acting for and in behalf of an operator. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-111.1. Amusement device license required; term.

Each operator shall obtain an annual coin-operated amusement device license for each coin-operated amusement device located on the premises which he controls. Each coin-operated amusement device license issued pursuant to this Code shall terminate on the last day of September next following the date of issuance. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-112. Coin-operated amusement device license fee.

The fee for each coin-operated amusement device license shall be sixty (\$60.00) dollars per coin-operated amusement device per year. Except, notwithstanding any other provision of this Section, the license fee for a video gaming terminal licensed under the Illinois Video Gaming Act shall be twenty-five (\$25.00) dollars per year per each terminal, or any greater amount that is allowed to be charged by a non-home rule unit of government pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 *et.seq.* and shall not in any manner be pro-rated or increased as provided in this Section for other licenses. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a coin-operated amusement device prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be ninety (\$90.00) dollars for the year for which renewal is sought. (Ord. No. 81-23, Sec. 1, 9-2-81, Ord. No. 01-11, Sec. 1, 3-15-2001; Ord. No. 02-20, Sec. 1, 8-15-02; Ord. 12-21, Sec. 1, 8-16-12)

Sec. 4-113. Display.

The Village shall cause to be issued coin-operated amusement device licenses to each applicant who qualifies under the terms of this Code. Each such coin-operated amusement device license shall be posted in a conspicuous place on each coin-operated amusement device or other location designated by the Village. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-114. Application for license; contents; investigation.

Each application for a coin-operated amusement device license shall contain the following information:

- (1) The name, address and phone number of the applicant and the owner if not applicant.
- (2) Location and phone number of premises where coin-operated amusement device is to be located.
- (3) Principal kind of business which will be conducted on the premises.
- (4) Statement of whether business at the premises will be conducted by a manager or agent, and the name, address and phone number of any such manager or agent.

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- (5) A diagram showing the number of coin-operated amusement devices to be located on the premises, the location of each device on the premises, and a description of each device.

- (6) If a corporation, set forth the following:
 - (a) Corporate name and address;
 - (b) Date and place of incorporation;
 - (c) Names and addresses of corporate officers and directors;
 - (d) Names and addresses of all persons or legal entities owning five (5) percent or more of the corporation's stock.

- (7) If a partnership, set forth the following:
 - (a) Date and place when the partnership was formed;
 - (b) The names of all general partners;
 - (c) If a limited partnership, the names of all limited partners owning five (5%) percent or more interest in the partnership.

- (8) State whether any individual, partner, officer or shareholder has ever been convicted of any criminal offense in any state or federal court or has ever forfeited an appearance bond on a felony charge; if yes, state the offense.

- (9) If the business on the subject premises will be conducted by a manager or agent, state whether the manager or agent has ever been convicted of any criminal offense in any state or federal court or has ever forfeited an appearance bond on a felony charge; if yes, state the offense.

Applications for license shall be made out in duplicate, one copy being referred to the chief of police and the other copy to be referred to the Village President. The application shall be investigated by the Chief of Police. The Village President shall direct the Village Clerk to issue the license to the applicant if the Chief of Police's investigation shows that the applicant is qualified to receive the license. (Ord. No.81-23, Sec. 1, 9-2-81)

Sec. 4-115. Limitations on issuance of license.

No license shall be issued hereunder if the applicant, or if a partnership or corporation, any officer or director, five (5%) percent or more shareholder, or any member of the partnership, or any manager or agent in charge of the premises has been convicted of a felony or any crime involving dishonesty or false statement. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-116. Duties of licensees.

- (a) It shall be unlawful to permit gambling on the premises where a coin-operated amusement device is located. Any operator or attendant who observes any gambling on such premises, or has reasonable grounds to suspect that gambling is taking place, shall immediately cause the removal from the premises of such persons as are involved in the gambling activity. Except, notwithstanding the foregoing, it shall be lawful to operate video gaming terminals licensed and operated in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.*, on a premises where a coin-operated amusement device is located. (Ord. 12-21, Sec. 2, 8-16-12)
- (b) The operator or an attendant shall be on the premises where a coin-operated amusement device is located at all times during which the premises are open to the public and shall be in such a position as to have a clear view of all of the coin-operated amusement devices and activity taking place on the premises.
- (c) It shall be unlawful for the operator hereunder to permit such noise, either by mechanical means or noise on the part of the patrons which shall cause a disturbance to the adjacent and surrounding uses as would cause the normal operation of said businesses to be damaged or unreasonably disturbed.
- (d) The licensee shall cause the premises where a coin-operated amusement device is located to remain in a clean and sanitary condition at all times and shall place such waste receptacles in and around the premises so as to accomplish the above.
- (e) A licensee shall provide adequate and orderly parking for all bicycles and motor vehicles and shall keep the storefront unobstructed so that the sidewalks are clear and open to pedestrian traffic.
- (f) No coin-operated amusement device shall be placed on premises which are located within five hundred (500) feet of any church or school.
- (g) It shall be unlawful for any licensee or attendant to knowingly permit any individual under the influence of drugs on the premises where coin-operated amusement devices are located.
- (h) All operators or attendants hereunder shall have the affirmative duty to report to the Police Department any and all incidents of disorderly conduct as defined and regulated in this Code of Ordinances, and which take place within the premises or outside such premises within one hundred (100) feet from the entrance whether personally observed, or upon observation or notification. Failure to report to the police as herein provided shall be deemed sufficient cause to revoke the license issued hereunder. (Ord. No. 81-23, Sec. 1, 9-2-81; Ord. 12-21)

Sec. 4-117. Gambling.

Nothing contained in this article shall in any way be construed to authorize, license or permit the operation of any gambling devices, as defined in section 5/28-1 of the Illinois Criminal Code of 1961 (720 ILCS). Any such gambling device shall be seized by the police in accordance with 720 ILCS 5/28-5. Video gaming terminals licensed and operated in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 *et.seq.*, shall not be construed as being gambling devices under this Section. The provision, operation and use of video gaming terminals in accordance with the Illinois Video Gaming Act, 230 ILCS 40/1 *et.seq.*, shall not be construed as gambling. (Ord. No. 81-23, Sec. 1, 9-2-81, Ord. No. 97-27, Sec. 6, 8-21-97; Ord. 12-21, Sec. 3, 8-16-12)

Sec. 4-118. Inspection of premises.

Each licensee shall permit inspection of any premises where a coin-operated amusement device is located during regular business hours by Village officials to determine compliance with the provisions of this Code. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-119. Suspension and revocation of license.

Every license issued under this article is subject to the right of the Village President, which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the operation of any coin-operated amusement device contrary to the provisions of this article, the ordinances of the Village of Fox River Grove, or the law of the State of Illinois. If a license is revoked or suspended pursuant to this section, the licensee shall have seven (7) days from the date the revocation or suspension is made to file with the Village Clerk, a written request for a hearing on the revocation or suspension before the Village's corporate authorities. No suspension or revocation shall be effective until the period for filing a request for a hearing has elapsed. If a request for a hearing is made, the suspension or revocation shall not become effective unless after a hearing is held by the Village's corporate authorities, the corporate authorities determine that the license should be suspended or revoked. Any revocation of a license issued in pursuance of the provisions of this Code shall ipso-facto bar reinstatement of the same, or the granting of a new license to any corporation, partnership, or individual shareholder, partner or owner of which was a shareholder, partner or owner or a licensee whose license has heretofore been revoked, for a term of not less than one (1) year immediately following such revocation. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-120. Transfer of license.

- (a) A coin-operated amusement device license may be transferred from one such device to another device upon application to the Village President to such effect and the giving of a description and the serial number of the new device.
- (b) If the licensee shall move his place of business to another location within the Village of Fox River Grove, the license may be transferred to such new location upon application to the Village President, giving the street and number of the new location.

- (c) Except as provided herein, a license shall not be transferable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license. (Ord. No. 81-23, Sec. 1, 9-2-81)

Sec. 4-121. Penalty.

In addition to any other penalty imposed by this Code, any person who shall be convicted of violating any provisions of this article shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 81-23, Sec. 1, 9-2-81)

ARTICLE IX. JUKEBOXES

Sec. 4-122. Definitions.

Jukebox, when used herein, is defined as follows: any machine or other device, designed or intended to be used for the purpose of playing music for which a charge is made and which, upon the insertion of money or a slug, token, plate or disc, may be operated by the public generally.

Person, as used herein, shall include the following: any person, firm or corporation or association which owns or leases any jukebox; the person, firm, corporation or association in whose place of business any jukebox is placed for use by the public; and the person, firm, corporation or association having control over a jukebox.

Operator, when used herein, shall mean any person, firm, corporation or association in immediate control of premises, including any owner or lessee thereof, within or upon which any jukebox is located. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-123. Jukebox license required; term.

Each operator shall obtain an annual jukebox license for each jukebox located on the premises which he controls. Each jukebox license issued pursuant to this Code shall terminate on the last day of September next following the date of issuance. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-124. Jukebox license fee.

The fee for each jukebox license shall be thirty-five (\$35.00) dollars per jukebox per year. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a jukebox prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be fifty-two dollars and fifty cents (\$52.50) for the year for which

renewal is sought. (Ord. No. 81-24, Sec. 1, 9-2-81; Ord. No. 01-10, Sec. 1, 3-15-2001; Ord. No. 02-20, Sec. 2, 8-15-02)

Sec. 4-125. Display of license.

The Village shall cause to be issued jukebox licenses to each applicant who qualifies under the terms of this Code. Each such jukebox license shall be posted in a conspicuous place on each jukebox or other location designated by the Village. (Ord. No. 81-24, Sec. 1, 9-24-81)

Sec. 4-126. Application for license; contents; investigation.

Each application for a jukebox license shall contain the following information:

- (1) The name, address and phone number of the applicant and the owner, if not the applicant
- (2) Location and phone number of premises where the jukebox is to be located.
- (3) Principal kind of business which will be conducted on the premises.
- (4) Statement of whether business at the premises will be conducted by a manager or agent, and the name, address and phone number of any such manager or agent.
- (5) A diagram showing the number of jukeboxes to be located on the premises, and the location of each jukebox on the premises.
- (6) If a corporation, set forth the following:
 - (a) Corporate name and address;
 - (b) Date and place of incorporation;
 - (c) Names and address of corporate officers and directors;
 - (d) Names and addresses of all persons or legal entities owning five (5) percent or more of the corporation's stock.
- (7) If a partnership, set forth the following:
 - (a) Date and place when the partnership was formed;
 - (b) The names of all general partners;
 - (c) If a limited partnership, the names of all limited partners owning five (5) percent or more interest in the partnership.

Applications for license shall be made out in duplicate, one copy being referred to the Chief of Police and the other copy to be referred to the Village President. The application shall be investigated by the Chief of Police. The Village President shall direct the Village Clerk to issue the license to the applicant

if the Chief of Police's investigation shows that the applicant is qualified to receive the license. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-127. Inspection of premises.

Each license shall permit inspection of any premises where a jukebox is located during regular business hours by Village officials to determine compliance with the provisions of this Code. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-128. Suspension and revocation of license.

Every license issued under this article is subject to the right of the Village President, which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the operation of any jukebox contrary to the provisions of this article, the ordinances of the Village of Fox River Grove, or the law of the State of Illinois. If a license is revoked or suspended pursuant to this section, the licensee shall have seven (7) days from the date revocation or suspension is made to file with the Village Clerk, a written request for a hearing on the revocation or suspension before the Village corporate authorities. No suspension or revocation shall be effective until the period for filing a request for a hearing has elapsed. If a request for a hearing is made, the suspension or revocation shall not become effective unless after a hearing is held by the Village's corporate authorities, the corporate authorities determine that the license should be suspended or revoked. Any revocation of a license issued in pursuance of the provisions of this Code shall ipso facto bar reinstatement of the same, or the granting of a new license to any corporation, partnership or individual shareholder, partner, or owner of which was a shareholder, partner or owner or licensee whose license has heretofore been revoked, for a term of not less than one (1) year immediately following such revocation. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-129. Transfer of license.

- (a) A jukebox license may be transferred from one jukebox to another jukebox upon application to the Village President to such effect and the giving of a description and the serial number of the new jukebox.
- (b) If the licensee shall move his place of business to another location within the Village of Fox River Grove, the license may be transferred to such new location upon application to the Village President, giving the street and number of the new location.
- (a) Except as provided herein, a license shall not be transferable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license. (Ord. No. 81-24, Sec. 1, 9-2-81)

Sec. 4-130. Penalty.

In addition to any other penalty imposed by this Code, any person who shall be convicted of violating any provisions of this article shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 81-24, Sec. 1, 9-2-81).

ARTICLE X. RAFFLES*

Sec. 4-131. Definitions.

For the purposes of this Article, the following words and phrases shall be defined as follows:

Business means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable 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 on the public.

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

Fraternal 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 government by caring for those that otherwise would be cared for by the government.

Labor 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.

Net proceeds means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a

* Ord. 95-13; state law reference 230 ILCS 15/1 et seq.
Ord. 95-13, 6-15-95

raffle.

Nonprofit means an organization or institution organized and conducted on a not-for-profit basis with no personal profit incurring to anyone as a result of the operation.

Raffle means a form of lottery, as defined in the Illinois Compiled Statutes, 230 ILCS 15/1, conducted by an organization in which:

- (1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by some other medium, 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 means any church, congregation, society or organization founded for the purpose of religious worship.

Veterans mean 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.

Sec. 4-132 Administration - designation of Raffles Commissioner.

The Chief of Police shall, as part of his duties as Chief of Police, serve as the Raffles Commissioner and shall be charged with the administration of the provisions of this Article. The Raffles Commissioner shall receive no additional compensation for performing the powers and duties of such office.

Sec. 4-133 Powers, duties of Raffles Commissioner.

The Raffles Commissioner shall have the following powers, function and duties:

- (1) To grant, suspend or revoke all licenses issued;
- (2) To receive complaints from any citizen of the Village that any provision of this Article has been or is being violated, and to act upon such complain in the manner provided by law; and
- (3) To keep or cause to be kept a complete record of all licenses issued as provided in this Article.

Sec. 4-134. License required - eligibility, restrictions.

No person, firm or corporation shall conduct a raffle or sell or otherwise distribute chances for a raffle within the Village unless a license has been issued for the raffle pursuant to this Article and has not been revoked or suspended.

- (1) Eligibility. Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period, a bona fide membership engaged in carrying out their objectives, or to a non-profit fundraising organization that the Raffles Commissioner 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.
- (2) Restrictions. Licenses are subject to the following restrictions.
 - (a) Licenses issued pursuant to this Article shall be valid for only one (1) raffle. Any entity shall be able to apply for no more than four (4) raffles in any given year. Each raffle shall be scheduled and held on only one (1) day or date.
 - (b) The aggregate retail value of all prizes and merchandise awarded by a licensee in a single raffle shall not exceed two hundred thousand (\$200,000.00) dollars.
 - (c) The maximum retail value of each prize award in a single raffle shall not exceed two hundred thousand (\$200,000.00) dollars.
 - (d) The maximum price which may be charged for each raffle chance issued or sold shall not exceed two hundred (\$200.00) dollars.
 - (e) The maximum number of days during which chances may be issued or sold shall not exceed one hundred eighty (180) days.

Sec. 4-135. License - contents of application.

The application for a license required by this Article shall contain the following information:

- (1) The area or areas within the Village in which raffle chances will be sold or issued;
- (2) The time period during which raffle chances will be sold or issued;
- (3) The time of determination of winning chances and the location or locations at which winning

chances will be determined; and

- (4) A sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.

In addition to the foregoing information, the application shall contain such other and further information as the Raffles Commissioner may prescribe by rule or regulation not inconsistent with law.

Sec. 4-136. Person, organizations not eligible for license.

No raffle license shall be issued to:

- (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 firm or corporation in which a person defined in (1), (2) or (3) has a proprietary, equitable or credit interest, or which such a person is active or employed;
- (5) Any organization in which a person defined in (1), (2) or (3) is an officer, director, or employee, whether compensated or not; or
- (6) Any organization in which a person defined in (1), (2) or (3) is to participate in the management or operation of a raffle as defined in this Article.

Sec. 4-137. License fees.

All fees for licenses required by this Article shall be paid to the Village Clerk at the time of application. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general fund or such other fund designated by the Board of Trustees. The license fee for each raffle conducted under the terms of this Article shall be based on the total value of the prizes, as follows:

<u>PRIZE</u>	<u>FEE</u>
(up to and including)	

\$ 2,500.00	-0-
5,000.00	\$ 15.00
10,000.00	20.00
50,000.00	25.00
100,000.00	50.00
200,000.00	100.00

Sec. 4-138. Conduct of raffles.

The conducting of raffles is subject to the following restrictions:

- (1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (4) A license may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article.
- (5) Raffle Chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.
- (6) No person under the age of eighteen (18) years may participate in the conduct of a raffle or sell or distribute chances for a raffle. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

Sec. 4-139. Raffles - manager - bond.

- (1) *Required.* The operation of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization.
- (2) *Bond:*
 - (a) *Required; amount.* The manager shall post a fidelity bond with the Raffles Commissioner, naming the licensed organization as obligee. The amount of such bond shall be determined by the Raffles Commissioner and be conditioned upon

the honesty of the manager in the performance of his/her duties.

- (b) *Cancellation.* Terms of the bond shall provide that notice shall be given in writing to the Raffles Commissioner not less than thirty (30) days prior to its cancellation.
- (c) *Waiver of requirement.* The Board of Trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this Article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

Sec. 4-140. Records to be kept.

- (1) *By Raffles Commissioner.* The Raffles Commissioner shall keep or cause to be kept, a complete record of all licenses required by this Article issued.
- (2) *By licensee.*
 - (a) Each organization licensed to conduct raffles and chances 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 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 payee, purpose, amount and date of payment.
 - (b) Gross receipts from the operation of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, if licensed bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the Illinois Department of Revenue and placed in a separate account. Each organization shall have separate records of each 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 organization.
 - (c) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the Village, its gross receipts, expenses and net proceeds itemized as required in this Section.

- (3) *Length of time; availability for inspection.* Records required by this Article shall be preserved for three (3) years. Organizations shall make their records relating to the operation of raffles available for public inspection at reasonable times and places.

Sec. 4-141. Suspension, revocation procedures.

- (1) The Raffles Commissioner may revoke or suspend any license issued under this Article if he/she determines that the licensee has violated any provision of this Article.
- (2) No raffles license shall be revoke or suspended except after a hearing by the Raffles Commissioner with three (3) days' written notice to the licensee affording him an opportunity to appear and defend himself.
- (3) Within five (5) days after the hearing, if the Raffles Commissioner determines that the license should be revoked or suspended, the Raffles Commissioner shall state the reason or reasons for such determination in a written order or revocation or suspension and shall serve a copy of this order within such five (5) days upon the licensee.

Sec. 4-142. Construction.

Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than a raffle as provided for in this Article.