

CHAPTER 4

AMUSEMENTS

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ARTICLE I. IN GENERAL

4-1-1. Application. The provisions of this article, except as to licensing and fees, shall apply to all public shows, theatricals, circuses and other amusements in the city whether specifically licensed in another article in this chapter or not.

4-1-2. Licenses. 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 secured a license therefor; provided, that the provisions of this section shall not be held to apply to those amusements which are specifically license by any other ordinance of the city or which are put on by and non-profit association or corporation, lodge, society, veterans organization, school, church, or religious organization.

4-1-3. Application; fees. Applications for such licenses shall be made to the Clerk and shall comply to all the general provisions of the ordinances relating to such application. The fee for such licenses shall be \$25 per day.

ARTICLE II. AUTOMATIC AMUSEMENT DEVICES

4-2-1. Definition. The term “mechanical amusement device” is hereby defined to be each machine which, upon the insertion of a coin, trade-token or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money or trade-token or slugs, or which makes no provision whatever for the return of money to the player.

A “mechanical amusement device” is hereby further defined as any machine, apparatus, or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine.

The term “mechanical amusement device” is also hereby defined to be and shall include each machine vending recorded music or a period of radio or television entertainment in return or the insertion or deposit therein of a coin, or of trade-tokens or slugs; provided, however, that this does not include coin-operated radios or television sets in private quarters.

4-2-2. License; fee. It shall be unlawful for any person, firm or corporation to install, operate or maintain any such mechanical amusement or music device without having first obtained a license therefor. Applications shall be made to the City Clerk.

The fee for such licenses shall be \$20 per year or any portion of a year. The license period shall be from May 1 to April 30.

4-2-3. Issuance. No license shall be issued except to a person of good character, approved by the City Council. Upon approval of the applicant and the payment of the license fee, the City Clerk shall issue a stamp bearing a notation, City of Arcola license for the calendar year of 19--. One license shall be issued for each device licensed and it shall be placed in a conspicuous place and so affixed that it cannot be transferred from one machine to another.

4-2-4. Devices to be kept in plain view; gambling devices prohibited. All such devices shall at all times be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

Nothing in this article shall be construed to authorize, permit or license any gambling device of any nature whatsoever except that any device for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall be allowed, so long as such device is conducted in compliance with all the requirements of said Act and all rules and regulations of the Illinois Gaming Board.

(Ordinance 12-C-2, amended 05-21-12)

4-2-5. Inspection. The Chief of Police shall periodically inspect or cause the inspection of any place or building in which any such device or devices are operated or set up for operation and shall inspect, investigate and test such devices.

4-2-6. Revocation. In addition to any penalty imposed, the City Council may revoke such license for any violation of this article or of any ordinance pertaining to the conduct of such business.

ARTICLE III. BILLIARD AND POOL HALLS

4-3-1. License required. No person, firm, or corporation shall operate, maintain or conduct a billiard, pool or bagatelle or pigeonhole table open to the public without having first obtained a license therefor as is herein required. All applications for such licenses shall state thereon the intended location of the place of business and the number of tables to be used therein.

4-3-2. Fees. The annual fee for such license shall be \$12.50 for each table.

4-3-3. Minors. Minors under the age of 18 years shall under no circumstance frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be upon some lawful errand and sent under the direction and consent and knowledge of the parent, guardian or other person having the 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.

4-3-4. Bond. The applicant for a license required by this article shall execute a surety bond to the city in the penal sum of \$500, with sureties to be approved by the City Council, conditioned upon the faithful observance of the ordinances of the city and the laws of the state, and upon the payment of all fines and costs which may be assessed against him for violation of any of the provisions hereof.

4-3-5. Hours of operation. No person, firm or corporation shall operate any billiard, pool or bagatelle or pigeon hole table open to the public except during the following hours: 6:00 a.m. to midnight on Monday through Saturday. No operation of said tables shall be permitted on Sunday.

4-3-6. Disorderly conduct; gambling. It shall be unlawful for any licensee to permit any gambling, betting, or disorderly conduct upon the premises where the tables are located; however, this provision shall not apply to any device for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., so long as such device is conducted in compliance with all the requirements of said Act and all rules and regulations of the Illinois Gaming Board.

(Ordinance 12-C-2, amended 05-21-12)

ARTICLE IV. BOWLING ALLEYS

4-4-1. License required. No person, firm or corporation shall operate or maintain a bowling alley open to the public without having first secured a license

therefor as herein required. Applications for such licenses shall be made to the Clerk and shall be in writing and state thereon the intended location of the place of business and the number of alleys to be used.

4-4-2. Fee. The annual fee for such licenses shall be \$12.50 for each alley. The license period shall be from May 1 to April 30.

ARTICLE V. COIN-OPERATED POOL TABLES

4-5-1. Definitions. The term “coin-operated pool table” as used herein means a pool table not longer than 7 feet in length operated by means of the insertion of a coin, token, or similar object, for the purpose of amusement of skill and for the playing of which a fee is charged.

4-5-2. License required. No person, firm or corporation shall install, operate, or maintain any such coin-operated pool table without first having obtained the proper license therefor.

4-5-3. License fee. The license fee for each coin-operated pool table shall be \$20 per year or any portion of a year. The license period shall be from May 1 to April 30.

4-5-4. Application for license-nontransferable. Application for license hereunder shall be filed in writing with the City Clerk, on a form to be provided by the City, and shall specify:

(1) The name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses.

(2) The address of the premises where the licensed coin-operated pool table or tables are to be operated, together with the character of the business as carried on at such place.

(3) The trade name and general description of the coin-operated pool tables, the name of the manufacturer, and the serial number of each.

(4) The name and address of the owner of the premises if different from the applicant.

The proper license fee shall accompany such application. The initial application for license hereunder shall be first referred by the City Clerk to the Mayor and council who shall make or cause to be made such investigation as they deem necessary. No license shall be issued except to a person of good character.

If the application is approved by the Mayor and council, the license shall be issued by the Clerk, and the Clerk shall remit the fee to the City Treasurer. If the license is denied, the fee shall be returned to the applicant. All licenses under this article shall expire on April 30 following their issuances. One license shall be issued for each coin-operated pool table. Each license shall be affixed to the appropriate coin-operated pool table in a conspicuous place. Such license shall be nonassignable and nontransferable, and shall apply only to the premises for which such license is issued.

4-5-5. Tables to be kept in plain view- gambling prohibited. All such coin-operated pool tables shall at all times be kept and placed in plain view so that they may be observed from the outside through windows of the licensed establishment. Any gambling in connection with the use or operation of the coin-operated pool tables is prohibited.

4-5-6. Inspection. The Chief of Police shall periodically inspect or cause the inspection of any place or building in which any such coin-operated pool table is located and may inspect, investigate, and test each table.
(Ordinance No. 86-C-3 amended December 1, 1986)

4-5-7. Limit of four tables per establishment. No more than four coin operated tables may be licensed at one building or premises.
(Ordinance No. 87-C-1 amended February 2, 1987)

4-5-8. Adult supervision required. A responsible adult of the age of 21 years or older shall be present and shall supervise the use and operation of the coin-operated pool tables at all times that said tables are being used or operated.

4-5-9. Revocation of license. The Mayor or City Council shall have the right to revoke any license issued hereunder for the violation of any of the provisions of this article.
(No. 86-C-3 amended December 1, 1986)

ARTICLE VI. RAFFLES

4-6-1. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

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

Net proceeds shall mean 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 raffle.

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

Raffle shall mean a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 1961, now or hereafter as amended, 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 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 organization shall mean any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans' organization shall 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.

4-6-2. License required.

No person, firm or corporation shall conduct raffles or chances in the City without having first obtained a license therefor pursuant to this article.

4-6-3. Eligible organizations.

Licenses under this article shall be issued to law enforcement agencies, statewide associations that represent law enforcement officials and to bona fide nonprofit, religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members, which have been in existence continuously for a period of five (5) years immediately before making application for a license under this article, and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objective, or to a nonprofit fund-raising organization that is organized for the sole purpose of providing financing assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident or disaster.

4-6-4. Maximum value of prizes; maximum price for chance; maximum length of sale.

The real value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed five hundred thousand dollars (\$500,000.00). The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed five hundred thousand dollars (\$500,000.00). The maximum price which may be charged for each raffle chance issued or sold shall not exceed five hundred dollars (\$500.00). The maximum number of days during which chances may be sold may not exceed one hundred eighty (180) days.

4-6-5. Application for license.

(a) Application for the license to conduct a raffle under this article shall be submitted to the City Clerk on forms provided by the City Clerk for that purpose. The license application must contain a sworn statement, signed by the presiding officer and the secretary of the organization, attesting to the nonprofit character of the prospective licensee organization and that such organization has been in existence continuously for a period of five (5) years immediately before making application for such license; a sworn statement, signed by the presiding officer and the secretary of the organization, that during such five (5) year period a bona fide membership of such organization engaged in carrying out their objectives; and a sworn statement, signed by the presiding officer and the secretary of the organization, that:

(1) The entire net proceeds of the proposed raffle will be exclusively donated to the lawful purpose of the organization seeking the license;

(2) That no person except a bona fide member of the sponsoring organization shall participate in the management or operation of the raffle; and

(3) That no person shall receive any remuneration or profit for participating in the management or operation of the proposed raffle except the licensed organization or designated beneficiary of a nonprofit fund-raising organization.

(b) The license application shall set forth the following information:

(1) Name and address of the person applying for the license on behalf of the organization;

(2) The position, office or representative capacity of such person;

(3) The full name of the organization and its business address, if any;

(4) A telephone number where an officer or other representative of the organization may be contacted at all times;

(5) The date and location that the prize or prizes will be awarded;

(6) The amount charged for each change;

(7) The aggregate retail value of all prizes or merchandise to be awarded by the licensee in such raffle;

(8) The maximum retail value of each prize awarded by the licensee in such raffle; and

(9) The area or areas where raffle chances will be sold or issued.

4-6-6. Ineligibility.

The following are ineligible for any license under this article:

(a) Any person who has been convicted of a felony;

(b) Any person who is or has been a professional gambler or gambling promoter;

(c) Any person who is not of good moral character;

(d) Any firm or corporation which a person defined in (a), (b) or (c) has a proprietary, equitable, or credit interest, or in which such person is active or employed;

(e) Any organization in which a person defined in (a), (b) or (c) is an officer, director, or employee, whether compensated or not;

(f) Any organization in which a person defined in (a), (b) or (c) is to participate in the management or operation of a raffle as defined in this article.

4-6-7. Review and investigation.

The City Clerk shall refer all applications to the Police Department and City Administrator for review or investigation of the representations in applications. The Clerk shall issue or deny the license within thirty (30) days of application or the license shall be deemed granted.

4-6-8. Issuance.

No license for the conducting of raffles shall be issued until three (3) days after application is made to the Clerk. No such license shall be issued if the Police Department shows that an applicant is ineligible as defined in this article.

4-6-9. Conduct of raffles; tickets; advertisements.

The conducting of raffles is subject to the following restrictions:

- (a) No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are determined only when accompanied by a parent or guardian;
- (b) All bills, billboards, placards or other advertisements shall contain the name of the organization conducting the raffle;
- (c) All tickets or chances shall contain the number of the license issued by the City pursuant to this article.
- (d) The license only governs or authorizes the sale of raffle chances or the conducting of a raffle within the borders of the City of Arcola.

4-6-10. Validity of license.

Each license issued pursuant to this article is valid for one raffle.

4-6-11. Limited construction of article.

Nothing in this article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity and device other than raffles as provided for herein. Nothing in this article shall be construed to authorize the conducting or operating of any raffle in violation of state law. Each applicant for a raffle is presumed to have reviewed and be aware of the requirements of 230 ILCS 15 et seq., the Illinois Raffles and Poke Runs Act. Nothing in this article shall be interpreted to limit compliance with state law or the prosecution or citation for a violation of state law.

4-6-12. Authority to issue rules and regulations.

The City Clerk shall have the authority to issue such reasonable rules and regulations relating to the administration and enforcement of the provisions of this article as may be deemed by the City Clerk to be in the best interests of the City.

4-16-13. Raffle license fee.

The fee for a license for a raffle shall be:

(a) Ten Dollars (\$10.00) if the maximum retail value of all prizes or merchandise to be awarded by a licensee in a single raffle does not exceed five thousand dollars (\$5,000.00), per raffle.

(b) One Hundred Dollars (\$100.00) if the maximum retail value of all prizes or merchandise to be awarded by a licensee in a single raffle exceeds five thousand dollars (\$5,000.00), per raffle.

(c) Law enforcement agencies, statewide associations that represent law enforcement officials, government entities, municipal entities, school organizations, and police organizations shall be exempted from paying a license fee pursuant to this ordinance.

4-16-14. Penalties.

Any person, business, firm, or corporation found guilty of violating the provisions of this Article shall be fined up to two hundred dollars (\$200.00) for said violation and shall immediately cease any illegal or unlicensed raffle activity. Each ticket sold illegally or without a license shall constitute a separate offense.

Any person receiving a citation under this Article shall pay the fine provided for in this section at the police station or City Clerk's office within fourteen days from the date of the citation. If any penalty is not paid within that fourteen-day period, the city attorney is authorized to file a complaint alleging the violation of this Ordinance and issue a notice to appear requiring the person to whom the citation was issued to appear in the Douglas County Circuit Court to answer the charge. Nothing in this section shall preclude the City of Arcola, its police department, or other attorney from taking or pursuing any action allowed by law as a result of the violation or from referring the matter to another entity for prosecution as allowed by law."

(Ordinance No. 17-C-2, amended September 05, 2017)