

CHAPTER 4
AMUSEMENTS

SECTION:

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3-4-1: **SCOPE:** The provisions of this Chapter shall apply to all public shows, theatricals, circuses and amusements in the Village, including, but not limited, to exhibitions and carnivals, athletic exhibitions, motion pictures and public dances. (1971 Code, 5-1-1)

3-4-2: LICENSE REQUIRED; APPLICATION AND FEE:

- A. It shall be unlawful to conduct or operate any such amusement which is open to the public for admittance for which a fee is charged without first having obtained a license therefor, except that no license shall be required for any athletic exhibition or public dance given under the auspices of any educational, religious, not-for-profit or charitable organization. Such license shall specifically state that it is issued subject to the provisions of Section 3-4-3 of this Chapter. (1971 Code, 5-1-2)
- B. All applications for such licenses issued under this Chapter shall be made in writing to the Village Clerk in the form and manner provided in Chapter 1 of this Title, and shall include a clause whereby the applicant specifically agrees to abide by and be bound by Section 3-4-3 of this Chapter, upon his receiving the license. Such applications shall also include such information as may be required by that section of this Chapter governing the specific amusement to be licensed. (1971 Code, 5-1-3)
- C. The fee for such licenses shall be as provided in the specific Articles of this Chapter, except that no fee for such license shall be charged for amusements given under the auspices of any educational, religious, not for profit or charitable organization. (1971 Code, 5-1-4)

3-4-3: INSPECTIONS: It shall be the duty of the Chief of Police to see that every amusement is inspected to insure that the conducting of such amusement shall not endanger the health and safety of the persons attending such amusement, and to insure conformity with the provisions of all applicable Village codes and ordinances concerning amusements.

If, upon making such inspection, the Chief of Police shall determine that the conducting of such amusement endangers the health and safety of the persons attending same, he shall so inform the person or persons in charge of conducting the amusement whose duty it shall be to take such action as is necessary to immediately remedy the condition or conditions responsible for such danger. In the event such person or persons in charge refuse or are unable to immediately remedy such dangerous condition or conditions they shall, upon order of the Police Chief, forthwith cease the operation or conducting of such amusement until the dangerous condition or conditions is remedied. If the person or persons in charge of the amusement shall refuse such order, the Chief of Police is authorized to take such action as is necessary to cause the cessation of the conducting of such amusement. (1971 Code, 5-1-7)

3-4-4: STREET SHOWS REGULATED: No license shall be granted for any amusement to be given on any public street or public way in such place that the only main accommodation for the public or the audience will be in a public place, except on order of the Mayor and Board of Trustees. (1971 Code, 5-1-5)

3-4-5: CONDITIONS AND REQUIREMENTS OF LICENSE:

A. Order, Crowding:

1. The audience of any amusement must be orderly and quiet at all times, and it shall be unlawful for any person in attendance to create a disturbance in the audience.
2. It shall be unlawful to permit or gather such a crowd to witness any amusement so as to create a dangerous condition because of fire or other risk. (1971 Code, 5-1-6)

B. Smoking Prohibited: **REPEALED BY ORD. 06-2040-32, EFF. 6/26/06**

C. Exit Lights: 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 fifty (50) 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 inches (6") 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 such 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. (1971 Code, 5-1-14)

D. Premises: 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 of the Village relating to public buildings and public gatherings. (1971 Code, 5-1-15)

3-4-6: RESPONSIBILITY FOR COMPLIANCE: The licensee, or in his absence, the manager or other representative in control of any room, building or other place to which the public is admitted and in which such amusement is operated or conducted, shall be responsible for full compliance with the provisions of this Chapter, all other applicable Village codes and ordinances before the public shall be admitted to such amusement. (1971 Code, 5-1-16)

3-4-7: OBSCENE SHOWS PROHIBITED: It shall be unlawful for any person to present, exhibit, conduct or take part in any obscene show, theatrical play, motion picture, exhibit or other form of public amusement or show. (1971 Code, 5-1-8)

A. Definition: For the purposes of this Chapter, a thing is obscene if, considered as a whole, its predominant appeal is to prurient interest that is, a shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond the customary candor in description or representation of such matters. (1971 Code, 5-1-9)

B. Interpretation: For the purposes of this Chapter, obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children and other specially susceptible audiences if it appears from the character of the material or circumstances of its dissemination to be specifically designed for or directed to such an audience.

Where circumstances of production, presentation, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance. (1971 Code, 5-1-10)

3-4-8: 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. (1971 Code, 5-1-11)

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ARTICLE A. EXHIBITIONS AND CARNIVAL

SECTION:

- 3-4A-1: Definitions
- 3-4A-2: Application for License, Fees
- 3-4A-3: Insurance Requirements
- 3-4A-4: Conditions of License

3-4A-1: DEFINITIONS:

CARNIVAL

Includes amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities and side shows. A carnival shall not include gambling devices, games of chance, lotteries, punch boards or other activities in violation of this Code or the Statutes of the State of Illinois.

EXHIBITION

Includes circuses, menageries, carnivals, side shows and other similar amusement enterprises which are open to the public and for which an admission fee is charged. (1971 Code, ' 5-2-1)

3-4A-2: APPLICATION FOR LICENSE, FEES: Application for such licenses shall state specifically the nature of the activity to be licensed and the location thereof. The license fee for said exhibitions and carnivals shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code (1971 Code, ' 5-2-2, 23-8)(Amd. Ord. 98-1550-12, eff. 4/13/98)

3-4A-3: INSURANCE REQUIREMENTS: No license shall be issued for conducting an exhibit or carnival until the applicant therefor has placed on file with the Village Clerk a certificate or certificates of insurance indicating that there is in effect public liability insurance covering damages arising out of the use and operation of any

and all devices and facilities operated in connection with said exhibition or carnival in the minimum amount of one million dollars (\$1,000,000.00) each person and three million dollars (\$3,000,000.00) each accident. (1971 Code, 5-2-4)

3-4A-4: CONDITIONS OF LICENSE: In addition to other requirements, as set forth herein, the applicant shall furnish suitable evidence of his intention and ability to comply with the following conditions of license:

- A. Duration of Operation: No carnival or exhibit shall operate in the Village for a period exceeding seven (7) days on any site during any twelve (12) month period.
- B. Hours of Operation: Hours of operation may be established by the Village as a condition of license taking into consideration the nature of the activity, site area, proximity to other uses, nuisance factors, policing problems and other such factors as may be pertinent.
- C. Maintenance of Premises: The operator and sponsor of the carnival or exhibition shall be wholly responsible for maintaining order and for keeping the site clean, free of trash, papers and other debris. Trash containers, in adequate number shall be placed in convenient locations for the use of the public.
- D. Noise; Lights: Special conditions may be established to reduce noise level or to reduce the glare of lights on to the public streets or on to areas adjacent to the site.
- E. Zone District: Amusements, exhibitions and carnivals shall not be permitted in any area unless specifically allowed under the applicable provisions of the Village Zoning Code¹.
- F. Public Safety: No ride shall be placed into operation for public use until the same has been inspected for mechanical, structural, electrical and other hazards by the Director of Building and Zoning and such other officers or employees of the Village having competent jurisdiction. Adequate safeguards shall be placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electric switches and other possible or potential hazards.
- G. Concessions and Food Dispensing Facilities: All concessions and food dispensing facilities shall be maintained in a safe, clean condition at all times and be in accordance with the applicable provisions of this Code and the County. (1971 Code, 5-2-3)

¹See Title 6 of this Village Code.

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ARTICLE B. ATHLETIC EXHIBITIONS

SECTION:

3-4B-1: License Fees

3-4B-2: Admission of Policemen

3-4B-1: LICENSE FEES: The annual license fees for athletic events shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (Amd. Ord.98-1550-12, eff. 4/13/98)

3-4B-2: ADMISSION OF POLICEMEN: For the purpose of preserving and maintaining order, a sufficient number of policemen of the Village shall be admitted to all athletic exhibitions free of charge. (1971 Code, 5-3-1)

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ARTICLE C. MOTION PICTURES AND THEATRICALS

SECTION:

3-4C-1: Application for License, Fees

3-4C-2: Building Requirements

3-4C-1: APPLICATION FOR LICENSE, FEES: Applications for motion picture and theatrical licenses shall state the place of the intended performance and the seating capacity thereof. The annual license fees for such licenses shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code (Amd. Ord. 98-1550-12, eff. 4/13/98)

3-4C-2: BUILDING REQUIREMENTS:

- A. General: It shall be unlawful to present any motion picture in any building or structure which does not contain the number of exits required by the applicable Village codes or State Statutes concerning buildings or places intended for motion picture performances or in premises which do not comply with the provisions of this Code relating to public gatherings or in premises in which the electric wiring does not fully comply with the applicable Village codes. All places used for such motion pictures or theatricals must be kept adequately ventilated during the performance and for as long a time as the audience remains therein. (1971 Code, 5-4-3)
- B. Exits: It shall be unlawful to obstruct or permit the obstruction of any aisles, corridors or exits leading from the room or enclosure in which a motion picture performance or theatrical is being given or in which an audience for such performance is gathered. (1971 Code, 5-4-4)
- C. Scenery: It shall be unlawful to use any scenery in any theater other than nonflammable scenery, or such as shall have been rendered nonflammable by the application of fire-preventive coatings. (1971 Code, 5-4-2)

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ARTICLE D. PUBLIC DANCES

SECTION:

- 3-4D-1: **Definition**
- 3-4D-2: **Application for License, Fees**
- 3-4D-3: **Premises Requirements**

3-4D-1: DEFINITION: For the purpose of this Article a public dance is defined as any dance open to the public for admittance regardless of whether or not a fee is charged for admission thereto. (1971 Code, 5-5-1)

3-4D-2: APPLICATION FOR LICENSE, FEES: Applications shall specify the location of the proposed dance or dances and the approximate number of persons expected to be in attendance. For each dance for which an admission fee is charged, there shall be levied a license fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. (1971 Code, 5-5-2,23-8)(Amd. Ord. 98-1550-12, eff. 4/13/98)

3-4D-3: PREMISES REQUIREMENTS: It shall be unlawful to conduct a public dance or operate a dance hall in any hall or place which is not equipped with sufficient and adequate exits; and no hall or building which is not provided with at least two (2) exits of four feet (4') in width, shall be used for such purposes. (1971 Code, 5-5-3)

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ARTICLE E. AUTOMATIC AMUSEMENT DEVICES

SECTION

- 3-4E-1: Definitions**
- 3-4E-2: License Required**
- 3-4E-3: Application for License**
- 3-4E-4: Investigation of Applicant**
- 3-4E-5 : Number and Register of Licenses**
- 3-4E-6 : Personal Nature of Licenses**
- 3-4E-7 : Individual Decals Required**
- 3-4E-8 : Responsibility for Compliance, Floor Plan Required.**
- 3-4E-9 : Fees; Display of Decal**
- 3-4E-10 : Restrictions on Operations**

3-4E-1: DEFINITIONS:

AUTOMATIC AMUSEMENT DEVICE

Any machine which upon the insertion of a coin, slug, plate, disc or token may be operated generally by the public for use as a game, entertainment or amusement whether or not registering a score. It shall include, but not be limited to, such devices as marble machines, pinball machines, pool tables and air hockey, movie and video games, booths or stands, games played with any number of balls, spheres or electrically operated devices upon a table or board having holes, pockets, cups or electrically activated devices that are activated by said balls, spheres or electrical contacts, electrical impulse and/or cathode tube games, and all games, operations or transactions similar thereto under whatever name by which they may be indicated.

Automatic Amusement Devices shall not include "Video Gaming Terminals" as such term is defined in the Video Gaming Act, 230 ILCS 40/1, et seq.

PERSON

Shall include any person, firm, corporation

or association having ownership, possession and/or control of any Automatic Amusement Device.

VIDEO GAMING TERMINAL

Shall have the meaning ascribed to such term as defined in the Video Gaming Act, 230 ILCS 40/1, et seq.

3-4E-2: LICENSE REQUIRED: No person shall make available for use by the public any Automatic Amusement Devices without first obtaining an amusement device license from the Village. Application for such a license shall be made to the Police Department upon forms supplied by the Village in compliance with Section 3-4E-3. An amusement device license may be issued upon satisfying the eligibility requirements described in this Article and upon payment of the required application fee for an Automatic Amusement Device License and Device Decal as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

3-4E-3: APPLICATION FOR LICENSE:

A. General Information: An applicant for a license shall furnish the following information under oath:

1. The identity of the person or organization filing the application;
2. For non-individual applicants, the applicant shall identify and list the following information for any person who exercises managing control of the applicant:
 - a. Name, including all aliases and former legal names,
 - b. Residential address,
 - c. Current residential telephone number, and
 - d. Date of birth.
3. The name, address and telephone number of the owner or supplier of the device(s) for which the applicant is seeking a decal;
4. Whether the applicant or any person required to be described on the application has ever been found guilty of a gambling offense or of any violation of any State Statute or local ordinance related to taxes or the commission of any act of moral turpitude, and if so, the precise nature of the offense, the date of the conviction and the court where it was adjudicated, and the status of any post-conviction requirements (e.g. restitution, probation, etc.).
5. The address of the building where the machine(s) will be located, the type of business conducted there and the name of the business (if different

from item (3)).

6. Description of the machine(s) for which the applicant is seeking a decal, including mechanical features, name and address of manufacturer, and serial number.
7. The name, address and telephone number of the landlord if the premises are leased.
8. Whether the applicant has ever had a similar license revoked or suspended by any other municipality and, if so, a summary of the circumstances related to such revocation or suspension.

B. Applicant Other Than an Individual: If said application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed by at least two (2) members of such partnership or the president and secretary of such corporation. Applications made on behalf of limited liability companies shall be signed by either the Manager or two members.

C. Application Fee Requirement: Before any action is taken upon any application as provided in this Section, the applicant shall pay to the Village the required application fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, no part of which shall be refundable, to cover the Village's costs in reviewing and investigating such applicant.

D. Issuance Prohibited: No license shall be issued to any applicant, if the person (1) is under twenty one (21) years of age; (2) is not a citizen of the United States; (3) has been found guilty of any gambling offense, felony or crime of moral turpitude or any State Statute or local ordinance related to taxes; (4) is not of good character or reputation, or (5) the use of the premises where the Automatic Amusement Device is proposed to be located would violate the applicable zoning designation.

3-4E-4: INVESTIGATION OF APPLICANT: Each application for a license hereunder shall be referred to the Chief of Police for investigation and verification of the stated facts. The Chief of Police shall determine whether the applicant or any person required to be described on the application has been found guilty of a gambling offense or any State Statute or local ordinance related to taxes or the commission of any act of moral turpitude in either the State or Federal court. The Chief of Police shall also determine whether the applicant, or any person who exercises managing control of the applicant, has employed coercive or illegal measures to promote the use of his Automated Amusement Devices or Video Gaming Terminals. The Chief of Police shall further determine whether the applicant, or any person who exercises managing control of the applicant, are persons of good moral character. If the Chief of Police shall determine that the applicant, any person who exercises managing control of the applicant, or any of them, have in fact been found guilty or have engaged in such coercive or illegal measures or otherwise are not persons of

good character and fitness, then the license shall not be issued and the Chief shall describe the reasons for the denial in writing within thirty (30) days of receipt of the application. If the Chief of Police investigation fails to discover any disqualifying factors as described in this Article, the Chief of Police shall issue the license. Any applicant for whom the Chief of Police refuses to issue or renew a license for the reasons herein described, within ten (10) days of receipt of the denial may appeal the decision to the Village Board, who may review the Chief of Police's determination after consideration of all relevant facts and circumstances. The Village Board's decision shall be made within thirty (30) days after the filing a written notice of appeal and shall be final.

3-4E-5: NUMBER AND REGISTER OF LICENSES: The number of licenses issued and the identity of every licensee shall be kept by the Police Department.

3-4E-6: PERSONAL NATURE OF LICENSES: A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this Article provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of the testate or intestate devolution, but it shall cease upon the death or dissolution of the licensee.

3-4E-7: INDIVIDUAL DECALS REQUIRED: No person shall keep, install, maintain or permit any Automatic Amusement Device in any building or place within the Village for use by anyone other than the licensee without first having obtained a decal for each Automatic Amusement Device.

3-4E-8: RESPONSIBILITY FOR COMPLIANCE, FLOOR PLAN REQUIRED: Responsibility for compliance with the regulations pertaining to Automatic Amusement Devices shall rest with the owner and lessee of the premises where such devices are located. Each application for a decal must be accompanied by a copy of Automatic Amusement Device License, or an application therefor, and an accurate floor plan showing the exact location of each machine, provided each premises may show all proposed locations for Automatic Amusement Devices on the same floor plan. Automatic Amusement Devices may not be located at any other location within the licensed premises except as shown on the floor plan. Any licensed Automatic Amusement Device moved and located contrary to said floor plan shall result in the automatic revocation of the decal for that machine. Licensed Automatic Amusement Devices may be replaced from time to time so long as their location remains as shown on the floor plan and provided that the Chief of Police of the Village is notified of such change and the applicant pays the Automatic Amusement Device transfer fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code to cancel the decal on the replaced Device and adheres the new decal to the new or replacement Device.

3-4E-9: FEES; DISPLAY OF DECAL: Before being granted a decal, every applicant shall pay the annual fee for each calendar year as prescribed in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

- A. Each decal shall be valid from May 1 to April 30 each year and these fees for each decal shall not be prorated for partial years.
- B. All fees shall be paid to the Police Department which shall issue as evidence of the payment thereof for each device an adhesive decal to be placed on each device. Such decal shall bear the words, "Village of Lincolnshire" and the date it shall become void. The decal shall be placed on the device in a location where it is viewable by the public. It shall be unlawful for any person to mutilate a decal during the year for which it is issued.
- C. Each decal shall be issued only for a particular Automatic Amusement Device and may not be transferred or used in any other way whatsoever including as the required decal of any other Device whether or not the other Device is new or a replacement for the original machine. Each and every machine must have such a decal issued for its particular use after the payment of the required fee. It is the intent of this ordinance for each decal to correspond to a distinct serial number.

3-4E-10: RESTRICTIONS ON OPERATIONS: Unless otherwise specified by the Mayor and Board of Trustees, premises eligible for Automatic Amusement Devices and the location, number and manner of operating Automatic Amusement Devices shall be as determined by the Village according to the standards set forth in this Section.

- A. Only taverns, hotels, restaurants or movie theaters shall be eligible to keep Automatic Amusement Devices.
- B. Nothing in this Article shall be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or is in any way contrary to law. No gambling or individual wager on any Automatic Amusement Device shall be permitted.
- C. The operation of Video Gaming Terminals is prohibited. This ordinance is intended to represent the Village's election to prohibit video gaming in the manner described in Section 27 of the Video Gaming Act, 230 ILCS 40/27.
- D. The Licensee may not promise to deliver or deliver any award, prize or cash equivalent to any person in exchange for the person's performance on any Automatic Amusement Device unless: (1) the amount of the award is fixed in advance and a schedule of prizes is available in writing; (2) the amount of the award bears no relationship to the person's skill or performance on the

Device; and (3) there is no cost to participate in the contest or compete for the award.

- E.** No Automatic Amusement Device shall be operated unless the reward for skill in the operation thereof, if any, is plainly posted upon such machine or the opportunity for a reward for skill in the operation thereof is the same for each individual player. Examples of permitted rewards include free plays or recognition on a leader board operated by the owner of the premises.
- F.** No Automatic Amusement Device shall be placed in any required exit path of travel.
- G.** No Automatic Amusement Device on the premises of a retail alcoholic liquor licensee shall be used by anyone under twenty one (21) years of age unless accompanied by a parent or legal guardian.
- H.** No one under eighteen (18) years of age shall be allowed to play any Automatic Amusement Device before ten o'clock (10:00) A.M., or after ten o'clock (10:00) P.M., unless accompanied by a parent or legal guardian.
- I.** No premises shall have more than eight (8) Automatic Amusement Devices unless the premises is (i) a hotel or theater complex and has a designated and physically segregated "game room", or (ii) a tavern. For qualifying hotels, theater complexes and taverns, the number of Automatic Amusement Devices shall be limited so that (i) ingress and egress to the licensed premises shall not be impaired, and (ii) the aggregate power supply required for such Devices does not exceed the electrical rating permitted for the circuit serving such premises. An applicant for a decal shall certify compliance with this provision on the floor plan accompanying the application for decals. At all times when Automatic Amusement Devices are being operated in the licensed premises no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors which shall prevent a clear view into the interior of such premises.

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ARTICLE F. FIREWORKS DISPLAYS

SECTION:

- 3-4F-1: Definitions**
- 3-4F-2: License Required**
- 3-4F-3: License; Application**
- 3-4F-4: License; Display**
- 3-4F-5: Consumer Fireworks**
- 3-4F-6: Indoor Fireworks Use Prohibited**
- 3-4F-7: Violations; Penalty**

3-4F-1: DEFINITIONS:

1.3G FIREWORKS

Those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334 or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

CONSUMER FIREWORKS

Those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101.

"Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

DISPLAY FIREWORKS

1.3G or special effects fireworks.

FACILITY

An area being used for the conducting of a pyrotechnic display, but does not include residential premises except for the portion

of any residential premises that is actually used in the conduct of a pyrotechnic display.

FLAME EFFECT

The detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines.

LEAD PYROTECHNIC OPERATOR

An individual with overall responsibility for the safety, setup, and discharge of a pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

PERSON

An individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

PYROTECHNIC DISPLAY

The detonation, ignition, or deflagration of consumer fireworks, display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged.

PYROTECHNIC DISTRIBUTOR

Any person or group of persons who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services.

SPECIAL EFFECTS FIREWORKS

Pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

3-4F-2: LICENSE REQUIRED:

- A. Prohibition: No person may provide a Pyrotechnic Display without a license issued by the Village Manager. Every Pyrotechnic Display performed on separate dates or at separate Facilities must be issued a separate and distinct license.
- B. Pyrotechnic Distributor: No person may operate as a Pyrotechnic Distributor within the Village without first obtaining a Pyrotechnic Distributor-s License from the Office of the State Fire Marshall.

- C. Lead Pyrotechnic Operator: No person may act as the Lead Pyrotechnic Operator for a Pyrotechnic Display within the Village without first obtaining a Lead Pyrotechnic Operator's License from the Office of the State Fire Marshall.
- D. Eligibility: No person except the Village or its designee is eligible for a license to provide a Pyrotechnic Display. (Amd. Ord. 10-3166-43, eff. 9/27/10)

3-4F-3: LICENSE; APPLICATION:

- A. General Information. An applicant for a Village license to perform a Pyrotechnic Display must submit a written application to the Village Manager containing not less than the following:
 - 1. Name of the Pyrotechnic Distributor.
 - 2. Name of the Lead Pyrotechnic Operator for the Pyrotechnic Display for which the application has been submitted.
 - 3. Copies of the applicable Pyrotechnic Distributor and Lead Pyrotechnic Operator licenses issued by the Office of the State Fire Marshall.
 - 4. The Facility where the Pyrotechnic Display is proposed to be provided.
 - 5. Evidence of the types and amounts of insurance required by the Pyrotechnic Distributor and Operator Licensing Act.
- B. Timing. All applications to perform a Pyrotechnic Display must be submitted to the Village Manager not less than 10 days prior to the date proposed for the Pyrotechnic Display.
- C. Cosignature. Any license issued by the Village Manager shall not be effective unless and until it is co-signed by an authorized officer of the Lincolnshire-Riverwoods Fire Protection District. Any license which does not receive the countersignature by an authorized officer of the Lincolnshire-Riverwoods Fire Protection District within 7 days from the date of issuance shall be null and void.
- D. Expiration. All licenses issued shall expire 30 days from the date of issuance unless an earlier date is expressly indicated on the license.
- E. License Fee. All applicants for a Pyrotechnic Display license shall pay to the Village an application fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, no part of which shall be refundable, to cover the Village's costs in reviewing and investigating such applicant.

3-4F-4: LICENSE; DISPLAY: All licenses issued by the Village Manager must be made conveniently available for review and inspection upon demand by any authorized

officer of the Village, including the Village Manager, his designee or any police officer.

- 3-4F-5: CONSUMER FIREWORKS:** Nothing herein shall be construed to provide for a license for the private outdoor use of Consumer Fireworks by the Owner of the premises where the Consumer Fireworks are used. The private outdoor use of Consumer Fireworks is prohibited. (Amd. Ord. 10-3166-43, eff. 9/27/10)
- 3-4F-6: INDOOR FIREWORKS USE PROHIBITED:** No person may perform any Pyrotechnic Display or use any Consumer Fireworks inside any enclosed or substantially enclosed area within the Village.
- 3-4F-7: VIOLATION, PENALTIES:** Any person who is found to have violated the Provisions of this Article shall be guilty of a Class A misdemeanor and subject to a fine in Accordance with the Comprehensive Fine/Penalty Schedule set forth in Chapter 17 of Title 1 of this Code (Ord. 06-2042-34, eff. 6/26/06)

**CHAPTER 4
AMUSEMENTS
ARTICLE G. RAFFLES**

SECTION:

- 3-4G-1: Definitions**
- 3-4G-2: License**
- 3-4G-3: Not-For-Profit Organizations**
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3-4G-1: DEFINITIONS: For the purpose of this Chapter, the following terms shall have the meaning ascribed to them below. All terms not expressly defined herein shall have the meanings ascribed to them in the Illinois Raffles Act, 230 ILCS 15/2(b).

NET PROCEEDS The term Net Proceeds shall mean the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, Village license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

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

- (1) They 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.

3-4G-2: LICENSE:

- A. LICENSE REQUIRED. No person, firm or corporation shall conduct raffles or chances without having first obtained a license therefor pursuant to this Chapter.
- B. APPLICATIONS. The license and application for license must specify the area or areas within the Village of Lincolnshire in which the raffle chances will be sold or issued, the time period during which raffles or chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will be determined. All organizations applying for a License issued under this Chapter shall be required, as a condition of receiving the License, to attest that the organization has elected to waive the requirement for the raffle manager designated by the organization to post a fidelity bond.
- C. SWORN STATEMENT. The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of the organization.
- D. VALIDITY OF LICENSE. Each such license shall be valid for only one raffle or for a specific number of raffles to be conducted during a specified period not to exceed one (1) year; further such license may be suspended or revoked by the Chief of Police in the event of violation of the terms of this Chapter or any applicable State law.
- E. ELIGIBILITY. The following are ineligible for any license under this Chapter:
 - 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 in 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; and
 - 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 Chapter.

3-4G-3: NOT FOR PROFIT ORGANIZATIONS: Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational, civic, or veterans= organizations which operate without profit to their members, or to a non-profit fundraising organization that the Chief of Police 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.

3-4G-4: LIMITATIONS:

- A. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this Chapter is limited to \$1,000,000. The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$1,000,000. The maximum price which may be charged for each raffle chance issued or sold is limited to \$1,000, and the maximum number of days during which chances may be issued or sold is limited to 364 days.
- B. The sale of chances, and any person engaged in the sale of chances, for any raffle licensed under this Chapter must comply with the Title 3, Chapter 5, regulating the conduct of peddlers and solicitors.
- C. No person may engage in the sale of raffle chances unless the Raffle for which chances are being sold has been licensed in any jurisdiction in this State in accordance with the Raffles Act, 230 ILCS 15/1, et seq.

3-4G-5: FEES: Fees for such a license to conduct a raffle shall be as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code; provided that fees shall be waived for qualifying organizations falling in one of the following categories:

- A. Having a membership of which 55% or more reside within the corporate limits of the Village;
- B. Having a charter or other official recognition by a parent, state or national organization that designates it a Lincolnshire chapter; or
- C. Having a principal or sole place of business located in corporate limits of the Village; or
- D. Being an organization supporting exclusively a local unit of government which provides services to residents of the Village.

3-4G-6: APPROVAL: The Village of Lincolnshire shall, within thirty (30) days, evaluate and either approve or disapprove of said application. The Village Clerk shall issue the license provided that the applicant is eligible for a license and meets the requirements of the Chapter.

3-4G-7: CONDUCT OF RAFFLES: The conducting of raffles is subject to the following restrictions:

- A. **USE OF PROCEEDS.** The entire net proceeds of any raffle must be exclusively

devoted to the lawful purposes of the licensee.

- B. PARTICIPATION IN MANAGEMENT. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- C. REMUNERATION. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- D. LOCATIONS. Winning raffle chances may be determined only at those locations specified on the license.
- E. AGE OF PARTICIPANTS. No person under the age of 18 years may participate in the conducting of raffles. 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.
- F. EXEMPTION. A license need not be issued to any bona fide religious charitable, labor, fraternal, educational, civic, or veterans=organization that conducts a raffle or lottery at a meeting or function held by that organization in which chances are sold only to members of said organization and their guests and invitees in attendance at said meeting or function and when the winning chance is chosen during the same function or event at which the chances are sold.

3-4G-8: RECORDS: Each organization licensed to conduct raffles shall keep such Records and shall handle the receipts from the operation of such raffles as required in accordance with State law. The Village waives receipt of any records kept and maintained by the licensee, provided that acceptance of a license by the applicant represents the licensee-s agreement to provide any records related to the conduct of the raffle within five (5) days of receiving a written demand therefore from the Chief of Police, or his designee.

3-4G-9: RAFFLES MANAGERS: All operations of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization in its application.

3-4G-10: PENALTIES: Any person found to have conducted any raffle in violation of this Chapter shall be subject to the penalty provided in Title 1, Chapter 17, of the Village Code, the Comprehensive Fine Schedule. (Amd Ord. 10-3140-17, eff. 5/10/10)