

ORDINANCE NO. O-2019-10

**AN ORDINANCE AMENDING CHAPTER 10, AMUSEMENTS AND ENTERTAINMENTS
AND APPENDIX B, FEE SCHEDULE OF THE WHEATON CITY CODE**

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, special events play a key role in making the city a dynamic place to live, work, play and visit and provide cultural enrichment, promote tourism and economic vitality, and enhance community pride and identity; and

WHEREAS, it is the city's goal to have successful events that are safe and well-planned, enrich and enliven the community and further the goals and reflect the values of the city, as well as to protect public health and safety; and

WHEREAS, the City has determined it to be in the best interests of the City and its residents to consider certain amendments to the Wheaton City Code pertaining to special events, amusements, entertainments.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, by its home rule authority as follows:

Section 1: That Chapter 10, Amusements and Entertainments," Sections 10-1 through 10-246 of the Wheaton City Code are hereby repealed and rescinded in their entirety and replaced with the following:

"SPECIAL EVENTS, AMUSEMENTS AND ENTERTAINMENTS

ARTICLE I. IN GENERAL

Sec. 10-1. Scope, applicability.

The provisions of this chapter shall apply to all amusements, circuses, fireworks, and other special events in the city.

Sec. 10-2. License required.

It shall be unlawful to conduct or operate any of the events described in this chapter without having first secured a required permit.

Sec. 10-3. - Obscene shows prohibited.

It shall be unlawful for any person to present, exhibit or conduct any obscene show, theatrical performance, play, motion picture, exhibition or other form of public amusement or show. The term "obscene," as used in this section, shall have the meaning as defined in 720 ILCS 5/11-20(b).

ARTICLE II. SPECIAL EVENTS

Sec. 10-4. Definitions.

The following words and phrases when used in this article shall mean:

Actual cost(s) means the costs which a city department incurs to provide city services as determined by the special event committee at the rates set forth in appendix B. Actual costs also includes the costs of materials and supplies provided by the city, as determined by the special event committee, for a special event.

Applicant means the person who is the organizer and with whom the responsibility for conduct of the event lies. The applicant completes the application to conduct an event governed by this article, and all other required documents relevant to the event. The applicant shall be the primary contact for the special event and shall be 21 years of age or older. If a corporation, business, organization, or any other entity which is not a natural person desires to conduct an event governed by this article, the applicant or responsible party shall be a natural person acting on behalf of such entity.

City means the City of Wheaton, Illinois.

City Services means the services provided by the city as determined by the special event committee or required by the applicant for a special event. City services include, but are not limited to, services associated with traffic and/or pedestrian control, closure of streets or intersections, materials and supplies, contracted services, employee overtime, and on-site medical personnel.

Demonstration means a public display of group opinion as by a rally or march, the principal purpose of which is expressive activity.

Event Organizer means any person who conducts, manages, promotes, organizes, aids or solicits attendance at a special event.

Event Participants means persons in attendance at a special event, including spectators, vendors, event staff, city staff and all others present for the purpose of the special event.

Event Management Company means an entity with expertise in managing special events.

Expressive Activity means the conduct of activity for which the sole or principal purpose is the expression, dissemination, or communication by verbal, literary, or auditory means of political or religious opinion, views, or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity or where the activity is subject to the application of the strict scrutiny standard under the United States Constitution. For purposes of this article, expressive activity that may not be subject to strict scrutiny may include fairs, festivals, circuses, concerts, performances, athletic events, fundraising events, or events in which the principal purpose is entertainment.

Fair/Festival/Carnival means a stationary event, held for one or more days devoted to exhibition of goods, services, art, or entertainment.

March means a group of pedestrians travelling together across municipal streets whether on the sidewalk, public street, or public pathway to advance a common cause.

Motion Photography means the commercial taking or making of a motion picture, television, videotape or film production.

Parade means any organized group marching or in procession, whether on foot, animal, or vehicle, held on public streets, sidewalks, trails, and/or public places.

Public Property means property owned or controlled by the City.

Race/Run means an organized event conducted on a public street, sidewalk, or trail in which 10 or more persons participate by walking, running, riding a bicycle, or operating an assistive device.

Rally means a gathering whose principal purpose is expressive activity, especially one intended to inspire enthusiasm for a cause.

Sign means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

Site Map means a map and plan developed by the applicant to identify the key features and elements of the special event at the specified special event venue.

Special Event Committee means representatives assigned by their respective city department directors to represent the interests of their department or division as it relates to the issuance of special event permits.

Special Event means any organized activity including, but not limited to a fair, carnival, circus, festival, concert, demonstration, march, rally, performance, show, parade, run/walk/cycle, motion photography, or public firework displays that:

1. Is held in whole or in part upon city property, streets, sidewalks, trails, walkways or on other public rights-of-way;
2. Occurs on private property, which may affect, impact or interfere with the standard, ordinary and normal use of public property, streets, rights-of-way, walkways, or sidewalks by the general public within the vicinity of such special event; or
3. Requires the use of city services.

Special Event Permit means a permit issued under this article.

Special Event Permit Coordinator means the city staff member designated to oversee the special event committee's review of applications and communicate with applicants.

Special Event Venue means that area or location for which a special event permit has been issued.

Sponsor means the person, business, or group responsible for the special event, or the organization that provides financial or other resources for the conduct of a special event.

Traffic Management Plan means a plan developed by the applicant to identify and mitigate traffic and parking impacts, to propose vehicle and pedestrian route detours, and other solutions necessary to provide for traffic safety at a special event.

Vendor means any person who sells or offers to sell any goods, food, or beverages within a special event.

Sec. 10-5. Permit for expressive activity.

When a special event permit is sought for an expressive activity such as a demonstration, march, rally, parade, or march as defined in this article, the following exceptions shall apply:

1. Where the expressive activity will not require street closures, the insurance requirement of section 10-15 shall not apply.
2. Where the expressive activity will require temporary street closures that necessitate the provision of city services, the insurance requirement of section 10-15 shall be waived, provided that the applicant has filed with the application a verified statement that he or she intends the special event purpose to be First Amendment expression and submits evidence that complying with the insurance requirement of section 10-15 is impossible or so financially burdensome that it would preclude the proposed special event from occurring. Additionally, if claiming un-insurability, the applicant shall provide written confirmation from at least two insurance companies denying such coverage and if claiming financially burdensome applicant shall provide the name and address of at least two insurance brokers, agents, or other sources for insurance coverage applicant has contacted to determine premium rates for coverage and list the insurance rates quoted.
3. Where the application for the expressive activity is submitted less than 30 days before the special event, the committee shall consider the application if good cause can be demonstrated by the applicant through a written statement showing the circumstances that gave rise to the special event application did not reasonably allow the participants to file within the time prescribed.
4. The city may deny a special event permit for a demonstration, rally, parade, or march if:
 - (a) The special event will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route;
 - (b) The special event will cause an irresolvable conflict with construction or development in the public right-of-way or at a public facility; or
 - (c) The special event will block traffic lanes or close streets during peak commuter hours on weekdays between seven a.m. to nine a.m. and four p.m. to six p.m. on streets designated as arterials by the city's engineering department.
5. With regard to the permitting of expressive activities, where the provisions in this section conflict with the provisions in any other section of this article, the provisions of this section shall prevail.
6. Sections 10-12 and 10-14 of this article shall not apply to expressive activity special events.

Sec. 10-6. Special event permit required.

Except as provided elsewhere in this article, any person or entity who conducts, promotes, sponsors or manages a special event shall first obtain a special event permit from the city.

Sec. 10-7. Intent and limitation of liability.

- (a) It is the specific intent of this article and any procedures adopted hereunder to place the obligation of complying with the requirements of this article upon the applicant, and no provision of this article is intended to impose any duty upon the city or any of its officers, employees or agents. The issuance of a special event permit under this article does not obligate or require the city to provide city services, equipment, or personnel in support of a special event.
- (b) This article shall not be construed as imposing upon the city or its officials or employees any duty, liability or responsibility for any injury or damage to any person in any way connected to the use for which permits have been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of any inspections performed, the issuance of any permit, or the approval of any use of the right-of-way. Nothing in this article shall constitute or be interpreted as a waiver of the city's tort immunities or be interpreted as the voluntary assumption of a duty: all such immunities and non-duties remaining fully reserved.

Sec. 10-8. Special event committee and special event permit coordinator.

- (a) A special event committee is hereby created to carry out the provisions of this article. In order to assure working representation from appropriate departments, the special event committee shall consist of, at a minimum, one department representative from each of the following: Police Department, Public Works Department, Fire Department, Building and Code Enforcement Department, and Administration Department.
- (b) A special event permit coordinator shall be designated and shall receive special event permit applications and fees, maintain committee records and communications, schedule committee meeting times, and issue permits on behalf of the city.

Sec. 10-9. Powers of the special event committee.

The special event committee shall have the power to:

- 1. Interpret and administer this article;
- 2. Review special event applications;
- 3. Represent the city in discussions with the applicant and/or event organizer;
- 4. Coordinate with city departments and other government agencies for the provision of city services for special events;
- 5. Impose reasonable terms and conditions for granting the special event permit, and the time, venue and manner for the event, based on the provisions of this article;
- 6. Establish the costs for city services based on the provisions of this article;
- 7. Recommend approval or denial of special events permits to the city manager, pursuant to the procedures established; and
- 8. Prepare and adopt procedures for the purpose of administering this article, as necessary.

Sec. 10-10. Exceptions to special event permit requirement.

Although not required to be issued a special event permit, an event organizer of an activity exempted from obtaining a special event permit is required to comply with all local, state and federal laws and regulations governing public safety or health. The following activities are exempt from having to obtain a special event permit:

1. Funeral procession by a licensed mortuary;
2. Public gatherings of one hundred (100) or fewer people held exclusively in a city park (or a public gathering not exceeding the stated capacity of the park space/facility);
3. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales that do not impact street or sidewalk rights of way;
4. Garage sales, rummage sales, lemonade stands and car washes;
5. Private events and social gatherings and events held entirely on private property that do not involve the use of or have an impact on public property, facilities or streets, other than for lawful parking, and do not require the provision of city public safety services;
6. Block parties;
7. Lawful picketing on sidewalk;
8. Motion Photography at schools, businesses, places of worship, residents using their own premises for producing films for their own educational, family, or training purposes; individuals filming on public or private property for personal, non-commercial purposes; the filming of actual news events or stories within the city that do not require city services; and filming activities if a permit for such activities has been issued by the City; and.
9. First Amendment expressive activities: If it is not reasonably possible to obtain a permit in advance of a special event involving First Amendment expressive activities, no permit shall be required providing that the prohibitions of subsections (a)(4), (a)(6), (a)(7), (a)(8), (a)(11) and (a)(14) of section 10-12 are not violated and the applicant has submitted the written statement required by section 10-5(2).

Sec. 10-11. Application and processing of permits and post event evaluation.

1. An application shall be submitted to the city within ninety (90) days and no less than thirty (30) days prior to the date of the proposed special event to allow adequate time for review. Except as provided in section 10-5(3), if an application is submitted less than thirty (30) days before the proposed special event, the application shall not be accepted.
2. Applicant is required to submit a complete application with information about the proposed special event. This may include, and shall not be limited to, a site map/route map, event schedule and program of activities, hours of operation, security and public safety plan, emergency plan, garbage and recycling plan, traffic management plan and authorized indemnification and hold harmless agreement. Specific requirements shall be determined by the special event committee.
3. The special event committee shall review the application and determine if the special event can be accommodated.
4. The special event committee shall communicate or meet with applicant to discuss proposed location/routes, activities, attendance and to discuss comments received, possible terms and conditions, fees, and city services, if required.
5. The special event committee shall make a recommendation on the application, set forth any terms and conditions and fees, and notify the applicant of approval.
6. Upon approval of an application for a special event permit, the special event permit coordinator shall provide the applicant with a statement of the estimated cost of city services, equipment, materials, and special event permit fee.
7. Upon payment of the special event permit fee by the applicant, the special event permit coordinator shall issue the permit.

8. The special event permit coordinator shall furnish a report to notify the City Council of approved permits.
9. As determined by the special event committee, and at least fifteen (15) days prior to the scheduled date of the special event, the applicant shall provide notification to the affected surrounding area regarding special event approval and activities of the special event, date(s), times(s), location/route, and possible impacts of the event.
10. A post-event evaluation shall be conducted by the special event permit coordinator and/or special event committee. The evaluation may include a survey of affected residents and/or businesses, and a meeting with the event organizer and the special event committee.
11. The total actual cost of city services required in connection with a special event will be invoiced thirty (30) days after the event occurs. This amount shall be paid in full by the applicant no later than thirty (30) days after being invoiced.

Sec. 10-12. Standards for permit approval.

- (a) Applications for special event permits shall be reviewed for compliance with the standards provided herein. The special event committee or city council may deny or restrict any special event whenever any of the conditions enumerated in this section are not met and such deficiency cannot be eliminated or sufficiently mitigated.
 1. The application is complete and accurate, if not complete, application shall be denied;
 2. The application was submitted more than thirty (30) days before the event;
 3. The special event, as proposed, can be conducted in a safe manner, can safely and reasonably support the number of estimated event participants, will not violate public health or safety laws, and will conform to the requirements of law or established city policy;
 4. The special event, as proposed, will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route or venue;
 5. The special event provides for adequate health, sanitation and garbage services;
 6. The conduct of the special event will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent police, fire, or other public services protection to the remainder of the city;
 7. The concentration of persons, vehicles, animals, or temporary structures will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services, or with access to fire stations and fire hydrants.
 8. The special event will not cause irresolvable interference with previously approved and/or scheduled construction, development, maintenance, or other activities, including, but not limited to, another special event, in the public right-of-way or at a public facility;
 9. The location of the special event will not cause a material adverse impact, unnecessary disruption or hardship to adjacent residential or business access and traffic circulation;
 10. The special event applicant has submitted the plans, as required for each specific event or activity;
 11. The applicant complies with all required terms of this article, the terms and conditions of the permit, including submitting fees and deposits, providing proof of insurance and bonds to the city;
 12. The applicant obtained the approval of, or obtained other permits that may be required from, other public agencies within whose jurisdictions the special event or portion thereof

will occur, or the applicant has not obtained the approval of the private property of which the event or a portion thereof will occur;

13. The applicant has provided for adequate first aid, emergency medical services, participant or crowd control, or emergency response planning, based on special event risk factors;

14. The event does not create the imminent probability of violent disorderly conduct likely to endanger public safety or cause significant property damage;

15. The applicant has paid all fees due from a previous special event.

- (b) Exceptions. Applications for special events involving First Amendment expressive activity shall be reviewed only for compliance with the standards outlined in section 10-12(a)(4), (6), (7), (8), (9), (11) and (14). In reviewing any application for a special event permit involving First Amendment expressive activity, the special event committee or city council may place reasonable time, place, and manner of restrictions on the special event. No such restriction shall be based on the content of the beliefs expressed or anticipated to be expressed during the First Amendment expressive activity, or on factors such as the identity or appearance of persons expected to participate in the special event.

Sec. 10-13. Denial of a special event permit application – appeal of denial or revocation.

If the special event committee makes a recommendation to deny the application for the special event permit, or revoke the permit for the special event, the applicant shall be notified in writing as soon as is reasonably practicable.

1. The denial of a special event permit may be appealed to the city council by filing a written petition with the city manager setting forth the grounds for the appeal and any documentation in support of the appeal.
2. An appeal shall be made in writing within seven (7) calendar days of the date of the written denial sent by the city.
3. The city council shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision.
4. Revocation of a special event permit may be appealed by the same process as an appeal which results from a denial of a permit.

Sec. 10-14. Conditions of special event approval and additional permits.

The city may issue a special event permit in accordance with the terms of the application or may condition the issuance of a special event permit by imposing reasonable terms and conditions. These conditions may include, but are not limited to: time, place and manner of the event; compliance with health and sanitary regulations, emergency services, and security; and other such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. Additional permits may be required to meet the conditions established by the permit, and/or other city codes. A special event permit may include the following information, terms and conditions:

1. The conditions or restrictions on the service, use or sale of alcoholic beverages;
2. The provisions for any city services required or requested in connection with a special event;
3. In order to accommodate other concurrent special events, the rights of abutting owners, and/or the needs of the public to use streets or parks, the conditions may also include: reasonable adjustments in the date, time, route or location of the proposed event, accommodations for pedestrian or vehicular traffic using the street; and limitation on the duration of the special event;

4. In order to minimize repeated road closures in the same geographic area, particularly involving heavily used thoroughfares, special events using the same or similar routes should not be scheduled on the same day, subsequent days, or on subsequent weekends within the year. Special events that request the use of high-impact areas are subject to additional conditions as determined by the special event committee;
5. Other information or conditions as are reasonable and necessary for the conduct of the special event, including the requirement for a professional special event management company to produce a special event, or for the on-site presence of the special event organizer or its designated representative for all special event coordination and management purposes;
6. The applicant may be required to do a walk-through of the special event site with the special event permit coordinator and/or other city personnel prior to and after the special event, and to make adequate provisions for site safety, cleaning the area or route to the same condition of material preservation and cleanliness as existed prior to the special event; or
7. The applicant shall be required to reimburse the city for all expenses associated with repairs for damage to property or additional clean-up necessary as a direct result of the special event. These items/charges will be discussed during a walk-through with the special event permit coordinator and/or other city personnel after the special event.
8. Applications shall be processed on a first-come, first-serve basis.

Sec. 10-15. Insurance required.

- (a) Each applicant for a special event permit shall, before the issuance of such a permit, purchase and maintain a policy of insurance, issued by a solvent insurance company authorized to do business in the state, insuring the permittee against liability for any injury or damage arising out of, or resulting from, the alleged acts or omissions of the permittee, its officers, agents, or employees in connection with the special event. The policy of insurance shall cover the entire time for which the special event permit is issued, and shall include limits of liability as follows:
 - (1) General liability insurance in the following amounts:
 - A. A minimum of two-hundred fifty thousand dollars (\$250,000.00) combined single limit per occurrence and five-hundred thousand dollars (\$500,000.00) general aggregate for personal injury, bodily injury and property damage for special events with an estimated amount of one-hundred (100) people or less in attendance; or
 - B. A minimum of five-hundred thousand dollars (\$500,000.00) combined single limit per occurrence and one million dollars (\$1,000,000.00) general aggregate for personal injury, bodily injury and property damage for special events with an estimated amount of one-thousand (1000) people or less in attendance; or
 - C. A minimum of one million dollars (\$1,000,000.00) combined single limit per occurrence and two million dollars (\$2,000,000.00) general aggregate for personal injury, bodily injury and property damage for special events with an estimated amount of more than one-thousand (1000) people in attendance.
 - (2) Business automobile liability insurance of one million (\$1,000,000.00) combined single limit per accident for bodily injury and property damage if the applicant is using vehicles as part of the event set-up or take down or has vehicles being operated in relation to the event.
- (b) The policy of insurance required by section 10-15(a) shall be primary and non-contributory with any other insurance and/or self-insurance carried by the city and the applicant shall furnish the

city with a certificate of insurance evidencing the coverage, conditions, and limits required by this section and such certificate of insurance shall also name the city as an additional insured.

- (c) The applicant with a self-insurance program may satisfy the requirement of section 10-15(a) by submitting a statement from the administrator of such program that the applicant can satisfy claims in the relevant amount set forth in (a)(1) and (a)(2) of this section.

Sec. 10-16. Fees and city services.

- (a) Application fees shall be based on the time frame in which the applicant submits the special event application in accordance with appendix B.
- (b) Permit fee(s) shall be paid upon issuance of an event permit in accordance with appendix B.
- (c) If the special event application states that the special event will be used for expressive activity or by units of local government, and associations funded in whole or part by local taxes and which have contracts or agreements with the city to promote policies consistent with the city's economic vitality, all application and permit fees and charges for city services, except for those city services defined in sec 6-87.5 (j), outdoor special event liquor license, shall be waived.
- (d) City services required or requested for the special event shall be estimated by the special event committee and contracted with the applicant in advance. Payment for city services shall be paid in full not later than thirty (30) days after being invoiced.

Sec. 10-17. Refund of permit fees in conjunction with the special event.

Permit fees are refundable, if the permitted event is canceled after the permit is issued, and written notice is received by the special event permit coordinator at least thirty (30) days prior to the date of the permitted event.

Sec. 10-18. Access – by building, police and fire personnel.

All building inspectors, police officers of the city and/or the chief of police and the fire chief shall have free access to special events for the purpose of inspection and to enforce compliance with the provisions of this article and other applicable city, county and state health, zoning, building, fire and safety ordinances and laws.

Sec. 10-19. Permit nontransferable.

A special event permit issued pursuant to this article shall be valid only for the specific special event for which it was sought and shall be used only by the designated permittee and shall be nontransferable.

Sec. 10-20. Penalty for violations.

Any person failing to comply with the provisions of this article may have their special event permit revoked by the city manager and the revocation of a permit shall not preclude the imposition of a penalty under the provisions of section 1-8.

ARTICLE III. AMUSEMENTS

Sec. 10-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement means any amusement attraction or amusement ride.

Amusement attraction means any game of skill, show, exhibition or non-amusement ride entertainment device; or animal show, animal ride, animal act, or rodeo; or an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills, or excitement, except any such enclosed building or structure which is subject to the jurisdiction of the building code of the city, as set out in chapter 22, article III.

Amusement ride means any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills or excitement.

Applicant means any person or organization seeking a permit from the city pursuant to this article. The applicant, including the person seeking a permit on behalf of an organization, must be 18 years of age or older.

Operator means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or fair.

Sec. 10-22. Amusement permit required.

It shall be unlawful to conduct or operate any amusement without having first secured an amusement permit. The permit required hereunder shall be in addition to any permit, license or approvals required by city code, state statute and any regulations promulgated pursuant thereto.

Sec. 10-23. State permit requirement.

No amusement shall be operated within the corporate limits of the city without evidence of a permit having been issued by the director or designee of the Illinois Department of Labor to the operator of such equipment. Such permit to operate shall be posted in full public view on or near the amusement ride or amusement attraction. If an amusement ride or amusement attraction undergoes a major alteration or is repaired after a major breakdown, it shall be inspected or approved for use by the director of the Illinois Department of Labor. All such amusement rides or amusement attractions governed by this article must be assembled, operated, and disassembled in accordance with the rules of the State of Illinois Carnival and Amusement Rides Safety Act (430 ILCS 85/2-1 et seq.).

Sec. 10-24. Application and processing of amusement permits.

An amusement permit must be obtained from the city to establish and operate any amusements within the corporate limits of the city. The following procedure applies:

1. An application shall be submitted to the city at least thirty (30) days prior to the date of the proposed activity or event for which an amusement permit is being sought.

2. Applicant is required to submit a complete application with information about the proposed amusement. This may include, and not be limited to, a site map, comprehensive list of all amusements and associated state permits, emergency plan, and authorized indemnification and hold harmless agreement.
3. Applicant shall submit proof of liability insurance as required under section 10-25.
4. The building and code enforcement department will review the application and communicate with the applicant to discuss any terms, conditions, or operating requirements that apply to the application.

Sec. 10-25. Insurance requirements.

- (a) Each applicant for an amusement permit shall, before the issuance of such a permit, purchase and maintain a policy of insurance, issued by a solvent insurance company authorized to do business in the state, insuring the permittee or owner of such amusement ride or amusement attraction against liability for any injury to any persons resulting from the operation of the amusement ride or amusement attraction. Such a policy of insurance shall cover the entire time for which the amusement permit is issued, and shall, at a minimum include, general liability insurance with the statutory limits required by the Illinois Amusement Ride and Attraction Safety Act, 430 ILCS 85/2-14.
- (b) If the amusement is to be located on public property owned by the city, the policy of insurance shall be primary and non-contributory with any other insurance and/or self-insurance carried by the city and the applicant shall furnish the city with a certificate of insurance evidencing the coverage, conditions, and limits required by this section and such certificate of insurance shall also name the city as an additional insured.
- (c) The applicant with a self-insurance program may satisfy the requirement of section 10-25(a) by submitting a statement from the administrator of such program that the applicant can satisfy claims in the statutory amount required by section 10-25.
- (d) If the amusement is associated with an existing special event application for which the applicant has already filed a certificate of insurance, that certificate of insurance satisfies the requirements of this section if it evidences the coverage, conditions, and limits required by this section. If such certificate of insurance does not satisfy the coverage, conditions, and limits required by this section, then a new certificate of insurance satisfying the coverage, conditions, and limits required by this section shall be filed with the city prior to the issuance of any permit.

Sec. 10-26. General operating requirements.

- (a) *Certain persons denied entry.* The owner or operator of an amusement shall deny entry to a person to an amusement ride or amusement attraction if, in the owner's or operator's opinion, the entry may jeopardize the safety of such person or the safety of any other person. Nothing in this section will permit any owner or operator to deny an inspector access to an amusement when such inspector is acting within the scope of his duties under this article.
- (b) *Location of equipment.* In determining the location of any amusements, as a condition of the issuance of any amusement permit, the operator shall adhere to any city requirements regarding the location of equipment in relation to fire lanes, emergency vehicle access, obstruction of fire hydrants, and similar conditions.

Sec. 10-27. Conditions affecting the decision and issuance of an amusement permit.

- (a) In deciding whether to approve or deny an amusement permit, the city shall consider whether the following criteria are met:
1. The application is complete and accurate;
 2. The amusement will not substantially interrupt public transportation or city services;
 3. The amusement is not detrimental to the health, safety, and welfare of the public; and
 4. The proposed amusement complies with all provision of this chapter, or with other laws and regulations of the city, DuPage County, or the state of Illinois.

Sec. 10-28. Revocation of amusement permit.

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. The reasons for revocation of an amusement permit by the city include:

- (a) The amusement endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property; or
- (b) The amusement conducted is in violation of any of the terms or conditions of the permit.

Sec. 10-29. Appeal of permit denial or revocation.

If the application for an amusement permit is denied or revoked the applicant shall be notified in writing as soon as reasonably practical.

- (a) The denial of an amusement permit may be appealed to the city council.
- (b) An appeal shall be made in writing within seven (7) calendar days of the date of the written denial. An appeal is made by filing a written petition with the city manager setting forth the grounds for the appeal and any documentation in support of the appeal.
- (c) The city council shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision.
- (d) Revocation of an amusement permit may be appealed by the same process as an appeal which results from a denial of permit.

Sec. 10-30. Amusement permit fees.

Fees under this section shall be in accordance with appendix B.

Sec. 10-31. Penalty for violations.

Any person failing to comply with the provisions of this article may have their amusement permit revoked by the city manager and the revocation of a permit shall not preclude the imposition of a penalty under the provisions of section 1-8.

ARTICLE IV. CIRCUS**Sec. 10-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person or organization seeking a permit from the city pursuant to this article. The applicant, including the person seeking a permit on behalf of an organization, must be 18 years of age or older. The applicant shall be the company or person actually conducting the circus. Sponsors of a circus shall not be considered the applicant.

Circus means any institution featuring exhibits for the purpose of entertainment and includes but is not limited to, exhibitions and performance by clowns, acrobats and/or animals.

Sec. 10-33. Circus permit required.

It shall be unlawful to conduct or operate any circus within the corporate limits of the city without having first secured a permit therefor. The permit required hereunder shall be in addition to any permit, license or approvals required by city code, state statutes and any regulations promulgated pursuant thereto.

Sec. 10-34. Application and processing of circus permits.

A circus permit shall be obtained from the Building and Code Enforcement Department to operate a circus within the corporate limits of the city. The following procedure applies:

1. An application shall be submitted to the city at least 30 days prior to the date of the proposed circus for which a permit is being sought.
2. Applicant shall submit a complete application with information about the proposed circus. This may include, and not be limited to, a comprehensive site map, list of performances and exhibitions, authorized indemnification agreement, letter of permission from property owner, and an emergency plan.
3. Applicant shall submit proof of liability insurance as required under section 10-35.
4. The city will review the application and communicate with the applicant to discuss any terms, conditions, or operating requirements that apply to the application.
5. Upon approval of an application for a circus permit, the city will notify the applicant and provide a final statement of the permit fee. Fees under this section shall be in accordance with appendix B.
6. Upon payment of the permit fee by the applicant, the Building and Code Enforcement Department will issue the permit.

Sec. 10-35. Insurance requirements.

Each applicant for a circus permit for a circus to be held on public property shall comply with the insurance requirements of section 10-15 of this chapter.

Sec. 10-36. Conditions affecting the decision and issuance of a circus permit.

In deciding whether to approve or deny a circus permit, the building and code enforcement department shall consider whether the following criteria are met:

1. The application is complete and accurate;
2. The circus will not substantially interrupt public transportation or city services;
3. The circus is not detrimental to the health, safety, and welfare of the public; or
4. The proposed circus complies with all provision of this chapter, or with other laws and regulations of the city, DuPage County, or the state of Illinois.

Sec. 10-37. Revocation of permit.

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. The reasons for revocation of a circus permit by the city include:

- (a) Operation of the circus endangers or threatens persons or property, or otherwise jeopardizes the health, safety, or welfare of persons or property; or

- (b) The circus conducted is in violation of any of the terms or conditions of the permit.

Sec. 10-38. Appeal of permit denial or revocation.

If the application for a circus permit is denied or revoked the applicant shall be notified in writing as soon as reasonably practical.

- (a) The denial of a circus permit may be appealed to the city council.
- (b) An appeal shall be made in writing within seven (7) calendar days of the date of the written denial. An appeal is made by filing a written petition with the city manager, setting forth the grounds for the appeal and any documentation in support of the appeal.
- (c) The city council shall consider and decide the appeal as soon as is reasonably practicable and issue a written decision.
- (d) Revocation of a circus permit may be appealed by the same process as an appeal which results from a denial of permit.

Sec. 10-39. Circus permit fees.

Fees under this section shall be in accordance with appendix B.

Sec. 10-40. Penalty for violations.

Any person failing to comply with the provisions of this article may have their circus permit revoked by the city manager and the revocation of a permit shall not preclude the imposition of a penalty under the provisions of section 1-8.

ARTICLE V. FIREWORKS

Sec. 10-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fireworks means and includes any explosive composition, or substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; however, the term "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 0.25 grain or less of explosive compound are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than 0.25 grain of explosive mixture; the sale and use of which shall be permitted at all times.

Sec. 10-42. Unlawful for possession or sale.

Except as hereinafter provided, it shall be unlawful for any person to offer for sale, sell at retail or possess any fireworks within the city.

Sec. 10-43. Fireworks permit required.

- (1) Public exhibitions of fireworks may be given if a permit is granted by the Fire Chief or their designee. Such exhibitions shall be given subject to the supervision of the fire chief or some person designated by him.
- (2) Applications for a permit to exhibit fireworks shall be made in writing at least ninety (90) days in advance of the date of the display. The sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose stated in this section only. No permit granted hereunder shall be transferable.
- (3) The permit required hereunder shall be in addition to any permit, license or approvals required by city code, state statutes and any regulations promulgated pursuant thereto.

Sec. 10-44. Insurance requirements.

Each applicant for a permit for public exhibitions of fireworks shall comply with the insurance requirements of section 10-15 of this chapter except the general liability insurance limits of liability shall be determined after the application is reviewed by the City Fire Chief to determine the nature and extent of the fireworks exhibition and after approval by the City Attorney. The amount of general liability insurance required by the City for the public display of fireworks may exceed the amounts specified in section 10-15 of this chapter if the City Fire Chief determines that industry standards for public firework displays recommend higher liability insurance amounts, at which time such amount shall apply. If the public exhibition of fireworks is associated with an existing special event application for which the applicant has already filed a certificate of insurance, that certificate of insurance satisfies the requirements of this section if it evidences the coverage, conditions, and limits required by this section. If such certificate of insurance does not satisfy the coverage, conditions, and limits required by this section, then a new certificate of insurance satisfying the coverage, conditions, and limits required by this section shall be filed with the city prior to the issuance of any permit.

Sec. 10-45. Violations.

Any permit issued under the provisions of this article may be revoked by the city manager for a violation of the provisions of this article, and the revocation of a permit shall not preclude the imposition of a penalty under the provisions of section 1-8.

Sec. 10-46. Fireworks permit fees.

Fees under this section shall be in accordance with appendix B.

ARTICLE VI. RAFFLES

Sec. 10-45. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person managing or supervising the raffle or any entity described in subsections 10-49(a)(1) and 10-49(a)(2) as being qualified to submit an application for a raffle license.

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 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 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 burden of government by caring for those who otherwise would be cared for by 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 raffle.

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

Person means the manager or supervisor of the raffle.

Raffle means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization under this Act, 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;
- (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 means an organization or association comprised of members of whom 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. 10-46. Construction of article.

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

Sec. 10-47. Authority for issuance of license.

The City Manager shall have the authority to issue licenses for raffles, subject to the limitations set forth in this Article.

Sec. 10-48. Raffle license Required.

No person or entity shall conduct raffles or any raffle related activities in the city without first having obtained a license therefore pursuant to the provisions of this article.

Sec. 10-49. Raffle Application.

- (a) Applications for licenses to conduct raffles shall be made in writing on the forms provided by the City and shall be delivered to the city manager. Applications for raffle licenses shall not be submitted to the city manager more than one year in advance of the date of the requested raffle drawing. Licenses shall be issued only to:
 - (1) Bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations, which operate without profit to their members, as defined in this article. Such organizations shall have been in existence continuously for a period of no less than five years immediately before making application for a license, and such organizations shall have had for that entire five-year period a bona fide membership engaged in carrying out its objectives.
 - (2) A nonprofit fundraising organization that the city manager 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.
- (b) Such applications shall be signed by the applicant or its duly authorized representative(s) and shall contain the following information:
 - (1) The name and address of the applicant;
 - (2) The areas within the city in which raffle chances, tickets, and the like will be sold or issued;
 - (3) The time period during which raffle chances will be sold or issued;
 - (4) The manner in which the proceeds from the raffle will be used for charitable purposes;
 - (5) The time of determination of winning chances and the location at which winning chances will be determined;
 - (6) The retail value of each prize awarded;
 - (7) The aggregate retail value of all prizes or merchandise to be awarded;
 - (8) The price to be charged for the raffle ticket;
 - (9) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and secretary of the prospective licensee organization;

- (10) Written proof issued by the State that the applicant is in good standing with the Office of the Illinois Secretary of State and which specifies the date of incorporation of the organization as a nonprofit organization;
 - (11) A sworn statement by the applicant as to whether the applicant or any officer, director, employee or person associated with the applicant organization or corporation, including any person participating in the management or operation of the raffle which is the subject of the application, or person who has a proprietary, equitable or credit interest in such raffle has ever been convicted of a felony, and the details of the circumstances of any such felony conviction(s);
 - (12) A sworn statement by the applicant as to whether the applicant or any officer, director, employee or person associated with the applying organization or corporation, including any person participating in the management or operation of the raffle which is the subject of the application, or person who has a proprietary, equitable or credit interest in the raffle has ever been convicted of a violation of any ordinance or statute regulating gambling and the details of the circumstances of any such conviction(s); and
 - (13) A sworn statement by the owner, manager, or duly authorized representative of any rented premises on which the winning chance or chances in the applicant's raffle shall be determined, that the owner, manger, or duly authorized representative of such premises consents to the use of such premises for such raffle activity and has never been convicted of a felony or any local ordinance or State law regulating gambling.
- (c) All applicants for licenses under this article must have their principal place of business within Milton Township unless otherwise waived by the city council.
 - (d) Each license issued under this article shall be valid for a single raffle, or a specified number of raffles to be conducted during a specified period not to exceed one (1) year.
 - (e) For the purpose of satisfying the raffle license requirement of section 10-54(10) of this article, a raffle license shall be deemed issued to any establishment, place of business, or premises ("Premises") which submits with an applicant's application for a license under this article, a sworn statement that satisfies the requirements of section 10-49(b)13) of this article. Such license shall be limited to only allowing the applicant's raffle activities to occur on the Premises as set forth in the applicant's application for a license under this article.

Sec. 10-50. Raffle license fee.

The license fee shall be in accordance with appendix B to this Code.

Sec. 10-51. Restrictions on issuance of licenses.

No such raffle license shall be issued to:

- (1) Any person who has been convicted of a felony whose conviction will impair the person's ability to engage in the licensed position;
- (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 person whose license issued under this article has been revoked for cause;
- (5) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (6) Any firm or corporation in which a person defined in (1), (2), or (3) of this section has a proprietary, equitable, or credit interest, or in which such a person is active or employed;

- (7) Any organization in which a person defined in (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; or
- (8) Any organization in which a person defined in (1), (2), or (3) of this section is to participate in the management or operation of a raffle as defined in this article.

Sec. 10-52. Same Issuance or denial.

Review of applications shall include, but not be limited to, consideration of the guidelines contained in section 10-51 of this article and in section 15/3.1(a) and (b) of the Raffles and Poker Runs Act, as amended [230 ILCS 15/3.1(a) and (b)]. Within 30 days from the date of an application for a license under this article, the city manager shall either issue a license or advise the applicant, in writing, of the reason for denial of a license, including a statement about the decision to refuse to issue a license, a listing of any convictions which the city determined will impair the applicant's ability to engage in the licensed activity, and a listing of convictions which formed the sole or partial basis for the denial. In the event a license is denied, the applicant shall have the right upon receipt of such written denial, to appeal the decision to the city council at the next regularly scheduled city council meeting.

Sec. 10-53. Prizes.

- (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed two hundred thousand dollars (\$200,000), unless otherwise provided by resolution of the city council.
- (2) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed two hundred thousand dollars (\$200,000), unless otherwise provided by resolution of the city council.
- (3) The maximum price which may be charged for each raffle chance issued or sold shall not exceed one hundred dollars (\$100.00), unless otherwise provided by resolution of the city council.

Sec. 10-54. Conducting raffles.

The conducting of raffles within the city is subject to the following restrictions and conditions:

- (1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct the 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) All drawings for the winning raffle ticket or tickets shall be held in a place open to the general public.
- (5) Raffle chances may be sold or issued only within the areas specified on the license, and winning chances may be determined only at those locations specified on the license.
- (6) A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. 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 parent or guardian.

- (7) All raffle tickets sold by a licensed organization shall include the name and address of the sponsoring organization on the raffle ticket.
- (8) The drawing of the winning raffle ticket or tickets must take place within the corporate limits of the city.
- (9) The maximum number of days during which chances may be issued or sold shall be one hundred eighty (180) days, unless otherwise provided by resolution of the city council.
- (10) A licensee may rent a premise on which to determine the winning chance or chances in a raffle only from an organization which has a city issued raffle license.
- (11) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the city under the provisions of this article.
- (12) If any raffle for which a license is issued under this Article is canceled, or if any such raffle is not conducted on the date contained in the application for license, the licensee shall refund all money paid for any raffle chances issued or sold to the persons to whom such raffle chances were issued or sold within forty-five (45) days after the date on which the raffle was to be conducted or within forty-five (45) days after Cancellation of the raffle, whichever is sooner.

Sec. 10-55. Manager; bond.

All operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the licensed organization. The manager shall give a fidelity bond in the sum of the total amount of the aggregate retail value of all of the prizes in favor of the organization conditioned upon his honesty and the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the city not less than 30 days prior to its cancellation. The city council 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 provisions shall be granted only by unanimous vote of the members of the licensed organization.

Sec. 10-56. Records and reporting requirements.

Each organization licensed to conduct raffles and chances pursuant to this article shall keep records, provide reports, and be subject to the requirements set out as follows:

- (1) Each licensee shall keep records of gross receipts, expenses and net proceeds for each raffle at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reasons for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.
- (2) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are conducted by the same nonprofit organization pursuant to a license therefore issued by the Illinois Department of Revenue, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

- (3) Each organization licensed to conduct raffles shall submit a report within 30 days after the conclusion of each raffle to its membership and to the city of its gross receipts, expenses, and net proceeds from raffles, and the distribution of net proceeds itemized as required under subsection (1) of this section.
- (4) Records required by this article shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

Sec. 10-57. City reporting requirements.

No later than May 1 of each year, the City Manager or his designee, shall prepare, publicly announce, and publish a report of summary statistical information relating to new and renewal license applications during the preceding calendar year. Each report shall show at a minimum:

- (1) the number of applicants for a license under this article within the previous calendar year;
- (2) the number of applicants for a license under this article within the previous calendar year who had any criminal conviction;
- (3) the number of applicants for a license under this article in the previous calendar year who were granted a license;
- (4) the number of applicants for a license under this article with a criminal conviction who were granted a license under this article within the previous calendar year;
- (5) the number of applicants for a license under this article within the previous calendar year who were denied a license under this article; and
- (6) the number of applicants for a license under this article with a criminal conviction who were denied a license under this article in the previous calendar year in whole or in part because of a prior conviction.

ARTICLE VII. - INTERTRACK WAGERING LOCATIONS

Sec. 10-58. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Intertrack wagering location means an establishment licensed by the Illinois Racing Board to accept legal wagering on the outcome of simultaneously televised horse races taking place at a state racetrack or horse races of national or international interest held at racetracks in other states or countries.

Sec. 10-59. Prohibited.

Intertrack wagering locations are prohibited within the corporate limits of the city.

ARTICLE VIII. VIDEO GAMING PROHIBITED

Sec. 10-60. Legislative purpose.

The mayor and corporate authorities of the city find that legalization of video gaming would adversely impact the residents of the city with the potential for corruption, an increase in law enforcement costs, regulatory difficulties, negatively high social costs, and would be inconsistent with the maintenance of a family-friendly environment for the citizens of the city and their children.

Sec. 10-61. Definitions.

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

them in this section, except where the context clearly indicates a different meaning:

Video gaming means the ownership, placement maintenance, operation or use of a video gaming terminal in a public place, fraternal or veterans' establishment, as defined by the Video Gaming Act (230 ILCS 40/1 et seq.) including any subsequent amendments thereto.

Video gaming terminal means any electronic video game machine that, upon the insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term "video gaming terminal" does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

Sec. 10-62. Prohibition.

- (a) Video gaming is prohibited within the corporate boundaries of the city.
- (b) No video gaming license issued by the Illinois Gaming Board shall be effective within the corporate boundaries of the city.
- (c) The possession of a video gaming terminal is prohibited within the corporate boundaries of the city.

Sec. 10-63. Removal.

Any prohibited video gaming terminal shall be immediately removed by the owner or operator from the public place, fraternal establishment or veterans' establishment.

Sec. 10-64. Penalties.

Any person who violates any provision of this article shall be subject to the imposition of a minimum fine of \$1,000.00 and a maximum fine of \$5,000.00 for each day video gaming occurs or a video gaming terminal remains in a public place, fraternal or veterans' establishment."

Section 2: That Appendix B (Fee Schedule), Section B-3 (Miscellaneous Administrative Fees) of the Wheaton City Code is hereby amended as follows:

B-3 Miscellaneous Administrative Fees		
4. Adams Park rental — For wedding ceremony	Cost as established in section B-5 of this fee schedule for city services, one-hour minimum	Per event

Section 3: That Appendix B, Fee Schedule, Section B-4, Administrative Fees, is hereby amended as follows:

Appendix B – Fee Schedule

"B-4 Administrative Fees – Licenses and Permits		
1. Licenses and permits:	{Chapter 6}	Per application
1. Alcoholic beverages	(Chapter 6)	

a. Retail liquor dealer's license	\$500.00	Per application
2. Amusements and entertainment		
a. Amusement	\$50.00	Per attraction or ride
b. Bowling Operator	\$15.00	Per year, per lane
b. Circus	\$100.00	Per day
c. Fireworks	\$50.00	Per permit
e. Movie Theater	\$200.00	Each
d. Sound	No Fee	
e. Tent	\$100.00	Per tent (good for 90 days only; no permit needed for 400 square feet or less)
f. Raffles	\$25.00	Per application
g. Film	\$25.00	Per application
h. Special Event	No Fee	
3. Special Event:		
<u>a. Application Fee</u>	<ul style="list-style-type: none"> - <u>90 days or more: \$100</u> - <u>Between 60 and 89 days: \$250</u> - <u>Between 30 and 59 days: \$500</u> - <u>Less than 30 days: Not accepted</u> 	<u>Per application</u>
<u>b. City Services</u>	<u>Cost of city services as determined by the special events committee; applicant will be invoiced after special event has concluded</u>	<u>Per special event</u>
6. Other licenses		
Taxicab licenses (company and driver):	(Chapter 82)	Per document
a. Taxicab company license	\$125.00 ^{1,2}	
b. Taxicab driver's license (photo ID)	\$40.00 ²	
c. Duplicate company license or driver's license (photo ID)	\$40.00	
d. Late taxicab company license renewal fee	\$50.00	
e. Late taxicab driver's license (photo ID) renewal fee	\$10.00	
f. Taxi vehicle sticker	\$10.00	
g. Renewed taxicab driver's license (photo ID) sticker	\$10.00	
¹ The annual taxicab company license fee shall be waived if all of the taxicabs used within the city are hybrid vehicles.		
² Taxicab company and taxicab driver's fees are not pro-rated.		

Section 4: That Appendix B, Fee Schedule, Section B-5, Special Event Fees, is hereby amended as follows:

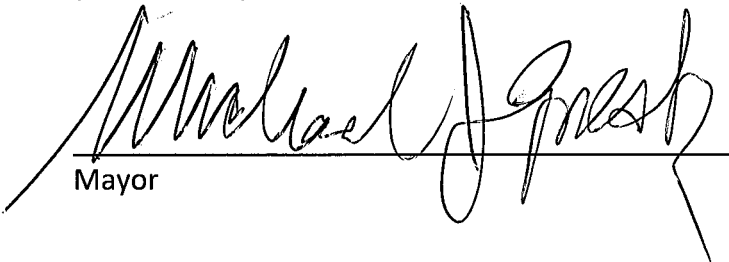
B-5 City Services Fees		
1. Police department:		Per hour, one-hour minimum
a. Lieutenant	\$134.57	
b. Sergeant	\$124.89	
c. Detective	\$103.41	
d. Patrol officer	\$102.14	
e. Community service officer	\$57.59	
f. Auxiliary police officer	\$28.48	
g. Police emergency vehicle	\$15.69	
2. Fire department:		Per hour, one-hour minimum
a. Assistant fire chief	\$91.37	
b. Lieutenant	\$88.45	
c. Firefighter	\$76.12	
d. Paramedic	\$41.88	
e. ATV	\$13.20	
f. Fire emergency vehicle	\$15.69	
g. Ambulance	\$40.50	
h. Fire engine	\$78.90	
i. Fire aerial ladder truck	\$117.10	
3. Public works department:		Per hour, one-hour minimum
a. Supervisor	\$77.01	
b. Maintenance specialist	\$66.67	
c. Electrician	\$71.26	
d. Mechanic	\$71.26	
e. Maintenance worker	\$61.16	
f. Maintenance custodian	\$51.46	
g. Seasonal worker	\$19.46	
h. Pickup truck	\$22.85	
i. Electrical services aerial truck	\$47.64	
j. Signs services truck	\$33.63	
k. Street sweeper	\$76.70	
4. Other city personnel, vehicles, equipment	Rate as determined by finance director	

Section 5: That Appendix B, Fee Schedule, Section B-6, Extraordinary Services is hereby repealed and rescinded in its entirety:

B-6 Extraordinary Services		
1. Extraordinary police services	\$70.00	Per hour, one-hour minimum

Section 6: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 7: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

Attest:



City Clerk

Ayes:	<u>Roll Call Vote:</u> Councilman Barbier Councilman Prendiville Mayor Gresk Councilman Rutledge Councilman Suess
Nays:	None
Absent:	Councilwoman Fitch Councilman Scalzo

Passed: March 18, 2019
Published: March 19, 2019