

CITY OF ST. CHARLES

ORDINANCE NO. 1985-M-34

AN ORDINANCE AMENDING TITLE 5 "BUSINESS
LICENSES AND REGULATIONS" OF THE ST. CHARLES
MUNICIPAL CODE BY ADDING CHAPTER 5.48 "CARNIVALS"

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 6th DAY OF MAY, 1985

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 10th DAY OF
MAY, 1985


CITY CLERK

AN ORDINANCE AMENDING TITLE 5
"BUSINESS LICENSE AND REGULATIONS" OF THE ST.
CHARLES MUNICIPAL CODE BY ADDING CHAPTER 5.48 "CARNIVALS"

BE IT ORDAINED, by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

1. That Chapter 5 "Business License" of the St. Charles Municipal Code be and is hereby amended by adding Chapter 5.48 "Carnivals" as follows:

"5.48" Carnivals.

"5.48.010" - Definitions.

- A. "Carnival" means and includes an aggregation of attractions, whether shows, acts, games, vending devices or amusement devices, whether conducted under one or more managements or independently, which are temporarily set up or conducted in a public place or upon any private premises accessible to the public, with or without admission fee and which, from the nature of the aggregation attracts attendance and causes promiscuous intermingling of persons in the spirit of merry making and revelry. The term "carnival" is intended to include the term "circus" within its definition.
- B. "Game of skill" means and includes a game in which the average person with a reasonable amount of practice can be expected to improve his/her performance and be able to complete the required task at least once out of fifty (50) attempts. The fact that a select few by virtue of long practice and experience can win at a game is not sufficient to designate the game as one of skill.
- C. "Razzle-Dazzle" means and includes a series of games of skill or chance in which the player pays money or other valuable consideration in return for each opportunity to make successive attempts to obtain points by use of dice, darts, marbles or other implements and where such points are accumulated in successive games by the player toward a total number of points, where the total number of points are required for the player to win a prize or valuable consideration, and where the operator determines the total number of points needed.

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NEWSPAPER Pamphlet form

MINUTES REFER TO:
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- D. "Concession" means and includes any game, vending device, or amusement device open to the public and operated for profit in which the patron pays a fee for participating and may receive a prize upon a later happening.

"5.48.020" Prohibited Concessions.

- A. It shall be unlawful for any person who owns or operates a concession at a carnival to obtain money by deception from another by means of one or more hidden mechanical devices or obstructions, or by any other means with intent to diminish the chance of such person to win a prize.
- B. It shall be unlawful for any person who uses, manufactures or sells at a carnival within the City a mechanical device or obstruction for a concession at a carnival to know or have reason to know it will be used to diminish the chance of any patron to win a prize.
- C. It shall be unlawful for any person to own or operate a game of "razzle-dazzle" at a carnival.
- D. It shall be unlawful for any person to own or operate at a carnival any game other than a game of skill open to the public and operated for profit in which the patron pays a fee for participating and may receive a prize upon a later happening.
- E. It shall be unlawful for any person to set up or operate at a carnival any gambling device, lottery, number or paddel wheel, number board, punch board or other game of chance or any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality.

"5.48.030" - License Required.

- A. A license to give, conduct, produce, operate, or present a carnival as herein defined shall be applied for by the owner. Application for said license shall be in writing on a form provided by the City which shall include the following information.
- I. Applicants name, address, and telephone number.

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2. Type of ownership.
3. Name of business, address and telephone number if other than applicants name.
4. If business is conducted by a manager or agent name, address, and telephone number of such manager or agent.
5. Location of where carnival will be operated.
6. Starting and closing dated of carnival operation.
7. List of rides, amusement stands, food stands, entertainment shows inside or outside and any other attractions not necessarily falling within the above listed.
8. Written proof of compliance with the State of Illinois Carnival Amusement Rides Safety Act.
9. Amount of insurance, type, expiration date, and name of insurance carrier.
10. Other information as may be deemed necessary by the Mayor

"5.48.040" - Insurance Requirements.

- A. Prior to a license being issued to operate a carnival the applicant shall submit to the City of St. Charles a certificate of insurance with the owner (s), of the carnival as well as those persons acting in similar capacity with respect to each entertainment, performance or exhibition which collectively make up the carnival, as named insured and further naming the City of St. Charles as an additional insured in an amount of not less than \$5,000,000.00 covering public liability, and property damage, said policy insuring liability that may arise from the operation or maintenance of said carnival or any part thereof.

"5.48.050" - City Held Harmless.

- A. Applicant for a license for a carnival shall provide the City with an indemnification agreement in writing holding the City harmless from any and all claims, liabilities and losses including reasonable attorney fees raising out of or in connection with granting a license to the applicant.

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"5.48.060" - Length and Hours of Operations.

- A. Any carnival licensed to operate in the City of St. Charles shall not remain in operation at any one location for a period to exceed twelve (12) consecutive days, nor shall any carnival be located at any one location more than three (3) times during one calendar year. Carnivals shall not open for business prior to ten o'clock (10:00) AM in the morning and shall not remain open later than eleven o'clock (11:00) PM on the same day or curfew time as specified in Chapter 9.52 of the St. Charles Municipal Code, whichever is earlier.

"5.48.070" - Right of Inspection by City.

- A. Police officers, firemen, the city health officer, building/zoning commissioner and electrical inspector and their subordinates shall in connection with inspections, have free access to the grounds of any carnival and all booths, shows and concessions on such grounds at all times.
- B. The owner or his/her appointed manager shall keep records as specified below open to inspection during the hours the carnival is open for business. These records shall be available at the site of the carnival operation. The record shall be updated daily. The records shall be shown to those persons listed in Section 5.48.070 A. The records shall contain:
 - 1. The name and address of the owner and operator of each ride and concession.
 - 2. The name and address of each employee and independent contractor and at which ride or concession he or she is employed.
 - 3. Compensation paid and hours worked by each employee and independent contractors.
 - 4. The gross receipts of each ride and concession and the percentage that is paid to the carnival.
 - 5. The amount of stock or merchandise dispensed to the players of each game concession.

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6. The recording by the owner or his or her appointed representative of his or her personal inspection at least once every four (4) hours the carnival is open to the public, of each ride for safety and each concession that it complies with this Chapter of the St. Charles Municipal Code.
 7. The name, address, age, and extent of injuries, if known, of any person or including employees injured at the carnival.
- C. All rules pertaining to playing of any games and the price to participate must be posted conspicuously at the location of each game. The fee to participate shall be collected by the operator and the proper change, if any is due, returned to the player prior to the start of the game.
 - D. The use of "shills" and/or any person posing as a patron is prohibited.
 - E. Games utilizing foul lines wherein the person operating the game is the sole determiner as to whether or not a player has fouled are prohibited unless the foul lines shall be explained to the patron before the games starts.
 - F. Only items of merchandise that can be won by the player may be displayed in conjunction with any game. A sign setting forth the requirements for winning a prize shall be conspicuously displayed. The offering of money as a prize or as an incentive to play is prohibited.
 - G. All concessions shall be open to inspection by those persons listed in Section 5.48.070 A during the hours the carnival is open to the public.

"5.48.080" - Emergency Telephone Numbers Posted.

- A. There shall be posted at least four (4) conspicuous locations on the grounds the telephone numbers of the police department, fire department, ambulance service and city health officer. In addition, if a first aid station is available on or near the grounds directions to the station will be posted with the emergency telephone numbers.

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"5.48.090" - Location - Distance from Residential District.

- A. Carnival shall not be set up and operated closer than three hundred (300) feet to any area zoned residential district. Nor shall any carnival be located closer than twenty (20) feet of any lot line as determined for zoning purposes.

"5.48.100" - Fire Resistant Material.

- A. All non-metallic material used in conjunction with any ride or concession such as but not limited to canvas components, decorative materials, streamers, and related material shall be of an approved fire resistant material. Specifications of the aforementioned material shall conform to the requirements of Chapter 15.28 of the St. Charles Municipal Code and shall be submitted to City of St. Charles Fire Prevention Bureau for review and approval prior to issuance of a license hereunder.

"5.48.110" - License Fees.

- A. The following fees shall be paid prior to issuance of a license hereunder:
 - 1. \$100.00 - to operate a carnival; and
 - a. \$10.00 - per ride,
 - b. \$5.00 - per amusement stand,
 - c. \$5.00 - per concession,
 - d. \$5.00 - per entertainment show inside or outside.
 - e. \$5.00 - per food stand,
 - f. \$5.00 - for any other attractions not necessarily falling within the above listed.
- B. The following organizations are exempt from fees under this Chapter:
 - 1. Not-for profit religious, or charitable institutions, societies or organizations: provided however, that no part of the net earnings are retained or retainable by the owner.

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2. Grammer, junior high and high schools located within the City.
3. Governmental units, boards, commissions, and bodies duly organized under the laws of the city, state of Illinois and/or United States of America.

"5.48.120" - Number of Rides and Concessions.

- A. Except as stated below no carnival shall have at any one site at any one time in the City of St. Charles more than ten (10) rides nor shall there be more than twenty (20) additional concessions not classified as rides.
- B. The number of rides and additional concessions for a carnival operated by an organization exempted from license fees under Section 5.48.110 B or at a location specified in Subsection C below shall be no more than five (5) rides and not more than ten (10) additional concessions not classified as rides.
- C. There shall be no restrictions on the number of rides and concessions for the carnival operating at a permanent fairground. The owner (s), leasee (s), operator (s), or manager (s) of said carnival shall pay all license fees required by this ordinance to set up and operate a carnival within the City limits of St. Charles and said carnival will conform to all other requirements as stated elsewhere in this Chapter.

"5.48.130" - Sanitary Facilities.

- A. There shall be provided on the premises of the carnival site not less than four (4) toilets (2 for females and 2 for males). When portable toilets are utilized two (2) toilets shall be placed at opposite ends of the carnival site. The toilets shall be clearly marked for female or male use. It shall be the responsibility of the licensee of the carnival to maintain the toilet facilities in a clean and sanitary condition at all times.

"5.48.170" - Parking.

- A. There shall be provided off street parking at a rate of one parking space per fifty (50) square feet occupied as the carnival site exclusive of parking areas.

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2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this sixth day of _____ May _____, 1985.

PASSED by the City Council of the City of St. Charles, Illinois, this sixth day of _____ May _____, 1985.

APPROVED by the Mayor of the City of St. Charles, Illinois, this sixth day of _____ May _____, 1985.



MAYOR

ATTEST:



CITY CLERK

COUNCIL VOTE:
Ayes: 10
Nays: 0
Absent: 0

PHONE:
Finance 377-4422
HEALTH 377-4406
BLDG. COMM. 377-4406

RECEIPT # _____
DATE RECD. _____
FEE PAID \$ _____

CITY OF ST. CHARLES
2 East Main Street
St. Charles, Illinois 60174

APPLICATION FOR CITY OF ST. CHARLES
CARNIVAL LICENSE

DATE

1. License Term: FROM _____ TO _____
2. Applicant is a: corporation; partnership;
 individual
3. Applicant's Name _____ Telephone # _____
D/B/A: _____
ADDRESS: _____ Date of Birth
or creation _____
City/State/Zip _____

(QUESTIONS 4,5, and 6 ARE ASKED OF CORPORATION APPLICANTS ONLY.)

4. For each corporate officer and director list:

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE OF BIRTH</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. For each owning of record 5% or more of the corporation's stock list:

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE OF BIRTH</u>	<u>HOME PHONE NO.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. Has any officer, manager, director or shareholder owning five percent or more of the stock of the corporation ever been convicted of a felony or ever forfeited an appearance bond on a felony charge?

7. Will this business be conducted by a manager or agent? _____
If so, list manager or agent's:

NAME _____ DATE OF BIRTH _____

ADDRESS _____ HOME PHONE NO. _____

8. AMOUNT OF INSURANCE _____ EXPIRATION DATE _____

NAME OF INSURANCE CARRIER _____

ADDRESS _____

9. ILLINOIS STATE PERMIT NO. _____ DATE ISSUED _____

10. Location of place where carnival will be operated:

11. Dates carnival will be in operation: START _____ CLOSE: _____

12. List rides, amusement stands, food stands, entertainment shows, other attractions.

RIDES: _____

AMUSEMENT STANDS: _____

FOOD STANDS: _____

ENTERTAINMENT SHOWS: _____

OTHER ATTRACTIONS: _____

AFFIDAVIT

13. STATE OF ILLINOIS) SS.
COUNTY OF KANE)

I (or we) swear (or affirm) that I (or we) will not violate any of ordinances of the City of St. Charles or the laws of the State of Illinois or the laws of the United States of American, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and sworn to before me this _____
day of _____, A. D. 19_____

SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

NOTARY PUBLIC

(NOTARY SEAL)

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DU PAGE)

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 6, 1985 the Corporate Authorities of such municipality passed and approved Ordinance No. 1985-M-34, entitled AN ORDINANCE AMENDING

TITLE 5 "BUSINESS LICENSE AND REGULATIONS" OF THE ST. CHARLES
municipal code by adding chapter 5.48 "CARNIVALS"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1985-M-34, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 10, 1985, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 9th day of May, 1985.

Jean M. Connors
Municipal Clerk

(S E A L)