

ORDINANCE NO. 576

VILLAGE OF BELLEVUE, ILLINOIS ORDINANCE REGULATING AMUSEMENTS AND DANCE HALLS

WHEREAS, the Village President and Village Board of Trustees has determined that it is in the best interests of the Village of Bellevue to regulate dance halls and businesses engaged in the amusement business.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

ARTICLE I—AMUSEMENTS

1.01. 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 arcade means any building or a separate room within a building which is primarily devoted to and wherein are operated two or more automatic amusement devices for profit, except mechanical music devices.

Automatic amusement device means any mechanical amusement machine or device, the operation of which is governed or controlled by the deposit of a coin or token, except mechanical music devices. The term shall include, but not be limited to, pinball machines, coin- or token-operated pool tables, coin- or token-operated electronic games, coin- or token-operated carnival-type rides and coin- or token-operated moving picture devices.

Bowling alleys means any establishment wherein there is operated one or more lanes for participating in the sport of bowling.

Carnival means any aggregation of attractions for profit, 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 to the aggregation as a whole.

Mechanical music device means any mechanical device which produces or reproduces music, the operation of which is governed and controlled by the deposit of a token or coin therein, including, but not limited to, jukeboxes and coin- or token-operated pianos or musical instruments.

Motion picture theatre means any establishment that exhibits motion pictures, moving pictures or cinema for profit, except by means of an automatic amusement device.

Pool hall means any establishment operated, wherein there is kept a billiard or pool table or tables, whether or not a fee is charged for the use of the table or tables; provided, however, that for the purposes of this definition, the keeping of a coin- or token-operated pool table shall not render the establishment a pool hall.

1.02. License; required.

(a) No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated an amusement arcade, bowling alley, carnival, motion picture theatre or pool hall without having first obtained a license to do so.

(b) No person shall install, keep, maintain or use, or permit the installation, keeping, maintenance or use of an automatic amusement device not contained in an amusement arcade or any mechanical music device regardless of whether it is contained in an amusement arcade, unless there is a license for the current calendar year affixed to the machine or posted pursuant to section 1.07 of this Ordinance.

(c) No person shall deliver or install or cause to be delivered or installed an automatic amusement device or a mechanical music device within the Village for use by any person from the operation thereof unless there is a license therefor for the current calendar year.

(d) No person who has held an amusement license issued under this article that has ever been revoked for cause within the previous five years, shall install, deliver, or maintain any mechanical music device or automatic amusement device, either as an owner, lessee, manager, officer or agent, or in other capacity.

1.03. License fees.

(a) The applicant for a license under this article shall pay the Village treasurer, prior to filing an application, the respective annual fee:

- (1) **Amusement arcade.** . . . \$200.00
- (2) **Automatic amusement device.** (per machine) . . . \$25.00
- (3) **Bowling alley.** (per lane) . . . \$15.00 or \$150.00, whichever is less.
- (4) **Carnival.** (per week) . . . \$50.00
- (5) **Mechanical music device** (per machine) . . . \$25.00
- (6) **Motion picture theatre:**
 - a. Less than 400 seats . . . \$100.00
 - b. 400--799 seats . . . \$150.00
 - c. 800 or more seats . . . \$200.00
- (7) **Pool halls.** (per table) . . . \$15.00 or \$150.00, whichever is less.

(b) Should the application be denied, the license fee shall be refunded to the applicant.

1.04. License application.

An application for any license required by this article shall be made in writing to the Village President, and shall set forth the following:

- (a) The name of the individual, partnership, corporation or association applying for the license.
- (b) The residence, phone number and driver's license number of the applicant or partners; or, if a corporation or association, the residence, phone number and driver's license number of the principal officers.
- (c) The location for which the license is requested.
- (d) The type of license requested.
- (e) The seating capacity and price of admission intended to be charged.
- (f) Whether the applicant, his partners or the principal officers of the corporation or association have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.

1.05. Intentionally Left Blank.

1.06. License issuance.

The Village President shall issue the license requested unless he/she shall find:

- (a) That the applicant is under the age of 18;
- (b) That the applicant or principal officer therein has been convicted within the last five years or any sentence of imprisonment was completed less than five years prior to the application date of sex offenses as defined under Article 11 of the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq. or any gambling related offense in any jurisdiction;
- (c) That the operation of the amusement as proposed would not comply with all applicable laws, including but not limited to Village building, health, zoning and fire ordinances; or
- (d) That the applicant or any principal officer therein has held a license or had an interest in a license issued pursuant to this article that was revoked for cause.
- (e) That an applicant for a carnival license has not been issued a valid permit from the State of Illinois;

- (f) That the applicant or his/her employer has had an application submitted pursuant to this article denied within the last three years;
- (g) That the applicant, its partners, officers or listed shareholders has knowingly furnished false or misleading information on any application for a license required under this article or any investigation into any such application or conduct of the business under such license.

1.07. License posting.

(a) Every license issued under the provisions of this article for an amusement arcade, bowling alley, carnival, motion picture theatre or pool hall shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

(b) Every license issued under the provisions of this article for a mechanical music device or an automatic amusement device shall be either affixed to the device for which it has been issued in a prominent location on the front of the machine or affixed to a pane of glass which is prominently displayed in a conspicuous place upon the premises for which the license is issued.

1.08. License transfer.

(a) A license issued pursuant to this article for a mechanical music device or automatic amusement device where the license is not affixed to the machine, an amusement arcade, bowling alley, carnival, motion picture theatre or pool hall may not be transferred, sold or assigned to any other person; nor shall such license be transferred to any location other than that listed on the application.

(b) A license issued pursuant to this article for a mechanical music device or an automatic amusement device where the license is affixed to the machine shall not be transferred to any device other than the one listed upon the application. The location of the device, however, may be changed by notifying the Village President of the new location.

1.09. License revocation and suspension.

(a) Any license issued for an amusement may be revoked or suspended for a period not to exceed 30 days by the Village President if the Village President shall find after a hearing:

(1) That the licensee has violated any of the provisions of this article, the laws of the United States or state, or ordinances of the Village related to the operation of the amusement business;

(2) That the licensee has been convicted of any offense set forth in section 1.06(b) of this Ordinance; or

(3) That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this article or any investigation into any such application.

(b) The licensee shall be responsible for the acts of his agents, servants and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this article shall be revoked or suspended, the Village President shall give at least ten days' written notice to the licensee setting forth the alleged violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses.

ARTICLE II—DANCE HALLS

2.01. 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:

Dance hall means any room, place, building or structure which is open to the public in general or only to private membership by admission charge, dues, fees or other consideration, which is primarily and predominantly devoted to dancing, but not necessarily used exclusively for such purposes.

Youth dance means a designated period of dancing or related activity that is represented or advertised to be designed or dedicated predominantly to patronage by persons under the age of 21 years.

2.02. Reporting incidents to police; telephone required; mandatory closing.

(a) Each licensee and each of his agents and employees shall promptly report to the appropriate law enforcement agency any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission or suspected commission of any crime, including, but not limited to, any violation of this article, any violation of ordinances or laws concerning the sale, possession, or consumption of alcoholic liquor, any violation of ordinances or laws concerning the sale of controlled substances or cannabis, any violation of laws concerning the abduction or the physical or sexual abuse of children, or any fights, assaults or batteries, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises, and cooperate fully in any such investigation, including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any police officer engaged in such investigation.

(b) Each licensee shall maintain on each licensed premises not less than one telephone in operating order, which phone must be easily accessible to the responsible person in charge of the premises and to other employees on the premises at all times for the purpose of conveniently reporting to law enforcement authorities incidents occurring on or about the licensed premises.

(c) If a disturbance occurs on or about the licensed premises during the hours of operation which in the judgment of the ranking command officer of the appropriate law enforcement agency on duty creates an imminent danger to lives or property, the superintendent or ranking command officer may, if in his professional judgment it is reasonably necessary in order to restore order and protect lives and property, order the licensed establishment to close its business for such period of time as is reasonably necessary, but not later than the next business day, and may order all patrons to leave the licensed premises immediately.

2.03. Illegal activities on premises.

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the Village or law of the state or the United States.

2.04. Youth dance restrictions.

During any youth dance conducted on the licensed premises, the following restrictions shall apply:

(a) Other than parents or supervisors, no one other than youth between the ages of 14 and 20 years, inclusive, shall be allowed in the establishment.

(b) All other provisions and requirements of this Ordinance and the state law relating to curfew and to the operation of a licensed dance hall shall remain in effect.

(c) The licensee shall notify the police department of any date for a teen night at least 14 days prior to the date of the event.

(d) A licensee shall take all such reasonable precautions including, but not limited to, erection of acoustical or other barriers and providing supervisory or security personnel to adequately prevent the unreasonable disturbance of the peace and tranquility of the neighborhood and the free and unencumbered access of the general public to street, sidewalks, and public areas in and around the licensed premises.

(e) All youth dances shall end no later than 11:30 p.m.

(f) Additional written operating conditions consistent with this article may be imposed by the Village President for the supplemental license, which conditions will be deemed to be with the agreement of the licensee and made a part of the license, if such supplemental license is granted and accepted.

(g) A licensee shall take all such reasonable precautions including, but not limited to providing supervisory or security personnel to adequately ensure the safety and health of the patrons.

2.05. Violation and penalty.

In addition to the penalty set forth in section 2.14 of this Ordinance, any person who shall violate any provisions of this article shall, upon conviction thereof, be punished by a fine of not more than \$250.00.

2.06. Youth restrictions in dance halls.

It shall be unlawful for a dance hall licensee to permit persons under the age of 20 years, unless accompanied by a parent or legal guardian, on the premises of a dance hall unless a youth dance, with youth dance restrictions as set forth in section 2.04 of this Ordinance, is in effect.

2.07. Required.

(a) No person, either as owner, lessee, manager, officer or agent, or in any other capacity shall operate or permit to be operated a dance hall without having first obtained a license to do so.

(b) No person, either as owner, lessee, manager, officer or agent, or in any other capacity shall operate or permit to be operated on premises licensed as a dance hall, a youth dance without having first obtained a supplemental youth dance license.

2.08. Exemptions.

(a) No dance hall license shall be required for an establishment that holds a current and valid liquor license.

(b) No dance hall permit shall be required for an establishment that is primarily and predominantly devoted to dance instruction and held out as such with use limited to paying students.

2.09. Application.

An application for a license or supplemental youth dance license required by this division shall be made in writing to the Village President which shall set forth the following:

(a) The name of the individual, partnership, corporation or association applying for the license.

(b) The residence, phone number and driver's license number of the applicant or partners; or, if a corporation or association, the residence, phone number and driver's license number of the officers, and directors, and the principal shareholders and parties in interest.

(c) The address and legal description of the location for which the license is requested, including a scale drawing of the premises clearly indicating all areas within or

adjoining the building or structure which are to be used in connection with the dance hall activities or are accessible from it, including off-street parking.

(d) The type of license requested.

(e) The seating capacity and price of admission intended to be charged.

(f) Whether the applicant, officers, partners, directors or the principal shareholders or parties in interest of the corporation or association or the corporation or association itself have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.

(g) In the case of a supplemental youth dance license:

(1) The method by which age identification shall be established.

(2) The method by which security shall be provided both inside and outside of the dance hall.

(3) The method by which youth shall be supervised in and about the premises.

(4) Residence, phone number, driver's license number of all employees or persons who will be utilized to provide supervision in connection with such youth dance; excepting, however, security personnel who are licensed by the state department of education and registration or who are commissioned peace officers.

2.10. Fees.

(a) The applicant shall pay the Village Clerk prior to filing an application, a fee of \$50.00 per year or part thereof. Should the application be denied, the license fee shall be refunded to the applicant.

(b) The fee for the supplemental youth dance license shall be \$30.00 per night or \$300.00 per year. Any licensee holding ten youth dances in any one calendar year shall be deemed to have paid for a yearly supplemental youth dance license which may be issued upon proper application approval.

2.11. Intentionally Left Blank.

2.12. Issuance.

Upon receipt of the report from the parties referred to in section 2.11 of this Ordinance, the Village President shall issue the license requested unless he shall find:

- (a) That the applicant is under the age of 18;
- (b) That the applicant, officers, partners, directors or the principal shareholders or parties in interest therein has been convicted within the last five years or any sentence of imprisonment was completed less than five years prior to the application date of sex offenses as defined under Article 11 of the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq., any gambling-related offense or an offense relating to the violation of the laws or ordinances controlling the sale of alcoholic liquor;
- (c) That the operation of the amusement as proposed would not comply with all applicable laws, including but not limited to, building, health, zoning and fire ordinances of the Village;
- (d) That the applicant, officers, partners, directors or the principal shareholders or parties in interest therein has held a license or had an interest in a license issued pursuant to this division that was revoked for cause;
- (e) In case of a supplemental youth dance license that the applicant, officers, partners, directors or the principal shareholders or parties in interest has been convicted of any offense against children, offense related to sexual assault, prostitution, solicitation of lewd or unlawful act, felony offense related to the use of a firearm, offense related to homicide either by manslaughter, second or first degree murder or has been declared a sexually dangerous person pursuant to the laws of the state or any similar law of the United States or of any other state;
- (f) The premises for which a supplemental youth dance license is requested, including required off-street parking, is within 500 feet of any R-1, R-2, or R-3 zoning district as defined in the village zoning ordinance or any school;
- (g) The methods proposed for age identification, security or supervision pursuant to section 2.09(g) of this Ordinance are insufficient;
- (h) That the applicant or his/her employer has had an application submitted pursuant to this article denied by the Village President within the last three years; or
- (i) That the applicant, its partners, officers or listed shareholders has knowingly furnished false or misleading information on any application for a license required under this article or any investigation into any such application or conduct of the business under such license.

2.13. Posting.

Every license issued under the provisions of this division shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

2.14. Revocation and suspension.

(a) Any license or supplemental license may be revoked or suspended for a period not to exceed 30 days by the Village President if the Village President shall find after a hearing:

- (1) That the licensee, its employees, officers, agents or representatives have violated any of the provisions of this article, the laws of the state or ordinances of the Village at the licensed location;
- (2) That the licensee, its officers, directors or principal shareholders have been convicted of any offense set forth in section 2.12(b) or 2.12(e) of this Ordinance; or
- (3) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by any Village Ordinance or any investigation into any such application.

(b) The licensee shall be responsible for the acts of his agents, servants and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this division shall be revoked or suspended, the Village President shall give at least ten days' written notice to the licensee setting forth the alleged violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses. In lieu of or in addition to a suspension of a supplemental license, the Village President may after a hearing impose additional operating conditions as set forth in section 2.04(f) of this Ordinance.

2.15. Bond.

Prior to receiving a license under this division, the applicant shall submit to the Village a license and permit bond in the penal sum of \$2,000.00 to the Village as obligee executed by a surety company conditioned for faithful performance of the provisions of this article, the Village Ordinances and laws of the state, and the payment of all taxes in connection therewith, fines and penalties by reason of the violation thereof.

ARTICLE III—REPEAL

3.01. All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of his ordinance are hereby repealed to the extent of any such conflict or inconsistency.

ARTICLE IV—SEVERABILITY

4.01. The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

ARTICLE V—EFFECTIVE DATE

5.01. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees

PASSED AND APPROVED THIS 13th DAY OF FEBRUARY, 2006.

6 AYES

0 NAYS

0 ABSENT

VILLAGE OF BELLEVUE, ILLINOIS

By: Ralph E. Wilson
Ralph E. Wilson, President

Attest: Carol A. Howard
Carol A. Howard, Village Clerk