

Chapter 5.48

CARNIVALS

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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.
- 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.

(Ord. 1985-M-34 § 1.)

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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 paddle 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.

(Ord. 1985-M-34 § 1.)

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.
 - 1. Applicant's name, address, and telephone number.
 - 2. Type of ownership.
 - 3. Name of business, address and telephone number if other than applicant's 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 dates 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 list.
 - 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.

(Ord. 1985-M-34 § 1.)

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5.48.040 Insurance requirements.

Prior to a license being issued to operate a carnival the applicant shall submit to the city of St. Charles a certificate of public liability insurance showing as named insureds the owner(s) of the carnival as well as those persons owning each ride, amusement, entertainment, performance or exhibition which collectively make up the carnival, and further naming the city of St. Charles as an additional insured. Such insurance shall cover bodily injury, death and property damage, insuring against liability that may arise from the operation or maintenance of said carnival or any part thereof. The amount of such insurance shall be not less than \$2,000,000, except that the amount shall not be less than \$1,000,000 in the case of an owner of five or less amusement rides or amusement attractions as defined in the Illinois Carnival and Amusement Rides Safety Act, and in the case of an owner of any other amusements, entertainments, performances, exhibitions, rides or attractions not subject to the Illinois Carnival and Amusement Rides Safety Act. (Ord. 1998-M-42 § 1; Ord. 1987-M-36 § 1.)

5.48.050 City held harmless.

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 rising out of or in connection with granting a license to the applicant. (Ord. 1985-M-34 § 1.)

5.48.060 Length and hours of operation.

- A. Any carnival licensed to operate in the city of St. Charles shall not remain in operation at any one location for a period not 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.
- B. Carnivals shall not open for business prior to ten o'clock (10:00) a.m. in the morning, and shall not remain open later than eleven o'clock (11:00) p.m. on the same day or curfew time as specified in Chapter 9.52 of the St. Charles Municipal Code, whichever is earlier. A carnival operating at a permanent county fairground shall not remain open later than twelve o'clock (12:00) a.m. (midnight), and shall remain closed between twelve o'clock (12:00) a.m. (midnight) and ten o'clock (10:00) a.m.

(Ord. 1996-M-78 § 1; Ord. 1985-M-34 § 1.)

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 records 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.

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5. The amount of stock or merchandise dispensed to the players of each game concession.
 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 know, 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 start.
- 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 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.
- (Ord. 1985-M-34 § 1.)

5.48.080 Emergency telephone numbers posted.

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. (Ord. 1985-M-34 § 1.)

5.48.090 Location - Distance from residential district.

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. (Ord. 1985-M-34 § 1.)

5.48.100 Fire resistant material.

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 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. (Ord. 1985-M-34 § 1.)

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5.48.110 License fees.

- A. The following fees shall be paid prior to issuance of a license hereunder:
1. \$30.00 per amusement ride or amusement attraction, as defined in the Illinois Carnival and Amusement Rides Safety Act,
 2. \$20.00 per amusement stand,
 3. \$20.00 per concession,
 4. \$20.00 per entertainment show, inside or outside,
 5. \$20.00 per foot stand,
 6. \$20.00 for any other attractions not necessarily falling within the above listed.
- B. The following organizations are exempt from fees under this chapter:
1. Grammar, 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.
- (Ord. 1998-M-42 § 1; Ord. 1997-M-73 § 1.)

(5.48.120 Number of rides and concessions - deleted Ord. 1998-M-42 § 2; Ord. 1985-M-34 § 1.)

5.48.130 Sanitary facilities.

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. (Ord. 1985-M-35 § 1.)

(5.48.140 Parking – deleted Ord. 1998-M-42 § 2; Ord. 1985-M-34 § 1.)

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(Applicant Is Not To Write Below)

STAFF FINDINGS

14. _____

Police Chief Endorsement: Recommend Issuance Yes No

Signature _____ Date _____

Comments: _____

_____ e any
_____ tate of
_____ he conduct of
_____ ents contained
_____ (our)

slgd. Comm./Health Off. Endorsement: Recommend Issuance Yes No

Signature _____ Date _____

Comments: _____

OF APPLICANT

OF APPLICANT

Comptroller Endorsement: Recommend Issuance Yes No

Signature _____ Date _____

Comments: _____

Fire Chief Endorsement: Recommend Issuance Yes No

Signature _____ Date _____

Comments: _____

Mayor's Approval: Recommend Issuance Yes No

