

## **Chapter 97**

### **AMUSEMENTS**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Chs. 5 and 6 of the 1984 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Alcoholic beverages -- See Ch. 93.	Minors -- See Ch. 175.
Bicycles, roller skates and skateboards -- See Ch. 108.	Peace and good order -- See Ch. 194.
Fireworks -- See Ch. 143.	

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#### **ARTICLE I** **Amusement Parlors**

- § 97-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AMUSEMENT DEVICE** -- Any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, ski ball, and electronic video games, and shall also include billiard tables and pool tables (whether coin-operated or not). Such definition does not include a bowling alley, jukebox or other coin-operated music machine or a mechanical children's amusement riding device.

**AMUSEMENT PARLOR** -- Any premises or arcade operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing amusement devices to the public at retail and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of amusement devices to the public at retail.

**§ 97-2. License required, application for license.**

- A. License required.** No person, firm, or corporation shall operate or keep an amusement parlor or arcade as defined herein without having obtained and posted on the premises, in plain view, a license to operate such parlor. Application shall be made to the Village Clerk-Treasurer on the form provided by such office, accompanied by an application fee as set by the Village Board which shall cover the cost of processing the application and shall be nonrefundable. The application shall set forth the following information:
- (1) The name and address of the applicant or, if a partnership, the names and addresses of all the partners or, if a corporation, the names and addresses of the principal officers and registered agent thereof and the name and address of the person who will supervise the game room.
  - (2) The names and addresses of the owners of the amusement devices to be located on the licensed premises, if such owners are different from the applicant, or if the owner of the amusement devices is a partnership, the names and addresses of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent thereof.
  - (3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
  - (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within 20 feet of the property lines of the premises to be licensed.

- (5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.
- (6) Such application shall also contain such additional information as the Village deems necessary to assist it in determining the qualifications of the applicant for such license.

**B. Inspection.** The Village Clerk-Treasurer shall notify the Building Inspector of each new application for a license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. The Building Inspector shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

**C. Public hearing.** The application shall be forwarded to the Village Board, which shall hold a public hearing prior to the granting or denial of any amusement parlor license. In reviewing each application, the Village Board shall find that:

- (1) The establishment, maintenance, or operation of an amusement parlor at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The proposed amusement parlor will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood.
- (3) The establishment of the amusement parlor will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) Adequate measures have been or will be taken to maintain good order surrounding the location thereof.

**D. Issuance of license; term.** The Village Clerk-Treasurer shall issue a license upon approval of the application by the Village Board, upon payment by the applicant of an annual license fee as set by the Village Board. All licenses issued herein shall be for one year ending on the 30<sup>th</sup> day of June and shall not be transferable.

**§ 97-3. Hours of operation.**

- A.** No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.
- B.** No premises for which an amusement parlor license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which school is in regular session.
- C.** For the purpose of this section, the term "school" shall be any institution providing learning facilities for grades K through 12<sup>1</sup>.

**§ 97-4. General requirements.**

The following general requirements shall apply to all amusement parlors licensed in accordance with this article:

- A.** All amusement parlors shall have an adult supervisor on the premises at all times in which the game room is open to the public.
- B.** Every amusement parlor shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as not to occupy any portion of a public sidewalk or otherwise to obstruct pedestrian passage to and from the premises.
- C.** Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.
- D.** All parlors shall post rules of non-acceptable patron conduct and shall order anyone violating the rules to leave the premises. Should the violator refuse to leave, they shall advise the Police Department immediately.

**§ 97-5. License revocation.**

Licenses may be revoked by the Village Board after a hearing, in the event an amusement parlor's location or operation fails to conform to standards provided in this article or violates any other provision of this Code.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II  
**Special Community Events**  
**[Amended 03-06-2008]**

**§97-6. Applicability**

- A.** This Chapter shall apply to events held on private property that are not sponsored in whole or in part by the Village of Genoa City and that require the Village to provide special services, including but not limited to, the allocation of Village personnel, equipment, rights-of-way or property, street closures requiring police officers to stop or reroute traffic, special police protection, exclusive use of Village streets as a staging area or for event parking, additional street cleaning and garbage removal, special signage, such as temporary no parking signs, the use of any Village building, equipment or other property in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event and for a purpose other than the normal daily operations of the Village;
- B.** This Chapter shall not apply to:
- (1) Persons, firms or any other event or activity for which a permit is otherwise required by the Village.
- (2) A governmental agency acting within the scope of its functions.

**§97-7. Permit Requirements**

- A. Permit Required.** No person, firm, corporation, association, company or organization of any kind shall engage or participate in, conduct, exhibit, operate or maintain any special community event or activity, whether or not admission is charged, upon private property within the Village which requires special services of the Village unless a permit under this Article III is obtained. A permit may be waived by the Village Board.
- B. Forms.** Any person desiring to procure a permit as required by this chapter shall file a written application on forms available from the Village Clerk.
- C. Application.** An application for a special community event or activity permit shall be filed with the Village Clerk's office not less than sixty (60) days nor more than twelve (12) months before the date on which it is proposed to conduct the event or activity. These provisions may be waived by the Village Board. If an applicant proposes to conduct a number of identical events, such as a series of baseball games or the like, it is permissible for said applicant to include in his/her application a listing of all proposed event dates which would take place within the twelve (12) month period following the filing of the application.
- D. Application Contents.** The application for a special community event or activity permit shall contain the following information:

- (1) The name, address, and telephone number of the person, organization, firm, partnership, corporation or association seeking to conduct such event referred to in this Chapter as the applicant
- (2) The name, address and telephone number of the person who will be the event chairman and who will be responsible for the conduct of the event.
- (3) Dates when the event is to be conducted.
- (4) The private place where the event is to be located or conducted.
- (5) The daily hours when such event or activity will start and terminate.
- (6) The specific nature of the event or activity for which the permit is sought.
- (7) A statement as to whether any vehicle, machinery, device, shelter, building or other structure, whether portable, temporary or permanent, or whether publicly or privately owned, will be utilized in conjunction with the event, giving a brief description of the nature and function of each vehicle, piece of machinery, device, shelter, building or other structure.
- (8) A statement as to whether any animals will be employed, displayed or utilized in any way in conjunction with the event, giving the type and number of such animals and a brief statement as to how they will be used.
- (9) A statement as to whether the event chairman has conducted a similar public event and the date and location of the event.
- (10) A statement as to whether the applicant and/or event chairman have previously been convicted of violating any law regulating the conduct of any public event or activity and, if so, the specific offense, date of conviction, and in what court.
- (11) Such other information as either the Village Clerk, Village Board, any individual member of the Village Board, Chief of Police, Genoa City Emergency Services or Village Attorney may, from time to time, require.

**E. Referral; Investigation Report.**

- (1) The Village Clerk's office shall note the date on which the application was filed and shall immediately refer copies of such application to the Village President and members of the Village Board. The Village Clerk shall refer copies of said application to the Chief of Police, Genoa City Emergency Services and Building Inspector who, in the event of a referral, shall inspect or cause to be inspected the application to make a determination as to whether the event which is the subject of the application would comply with all applicable laws,

ordinances, health and fire regulations, and whether, in their opinion, it would be a safe and proper event.

- (2) The Chief of Police, Genoa City Emergency Services and Building Inspector shall, within eight (8) days of the date on which the application was referred to them, separately furnish to the Village Clerk, in writing, the information derived from their investigation, accompanied by a recommendation as to whether a permit should be granted or refused. These reports shall remain on file with the Village Clerk and shall be available to any interested person.

**F. Hold Harmless Agreement and Certificate of Insurance.**

- (1) A properly executed hold harmless and indemnity agreement running to the Village, which agreement shall provide, among other things, that the Village will be indemnified and held safe and harmless from any and all damages which may be asserted against the Village by reason of any damages or injuries sustained by any person or to any property by the event or activity itself, or by the participants therein, shall be required of each applicant. The agreement shall also provide that the Village be reimbursed for any damage or injuries which are sustained by reasons of said event or activity, or by the acts of any participants therein.
- (2) The applicant shall also be required by the Village Board to submit certificate of insurance evidencing contractual coverage for such hold harmless and indemnity agreement. In the event such a certificate is required, the aggregate amount of contractual coverage shall be either two hundred fifty thousand (\$250,000) dollars, five hundred thousand (\$500,000) dollars, seven hundred fifty thousand (\$750,000) dollars, or one million (\$1,000,000) dollars, as determined by the Village Board, depending upon such factors as the public place at which the event is to be conducted, the nature of the event, the nature and number of any animals experience, if any, of the event chairman in conducting a special event, and other like considerations relating to the event for which the permit application has been filed. The Village Board may ~~waive this requirement, exempt events sponsored by Genoa City Community Groups from the insurance requirements of this provision.~~
- (3) The hold harmless and indemnity agreement, and certificate of insurance if one has been required, shall be subject to the approval of the Village Attorney.

**G. Permit Issuance.**

- (1) A permit shall be issued by the Village Board if it is found that the proposed event would comply and conform to all laws, ordinances and health and fire regulations applicable thereto, and that it would be a reasonable, safe and proper event.
- (2) No permit shall be refused except for a specific reason and for the protection of the public's safety, health, or general welfare.

- (3) The Village Board shall act upon each application within forty-five (45) days after filing thereof.
- (4) In the event the Village Board approves the application unconditionally, the Village Clerk's Office shall issue a special event permit in accord with the direction of the Village Board, and with the provisions of Subsection (j).
- (5) If the Village Board disapproves the application, the applicant shall be so notified. Such notice shall be given by certified mail and shall state the reasons for disapproval. Notice shall be deemed given when mailed.
- (6) Conditional approval of a permit may be given by the Village Board, subject to the submittal by the applicant of its hold harmless agreement and certificate of insurance, if one is required.

**H. Notice to Village Officials.** Immediately upon the issuance by the Village Clerk of a special community event permit, the Village Clerk's Office shall send a copy thereof to the following:

- (1) The ~~Joint Village~~ Fire Chief.
- (2) The Village Chief of Police.
- (3) The Village Superintendent of Public Works.
- (4) The Village Park Commission Chair.

**I. Alternative Permit.** The Village Board, in disapproving an application or certain portions of an application may, in its notice of disapproval, authorize the conduct of the event or activity on a date, at a time or under different circumstances from that named by the applicant. An applicant desiring to accept an alternative permit shall, within seven (7) days of the notice of disapproval, as provided in Subsection (g), file a written notice of acceptance of the alternative date, time, etc., with the Village Clerk. The Village Clerk shall then issue a permit conforming to these alternative provisions.

**J. Permit Contents.** Each permit shall state the following:

- (1) Dates of the event or activity.
- (2) The daily hours when such event or activity will start and terminate.
- (3) The location where such event or activity is to be conducted.



- (4) The exact nature of the event or activity, including a description of the vehicles, machinery, animals, devices, shelters, buildings, etc., which are to be used in conjunction with the event.
- (5) Such other information as the Village Board finds necessary for the enforcement of this Chapter.

**K. Permit Fee.**

~~(1) A permit fee of twenty five (\$25.00) dollars per day shall be charged for all days for which a special events permit is issued.~~

(1) For event parking, a permit fee of One (\$1.00 ) Dollar per car or, as set by the Village Board, an amount sufficient to cover all Village expenses related to the event shall be charged for all days for which a special events permit is issued.

(2) For all other special events on private property, a permit fee, set by the Village Board, sufficient to cover Village expenses related to the event for all days for which a special events permit is issued shall be charged.

(3) If the permit is not issued, all fees will be refunded to the applicant.

**L. Permit Non-Transferability.** Any and all permits granted under the provisions of this Chapter shall be non-transferable.

**§ 97-8. Duties of Permittee**

- A. A permittee under this Chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances
- B. The event chairman shall immediately post such permit and keep the same posted while in force in a conspicuous place on the location mentioned in the application for such permit. It shall be unlawful for any person to post such permit or to be permitted to post it upon premises other than those mentioned in the application, or knowingly to deface or destroy such permit.
- C. Whenever a permit is lost or destroyed without fault on the part of the holder or his/her agent or employees, a duplicate permit in lieu thereof, under the original application, may be issued by the Village Clerk's Office at its discretion.

**§ 97-9. Disorderly Conduct Prohibited.**

No recipient of a permit under this Chapter shall allow any disorderly conduct, or the use of any profane or indecent language, or allow the sale, giving away, delivering or use therein of any drugs, or allow such place of event or activity to become and be a place of illegal activities. No intoxicating liquors may be sold or dispensed at such special community activity or event unless a special event permit has been obtained therefore.

**~~§ 97-10. Sanitary and Lighting Requirements~~**

**~~§ 97-11~~10. Permit Revocation or Cancellation**

- A. Revocation.** The Village Board may, at any time after giving the applicant notice and an opportunity to be heard, revoke any permit granted under the provisions of this Chapter for the violation of any of the rules, regulations, ordinances or laws governing or applying to the public activities or events, or for the protection of the public health, safety, or general welfare. Notice of such hearing and the reasons therefore, in writing, shall be served by the Village Board upon the applicant by mailing the same way of certified mail to the address given on the application.
- B. Cancellation.** If, after issuing a permit, an emergency arises which may threaten the health, comfort or safety of the general public or of the participants of the activity or event, the Village President or, in the Village President's absence, the Chair of the Safety Committee may cancel the permit forthwith and prohibit the proposed activity or event.

**ARTICLE III  
PARKS**

**§ 97-12. The Provisions of this Article III applies to the following Parks:**

- |           |                         |                     |
|-----------|-------------------------|---------------------|
| <b>A.</b> | Veterans Memorial Park: | 700 Fellows Road    |
| <b>B.</b> | Anders Park:            | Southeastern Court  |
| <b>C.</b> | Doctor Miller Park:     | Hunters Ridge Drive |

**§ 97-13. Park Reservation Agreement.**

- A. Reservations Required.** Pavilions may be reserved from the Park Commission at the Clerk's Office for a fee.
- B. Application Form.** Any person desiring to reserve the pavilions shall file a written application on forms available from the Village Clerks Office.
- C. Application Contents.** The application for Park Reservation Agreement shall contain the following information:
- (1) The Name of Organization.
  - (2) Name and /or Title of Authorized Person.

- (3) Address.
- (4) Phone.
- (5) Date of Event.

**D. Hold Harmless Agreement**

- (1) A properly executed hold harmless and indemnity agreement running to the Village, which agreement will provide, among other things, that the Village will be indemnified and held safe and harmless from any and all damages which may be asserted against the Village by any reason of any damages or injuries sustained by any person or to any property by the event or activity itself, or by the Village be reimbursed for any damage or injuries which are sustained by reasons of said event or activity, or by the acts of any participants therein.

**E. Reservation Fees set as by Village Board**

**§ 97-14. Rules and Regulations [Amended 5-14-2009]**

- A.** The park hours shall be Dawn to Dusk except as otherwise provided on Park Reservation Agreement and or Special Event Permits.
  - (1) Park Hours Exclusions:  
Anyone playing Tennis on lighted court after dusk, Nighttime softball/baseball games when lighted after dusk, Village Sponsored or authorized events after dusk.
- B.** No animals are allowed in any Village Park unleashed with the exception of designated Dog Park Areas or as authorized by a Special Event Permit.
- C.** Cooking or grilling allowed only on provided or proper and appropriate devices. Proper disposal of ash and grilling residue required. (i.e., not, dumped on ground)
- D.** Fires of any kind allowed only with Park Commission permission.
- E.** Camping or overnight use of Park permitted only with Park Commission permission.
- F.** Skateboarding, bicycling, skates, roller blades, and scooters permitted only in designated areas.
- G.** No Parking on grassy areas near Skate Park within 50 feet.

- H.** No food, drink, or glass containers on Skate Park surface.
- I.** No boom boxes or amplified music allowed on or near Skate Park surface.
- J.** Spectators or persons not actively skating are not allowed on Skate Park surface.
- K.** No personal ramps, boxes or other devices are allowed on Skate Park surface.
- L.** Disorderly behavior, inappropriate language or profanity are prohibited.
- M.** Littering in Village Parks is not permitted.
- N.** No tree planting, flower planting, landscaping or any such improvements unless approved by Park Commission.