

CHAPTER 110: LICENSING OF AMUSEMENTS

Section

General Provisions

110.01 Tables for pinball, bagatelle, or pigeonhole prohibited

110.02 Motor vehicle races and stunt events

Raffles

110.15 Definitions

110.16 License required

110.17 Eligibility

110.18 Limitations

110.19 Restrictions

110.20 Applications

110.21 License fee

110.22 Submittal and approval

110.23 Records

Amusement Devices

110.35 Purpose

110.36 License required

110.37 Imposition and amount of license fee

110.38 Application

110.39 Licenses

110.40 Seizure of devices

110.41 Confiscation and forfeiture; hearing; sale

110.99 Penalty

Cross-reference:

Video gaming, see Ch. 115

GENERAL PROVISIONS

§ 110.01 TABLES FOR PINBALL, BAGATELLE, OR PIGEONHOLE PROHIBITED.

(A) It shall be unlawful for any person to keep or use in any place of public resort within the unincorporated area of Lake County any tables or implements for any game of pinball, bagatelle, or pigeonhole.

(B) For the purpose of this section, the following definitions shall apply.

PINBALL, BAGATELLE, or PIGEONHOLE. A game played with any number of balls or spheres upon a table or board having holes, pockets, or cups into which such balls or spheres may drop or become lodged and having arches, pins, and springs, or any of them, to control, deflect, or impede the direction or speed of the balls or spheres put in motion by the player, and shall include the modern variety of bagatelle or pigeonhole commonly known as pin games.

PLACE OF PUBLIC RESORT. Any premises wherein any service or merchandise is offered for sale to the public or where tables or implements for playing the game of bagatelle or pigeonhole are kept for gain or profit, or any premises used as a clubhouse or clubrooms.

(C) It is hereby made the duty of every police officer to seize any table or implement kept or used in violation of this section, and upon conviction of the keeper thereof, such table or implement so seized may be destroyed. Any person obstructing or resisting any police officer in the performance of any act authorized by this section shall be fined as set forth in § 110.99.

(1977 Code, § 3:1-3) (Ord. passed 1-11-1966) Penalty, see § 110.99

§ 110.02 MOTOR VEHICLE RACES AND STUNT EVENTS.

(A) A permit fee for all motor vehicle races and motor vehicle stunt events for one single day be and it is hereby fixed in the sum of \$35.

(B) The Chair of the County Board is hereby authorized to collect the fees and to issue permits, and to pay over the monies collected to the Lake County Treasurer, to be by him or her distributed in accordance with the provisions of § 5-9002 of the Counties Code, 55 ILCS 5/5-9002.

(1977 Code, § 3:5-4) (Res. passed 5-10-1955)

RAFFLES

§ 110.15 DEFINITIONS.

All definitions contained in the Illinois Raffles Act, being 230 ILCS 15/0.01 et seq., shall apply to this subchapter, and in case of any conflict between the provisions of this subchapter and the provisions of the Illinois Raffles Act, as amended, the Illinois Raffles Act shall control.

BUSINESS. A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civil interests of a community.

CHARITABLE. 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. 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. 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 burdens of government by caring for those that otherwise would be cared for by the government.

LABOR. An organization composed of workers organized with the objective of betterment of the conditions or a higher degree of efficiency in their respective occupations.

NET PROCEEDS. The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees and other reasonable operating expenses incurred as a result of operating a raffle.

NON-PROFIT. 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.

RAFFLE. A form of lottery, as defined in the Illinois Criminal Code of 1961, conducted by an organization licensed under the Illinois Raffles Act, in which:

(1) The player pays or agrees to pay something of value for a chance or ticket, 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 or ticket; and

(2) The winning chance or ticket 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. Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERANS. An organization or association comprised of members of which substantially all are individuals who are VETERANS of military service, 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.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001)

§ 110.16 LICENSE REQUIRED.

No person, firm, or corporation shall conduct a raffle without having first obtained a license therefor pursuant to this subchapter and the Illinois Raffles Act. Licenses issued pursuant to this subchapter shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period, not to exceed one year.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001) Penalty, see § 110.99

§ 110.17 ELIGIBILITY.

(A) Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans' organizations, as defined in § 110.15, or other bona fide not-for-profit organizations and which have engaged in carrying out their objectives; or to a non-profit fundraising organization organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardships as the result of an illness, disability, accident, or disaster or to any law enforcement agencies or associations that represent law enforcement officials.

(B) The following are ineligible for any license under this subchapter:

- (1) Any person who has been convicted of a felony;
- (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 firm or corporation in which a person defined in subsections (B)(1), (B)(2), or (B)(3) above has a proprietary, equitable or credit interest, or in which the person is active or employed;

(5) Any organization in which a person defined in subsections (B)(1), (B)(2), or (B)(3) above is an officer, director, or employee, whether compensated or not; and

(6) Any organization in which a person defined in subsections (B)(1), (B)(2), or (B)(3) above is to participate in the management or operation of a raffle as defined in the Illinois Raffles Act.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001; Ord. 20-0419, passed 3-10-2020; Ord. 20-0419, passed 3-10-2020)

§ 110.18 LIMITATIONS.

Raffles are subject to the following limitations:

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this subchapter is limited to \$50,000;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$35,000;

(C) The maximum price which may be charged for each raffle ticket issued or sold is limited to \$200; and

(D) The maximum number of days during which chances may be issued or sold is limited to 180 calendar days.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001)

§ 110.19 RESTRICTIONS.

Raffles are subject to the following restrictions.

(A) Proceeds. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.

(B) Participation in management. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

(C) Remuneration. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(D) Premises. A licensee may rent a premises on which to determine the winning ticket or tickets in a raffle only from an organization which is also licensed under this subchapter.

(E) Locations. Raffle tickets may be sold or issued only within the area specified on the license and winning tickets may be determined only at those locations specified on the license.

(F) Age. A person under the age of 18 years may participate in the conducting of raffles only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where drawings are held only when accompanied by his or her parent or guardian.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001) Penalty, see § 110.99

§ 110.20 APPLICATIONS.

Applications for a license must contain the following information:

- (A) Name of applicant;
- (B) Address;
- (C) Purpose of raffle(s);
- (D) Area(s) within unincorporated Lake County where tickets will be sold;
- (E) Time period(s) during which tickets will be sold or issued;
- (F) Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by presiding officer and secretary of organization;
- (G) Time(s) and location(s) within unincorporated Lake County at which winning ticket(s) will be determined;
- (H) The license fee;
- (I) The aggregate retail value of all prizes or merchandise to be awarded at each raffle;
- (J) The maximum retail value of each prize or each specific type of prize to be awarded by a licensee at each raffle; and
- (K) The maximum amount to be charged for each raffle ticket and the number of tickets to be issued for each raffle.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001)

§ 110.21 LICENSE FEE.

The fee for a license to conduct a raffle(s) shall be \$5. No application for a license will be approved prior to receipt of the license fee.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001)

§ 110.22 SUBMITTAL AND APPROVAL.

Applications may be filed in person, by mail at the Office of the Lake County Board, 18 N. County Street, Waukegan, Illinois, or electronically. Applications will be evaluated within 30 days of receipt. An approved application for a license shall constitute the license for the conduct of the raffle applied for by the applicant.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001)

§ 110.23 RECORDS.

(A) Each organization licensed to conduct a raffle shall keep such records and shall also keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning tickets are determined.

(B) Gross receipts from the operation of each raffle shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of Illinois, and shall be 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.

(C) (1) Each organization licensed to conduct raffles shall report in writing within 30 days after the conclusion of each raffle to its membership, and to the office of the County Board, its gross receipts, expenses, and net proceeds from raffles, and the distribution of net proceeds itemized as required in the Illinois Raffles Act.

(2) Where an organization is licensed to conduct more than one raffle, the report may be filed within 30 days after the conclusion of the last raffle drawing.

(1977 Code, § 3:6-13) (Ord. passed 11-13-2001)

AMUSEMENT DEVICES

§ 110.35 PURPOSE.

This subchapter is an ordinance of the county providing for the licensing, regulation, and control of coin-operated entertainment, amusement and recreation devices in the county outside the corporate boundaries of any city, village, or incorporated town.

(1977 Code, § 3:1) (Ord. passed 5-12-1998)

§ 110.36 LICENSE REQUIRED.

(A) Display. Any person, firm, partnership, club, association, or corporation which displays amusement device operated through any means of payment to be played or operated by the public in unincorporated Lake County shall obtain a license from the county.

(B) Distribution. Any person, firm, operator, partnership, club, association, or corporation engaged in the business of distributing or leasing amusement devices to be played or operated by the public within unincorporated Lake County shall, before entering any lease, retail agreement, distribution agreement, or contract with the owner of lessees of any premises, obtain a license from the county for the purpose of engaging in the business of distributing, leasing, or renting the devices.

(C) Ownership and display. Any person, firm, operator, partnership, club, association, or corporation owning amusement devices and also displaying these devices to be played or operated by the public within unincorporated Lake County, shall obtain a license for the purpose of so displaying the devices for use or operation by the public.

(1977 Code, § 3:1) (Ord. passed 5-12-1998)

§ 110.37 IMPOSITION AND AMOUNT OF LICENSE FEE.

(A) Display. There is hereby imposed on the display of every amusement device in the county, outside the corporate limits of any city, village, or incorporated town, which does not return to the player thereof any money or property or right to receive money or property, an annual license fee of \$50 for each machine for which a license is sought.

(B) Distribution. There is hereby imposed on the business of distribution or lease of amusement devices to be played or operated by the public within the jurisdiction of the county an annual license fee of \$200.

(C) Payment of fees. All fees for licenses issued under this subchapter shall be delivered to the Chair of the County Board on or before July 1 of the year for which the license is to be issued. For the period of July 2 through July 31, a license may only be renewed only by payment of the original fee and a \$10 per-day penalty. This penalty shall commence on July 2 and accrue until the Chair of the County Board has actual receipt of the fee, including the day of actual receipt, but in no event after July 31. Where a license application, license fee and respective penalty are not received on or before July 31, in the discretion of the Chair of the County Board, the application for renewal may be denied. If the license application is granted, the fee shall be deposited by the Lake County Treasurer, in the General Corporate Fund of the county. If the application for license is denied, the fee shall be returned to the applicant.

(1977 Code, § 3:1) (Ord. passed 5-12-1998)

§ 110.38 APPLICATION.

(A) Application and fee. The application for license shall be made to the Chair of the County Board in a form prescribed by the Chair. This application for license shall be accompanied by the annual license fee, which shall be paid to the County of Lake and collected by the Chair of the County Board. All monies received by the Chair under this subchapter shall be promptly paid to the Treasurer of the county and deposited into the General Corporate Fund of the county.

(B) Form of application.

(1) The application shall require the full name, address, and fingerprints of the applicant, including the full names, addresses, and fingerprints of all partners if the applicant is a partnership, and the full names, addresses, and fingerprints of all officers, directors, and stockholders owning 5% or more of the corporate stock if the applicant is a corporation. The application shall also contain such relevant data, including but not limited to individual, partnership, firm, club, association, or corporate records, bills of sale, or information regarding the origin and ownership of the devices and the division of revenues generated by the devices.

(2) The application shall be signed by the applicant(s). If the applicant is a partnership, firm, association, or club, then the application shall be signed by at least two members. If the applicant is a corporation, then the application shall be signed by at least the president and secretary of the corporation.

(C) Hearing on application. The Chair of the County Board may conduct a hearing on the issue of whether a license shall be issued. The Chair may question the applicant(s) or other persons on any relevant matter.

(D) Restrictions upon issuance.

(1) No license shall be issued hereunder to any person who has been convicted of a felony or who has been convicted of any forcible felony or a crime of moral turpitude as defined by § 124-1 of the Criminal Code of 1961 or any amendment thereto. No license shall be issued to a partnership where any partner has been so convicted; nor to a corporation where any officer or stockholder owning 5% or more of the corporate stock has been so convicted.

(2) No license shall be issued to any persons, firm, club, association, partnership, or corporation who has violated this subchapter.

(1977 Code, § 3:1) (Ord. passed 5-12-1998; Ord. 20-0419, passed 3-10-2020)

§ 110.39 LICENSES.

(A) Display upon issuance. If the application is approved and the annual license fee is paid, the Chair shall provide a form of license setting forth the name of the licensee and the year for which the license is issued, and if authorizing the display of devices, the number of devices the licensee is authorized to display. Every licensee under the provisions of this subchapter shall exhibit the license at all times in a conspicuous place within the same location as that in which the devices are located; or in the case of a license for distribution, the license shall be affixed to the device itself. The Chair of the County Board or his or her authorized agents, or the Lake County Sheriff, or his or her duly authorized deputies, shall have the right to inspect premises or devices for the exhibition of the license without notice to the licensee.

(B) License period. The license period for all licenses issued hereunder shall be for one year from July 1 to June 30 of each year. No refund or rebate shall be made to any applicant whenever any license is denied, suspended, revoked, or surrendered for any reason, and no license fee shall be prorated for any portion of any year.

(C) Personal nature of licenses.

(1) A license shall be purely a personal privilege, valid for not to exceed one year after issuance unless sooner revoked as in this section provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of the testate or intestate devolution, but it shall cease, upon the death of the licensee.

(2) When the licensee is a partnership or corporation, the license shall terminate whenever there is a transfer of 50% or more of the ownership interest. Provided, however, that the provisions of this subsection (C)(2) and of subsection (C)(3) below shall not apply where the transfer of an ownership interest is made to a partner or to an officer or stockholder named on the original license application.

(3) Whenever there is a transfer of 50% of the ownership interest of a licensee, the licensee shall within ten days of the effective date of the transfer surrender the license issued to the Chair of the County Board. The licensee may make new application for license; and if the application and fee are submitted within ten days of the effective date of the transfer, the Chair may, at his or her discretion, issue an interim license. The interim license shall be valid until the new application shall be issued or denied, but in no event shall it be effective after the date at which the license surrendered would have expired.

(1977 Code, § 3:1) (Ord. passed 5-12-1998)

§ 110.40 SEIZURE OF DEVICES.

(A) Any duly authorized employee of the Lake County Sheriff may, without a search warrant, seize any amusement device operated through any means of payment which is being displayed in his or her presence in a manner that violates any provision of this act.

(B) The amusement device so seized shall be subject to confiscation and forfeiture as hereinafter provided.

(1977 Code, § 3:1) (Ord. passed 5-12-1998)

§ 110.41 CONFISCATION AND FORFEITURE; HEARING; SALE.

(A) Hearing. After seizing any amusement device, as provided in § 110.40, the Chair of the County Board shall hold a hearing in the county and shall determine whether the amusement device was being displayed in a manner which violates any provision of this subchapter. The proof shall be by a preponderance of the evidence.

(1) The Chair shall give not less than seven days notice of the time and place of the hearing to the owner of the amusement device if he or she is known, and also to the person in whose possession the amusement device seized was found, if the person is known and if the person in possession is not the owner of the amusement device.

(2) In case neither the owner or the person in possession of the amusement device is known, the Chair shall cause publication of the time and place of the hearing to be made at least once in each week for three weeks successively in a newspaper of general circulation in the county.

(B) Order of confiscation. If, as the result of the hearing, the Chair shall determine that the amusement device seized was, at the time of seizure, being displayed in a manner in violation of this subchapter, the Chair shall enter an order declaring the amusement device confiscated and forfeited to the county, and to be sold by the county in the manner hereinafter provided. The Chair shall give notice of the order to the owner of the amusement device if he or she is known, and also to the person in whose possession the amusement device so taken was found, if the person is known and if the person in possession is not the owner of the amusement device. In case neither the owner nor the person in possession of the amusement device is known, the Chair shall cause publication of the order to be made at least once in each week for three weeks successively in any newspaper of general circulation in the county.

(C) Reclamation of confiscated devices. The person from whom the amusement device has been seized (or the owner of the device if that is a different person) may redeem and reclaim the device within 30 days after the Chair's order of confiscation and forfeiture becomes final by payment of an amount equal to twice the annual license fee applicable to the amusement device, plus a penalty of 10%.

(D) Sale. When any amusement device shall have been declared forfeited to the county by the Chair, as provided in this section, and when all proceedings for the judicial review of

the Chair's decision have terminated, the Chair shall (if the amusement device is not redeemed and reclaimed within the time and in the manner provided for in this section) sell the amusement device for the best price obtainable and shall forthwith pay over the proceeds of the sale to the Lake County Treasurer; provided, however, that if the value of the property sold shall be \$500 or more, the property shall be sold only to the highest and best bidder on those terms and conditions and on open competitive bidding after public advertisement.

(1977 Code, § 3:1) (Ord. passed 5-12-1998)

§ 110.99 PENALTY.

(A) General. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Tables for pinball, bagatelle or pigeonhole. Any person who violates § 110.01 shall be subject to prosecution and, if adjudicated guilty, shall pay a fine of not more than \$500 per offense. The ownership and operation of each machine shall constitute a separate offense, and each day the violation occurs shall constitute a separate offense.

(C) Motor vehicle races and stunts.

(1) Any person who shall violate the provisions of § 110.02 shall be fined not less than \$10, nor more than \$200, for each offense, and each day that the violation continues shall be regarded as constituting a distinct and separate offense.

(2) Any person obstructing or resisting any police officer in the performance of any act authorized by § 110.02 shall be fined not less than \$25, nor more than \$200, for each offense.

(1977 Code, § 3:1-3)

(D) Amusement devices. Any person or persons, firm, club, association, partnership, or corporation who shall use or operate any device which is required to be licensed under §§ 110.35 through 110.41 for other than lawful purposes, or permits the display or operation of the device upon their premises contrary to the provisions of §§ 110.35 through 110.41, shall be guilty of a violation of §§ 110.35 through 110.41. The violation shall be punishable by a fine of not more than \$500. Each day the violation exists shall be considered a separate offence.

(1) False application or information. Any person or persons, firm, club, association, partnership or corporation who shall knowingly file a false application or knowingly provide false information on the application required by § 110.38 shall be deemed to be in violation of §§ 110.35 through 110.41.

(2) Casino type gambling devices. No persons, firm, club, association, partnership, or corporation shall operate or distribute any gambling device as defined in 720 ILCS 5/28-2.

(3) Suspension or revocation. The license of any person or persons, firm, club, association, partnership, or corporation who commits any of the violations set forth above is subject to suspension or revocation.

(1977 Code, § 3:1)

(Ord. passed 1-11-1966; Ord. passed 5-12-1998; Ord. 09-2023, passed 10-13-2009)