
THE CITY OF ROCHELLE

Ogle County, Illinois

**ORDINANCE
NO. _____**

**AN ORDINANCE AMENDING CHAPTER 10
AMUSEMENTS AND ENTERTAINMENTS**

**JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk**

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City Council**

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.
2441 Warrenville Road, Suite 310, Lisle, Illinois 60532

ORDINANCE NO: _____

Date Passed:

**AN ORDINANCE AMENDING CHAPTER 10
AMUSEMENTS AND ENTERTAINMENTS**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to it by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City of Rochelle seeks to encourage organizations, businesses, and community groups to host events within the Downtown area and on other City-owned property for the benefit of residents, visitors, and the local economy; and

WHEREAS, Chapter 10 of the Rochelle Municipal Code currently governs community events on City property, coin-operated amusements and raffles; and

WHEREAS, Chapter 10, Amusements and Entertainments, has remained largely unchanged since 1996 and is due for updating and amendment, and the proposed revisions are attached hereto as Exhibit A; and

WHEREAS, the current Special Event Permit process could be streamlined to reduce administrative burdens on event organizers while maintaining appropriate oversight of events conducted on City property; and

WHEREAS, a simplified Special Event Permit application process would promote greater community engagement and facilitate the efficient planning and administration of special events within the City; and

WHEREAS, under an amended process, event organizers will submit an application containing information regarding the date, time, location, anticipated

attendance, and any requested City services or resources, including but not limited to electricity, water access, refuse containers, picnic tables, traffic-control devices, and other public works assistance; and

WHEREAS, requiring a certificate of insurance for every special event conducted on City property is unnecessary for many low-risk community events and may discourage participation by civic organizations and local businesses; and

WHEREAS, the amended ordinance will only require a certificate of insurance for events that present elevated risks to public safety or potential liability exposure, including but not limited to events involving the service or consumption of alcohol, fireworks displays, races, inflatable amusement devices, large crowds, or other activities determined by the City to present a heightened risk; and

WHEREAS, events involving the service or consumption of alcoholic liquor shall remain subject to all applicable liquor control regulations, including the requirement to obtain any special event liquor license or authorization required by the Liquor Commissioner; and

WHEREAS, the provisions of Chapter 10 regulating coin-operated amusement devices and finds that such provisions are outdated, infrequently utilized, and no longer necessary to advance the City's regulatory objectives; and

WHEREAS, the City Council has further reviewed the provisions of Chapter 10 requiring permits for raffles and finds that such permits are rarely utilized, are no longer actively administered by the City, and impose administrative requirements that provide little corresponding public benefit; and

WHEREAS, the City Council therefore finds that amending Chapter 10 of the City Code to simplify the Special Event Permit process, establish a risk-based insurance requirement, and eliminate obsolete regulations regarding coin-operated amusement devices and raffle permits serves the public interest and promotes efficient municipal administration.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Chapter 10 – Amusements and Entertainment of the Rochelle Municipal Code shall be amended by adding the underlined language and striking the stricken language as reflected in the attached Exhibit A.

SECTION THREE: If any provision of this Ordinance, or the application thereof to any person or circumstance, is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and each provision and application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by any other local law, ordinance, resolution, rule, or regulation, the provisions of this Ordinance shall govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 14th day of September 2026.

ATTEST:

City Clerk

Mayor

Exhibit A

Chapter 10 AMUSEMENTS AND ENTERTAINMENTS

ARTICLE I. IN GENERAL

Sec. 10-1. Applicability.

The provisions of this article, except as to licensing and fees, shall apply to all ~~public shows, theatricals, circuses and other amusements in the city, whether specifically licensed under other provisions of this Code or not. Community events to be held on City-owned property with fifty or more attendees anticipated.~~

(Code 1996, § 5.25.010)

Sec. 10-2. License Permit required.

It is unlawful to ~~conduct or operate any amusement which is open to the public and for which a fee is charged for admission thereto, hold a community event on City-owned property without having first obtained a license~~Permit. therefor; provided that the provisions of this section shall not be held to apply to those amusements which are specifically licensed by any other provision in this Code or other ordinance of the city.

(Code 1996, § 5.25.020)

Sec. 10-3. Application for license permit.

Applications for ~~licenses~~permits required by section 10-2 shall be made to the ~~clerk City and shall comply with all of the general provisions of chapter 26, article II, relating to applications for licenses generally of Rochelle and will be approved or denied within two business days.~~

(Code 1996, § 5.25.030)

~~Sec. 10-4. License fee.~~

~~The license fees for menageries, exhibitions of inanimate objects and other amusements not otherwise provided for shall be as set out in section 26-44.~~

~~(Code 1996, § 5.25.040)~~

~~Sec. 10-5. Outdoor entertainment.~~

~~It is unlawful to conduct or sponsor any outdoor entertainment, including, but not limited to, any carnival or circus, unless the same shall be approved by the city council.~~

~~(Code 1996, § 5.25.050)~~

Sec. 10-6. Overcrowding.

It is unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks.

(Code 1996, § 5.25.070)

Sec. 10-7. Inspections.

It shall be the duty of the chief of police and the fire marshal to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the police and fire departments, to ensure conformity with the provisions of this Code concerning such amusements.

(Code 1996, § 5.25.080)

Sec. 10-8. Obscene shows or exhibitions.

It is unlawful for any person to present, exhibit, conduct or take part in any obscene, as defined in 720 ILCS 5/11-20(b), show, theatrical, play, motion picture, exhibition or other form of public amusement or show.

(Code 1996, § 5.25.090)

Sec. 10-9. Incitement to violence.

It is unlawful to present any public amusement or show of any kind which is reasonably calculated to cause or promote an immediate, violent response from any percipient.

(Code 1996, § 5.25.100)

Sec. 10-10. Insurance

For events deemed high-risk, a certificate of insurance naming the City of Rochelle as additional insured demonstrating general liability coverage of not less than \$1M per occurrence/\$2M general aggregate, automotive liability coverage of not less than \$1M - as required, and statutory workers' compensation coverage - as required, with the City named as an additional insured (plus additional coverages and higher limits as applicable) for high-risk and special events/activities excluded by our insurance carrier.

High-risk events/excluded activities listed below:

Alcohol - Events where alcohol is served or consumed

Inflatables/Bounce Houses/Water Slides

Carnivals/Amusement Rides/Amusement Activities - Examples: circuses, fairs, boxing and wrestling exhibitions, traveling shows, etc.

Racing/Motorsports - Racing, drag racing and speed contests

Fireworks - *Coverage by endorsement required

Events with large crowds (significantly larger than what is expected for the typical day to day use of the property under normal business conditions): Examples: Lincoln Highway Heritage Festival, parades, large festivals and concerts

Secs. 10-10—10-30. Reserved.

~~ARTICLE II. COIN-OPERATED AMUSEMENT DEVICES~~

~~Sec. 10-31. 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:

Coin-operated amusement device means a mechanical or electronic device designed to be played for amusement, the operation of which is governed or controlled by the deposit of a coin or token, or for which a fee is charged for its operation.

Distributor means any person, firm, partnership or corporation which owns or leases coin-operated amusement devices, as defined herein, and which places its machines in establishments other than those owned by said person, firm, partnership or corporation within the city for play by the public.

Operator means any person, firm, partnership or corporation which owns or leases the premises where the machines are located for use by the general public, or members of clubs, associations or fraternities.

(Code 1996, § 5-30.010)

~~Sec. 10-32. Restrictions and standards.~~

(a) *Maximum number of devices.* In those establishments having a liquor license, such establishment shall have no more than eight coin-operated amusement devices, provided that a licensee may have up to 12 coin-operated amusement devices if those machines in addition to the original eight are electronic dart machines. In those establishments not having a liquor license, up to 20 coin-operated amusement devices are allowed.

(b) *Free replays.* No coin-operated amusement device may reward more than ten free replays at any time.

(c) *Knock-off switch.* No coin-operated amusement device may be equipped with a "knock-off" button or switch allowing for the automatic termination of accumulated games.

(d) *Maintenance and safety; obscenity.* Devices shall be mechanically sound, shall operate safely, and shall not be obscene within the meaning of 720 ILCS 5/11-20.

(Code 1996, § 5-30.040)

~~Sec. 10-33. Violation of gambling laws prohibited.~~

No coin-operated amusement device shall be operated or permitted to be used in such a manner as to violate the gambling laws of the city or of the state.

(Code 1996, § 5-30.050)

~~Sec. 10-34. Penalty.~~

Any person violating any provision of this article shall be subject to punishment as provided in section 1-15.

(Code 1996, § 5-30.060)

~~Secs. 10-35—10-60. Reserved.~~

ARTICLE III. RAFFLES

Sec. 10-61. 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:

Business organization means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable organization means an organization or institution organized and operated to benefit an indefinite number of the public, including organized sporting activities. The service rendered to those eligible for benefits must also confer some benefit upon the public.

Educational organization means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institution of learning which compare favorably in their scope and intensity with the course of study present in tax-supported schools, including organized sporting activities.

Fraternal organization means 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 who otherwise would be cared for by the government.

Labor organization means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and development of a higher degree of efficiency in their respective occupations.

Licensee means an organization which has been issued a license to operate a raffle.

Net proceeds means the gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

Nonprofit means organized, operated, and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of said operation.

Person means an individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.

Raffle means a form of lottery, as defined in section 28-2(b) of the Criminal Code of 1961, 720 ILCS 5/28-2(b), conducted by an organization licensed under this article, in which:

- (1) The player pays or agrees to pay something of value for a chance 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; and
- (2) The winning chance 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 the publicly exhibited sporting contest.

Religious organization means any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans organization means an organization or association comprised of members of which substantially all are individuals who veterans or spouses, widows, or widowers of veterans, 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.

{Code 1996, § 5-27.010}

~~Sec. 10-62. Compliance; license required.~~

It is unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle unless done in accordance with this article.

{Code 1996, § 5-27.020}

~~Sec. 10-63. Application for license.~~

Any bona fide charitable, educational, fraternal, labor, business, religious or school, organized sports and veterans organization having been in existence continuously for at least five years immediately before making application for license, or a non-profit fundraising organization that the city council determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of illness, disability, accident or disaster may conduct or operate a raffle within the city after filing an application therefor with the city clerk on forms provided by the city clerk and paying the appropriate fee. Said application shall contain the following information:

- (1) ~~The name, address, and type of organization;~~
- (2) ~~The length of existence of the organization and, if incorporated, the date and state of incorporation (must have a bona fide membership carrying out not-for-profit objectives);~~
- (3) ~~The name, address, and telephone number of the organization's presiding officer, raffles manager, and any other designated members responsible for the conduct and operation of the raffle;~~
- (4) ~~The maximum time period during which raffle chances will be issued or sold;~~
- (5) ~~The maximum number of raffles to be conducted during the period of the license and location at which winning chances will be determined;~~
- (6) ~~The value of all prizes to be awarded in the raffle;~~
- (7) ~~The maximum price charged for each raffle chance issued or sold;~~
- (8) ~~A sworn statement signed by the applicant's presiding officer attesting to the fact that the applicant is a not-for-profit organization and that the information contained in the application is true and correct.~~

{Code 1996, § 5-27.030}

~~Sec. 10-64. Licensee qualifications.~~

Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, business, religious or school, organized sports, and veterans organizations that operate without profit to their members and which have a bona fide membership engaged in carrying out their objectives. Said organization must have their principal place of business or activity located within the corporate limits of the city.

{Code 1996, § 5-27.040}

~~Sec. 10-65. Issuance of license.~~

- ~~(a) The city clerk shall receive all raffle applications and, if the organization and application meet the requirements of this article, issue a raffle license to the applicant. In the event the city clerk believes that the requirements for a raffle application have not been met, the raffle application shall be submitted to the city council at its next regular meeting. The city council shall decide whether the requirements have been met and whether a license should be issued. The decision of the city council shall be final. A single raffle license shall be issued for a specified period of time not to exceed one year. A raffle license for a specified number of multiple raffles shall be issued for up to one year expiring on December 31 of each year.~~
- ~~(b) A raffle license shall show the following:~~
- ~~(1) The area or areas in which raffle chances may be sold or issued;~~
 - ~~(2) The period of time during which raffle chances may be sold or issued;~~
 - ~~(3) The time of determination of winning chances; and~~
 - ~~(4) The location or locations at which winning chances will be determined.~~
- ~~(c) A license shall be valid for multiple raffles only during the license period.~~

~~(Code 1996, § 5-27.050; Ord. No. 22-5326, § 2, 1-24-2022)~~

~~Sec. 10-66. Operation and conduct.~~

~~The operation and conduct of raffles are subject to the following restrictions:~~

- ~~(1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee.~~
- ~~(2) No person except a bona fide member of the licensee may participate in the management or operation of the raffle.~~
- ~~(3) No person may receive a remuneration of profit for participating in the management or operation of the raffle.~~
- ~~(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under the state Raffles Act, 230 ILCS 15/0.01 et seq.~~
- ~~(5) Raffle chances may be sold, offered for sale, conveyed, issued, or otherwise transferred for value only within the area specified on the license; and the winning chances may be determined only at the location specified on the license.~~
- ~~(6) A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.~~
- ~~(7) Each raffle chance shall not cost more than \$100.00 for a single raffle license or \$5.00 for a multiple raffle license.~~
- ~~(8) It shall be unlawful for a sponsoring organization to fail to provide a prize to the appropriate winner unless the winner cannot be located after a reasonable time after the win.~~

~~(Code 1996, § 5-27.060)~~

~~Sec. 10-67. Records.~~

- ~~(a) Each licensee shall keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single~~

gathering or occasion shall be documented with the receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, amount and date of payment.

- (b) ~~Gross receipts from the operation of raffles shall be segregated from the other revenues of the licensee including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the state department of revenue, and placed in a separate account. Each licensee shall keep 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 licensee.~~
- (c) ~~Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the licensing unit of the city, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.~~
- (d) ~~Raffle records shall be preserved for three years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.~~

~~(Code 1996, § 5-27.080)~~

~~Sec. 10-68. License fee.~~

~~A license fee of \$10.00 per year shall be paid to the city clerk when an application for a raffle license is filed.~~

~~(Code 1996, § 5-27.090)~~

~~Sec. 10-69. Prizes.~~

~~The aggregate retail value of all prizes awarded in a single raffle or a multiple raffle shall not exceed \$50,000.00, and the retail value of any one prize awarded in a single raffle shall not exceed \$20,000.00.~~

~~(Code 1996, § 5-27.100)~~

~~Sec. 10-70. Violations; penalty.~~

~~Failure to comply with any of the requirements of this article shall constitute a violation; and any person, upon conviction thereof, shall be subject to punishment as provided in section 1-15. Each member of the sponsoring organization shall be jointly and severally liable with the organization and with each other for any violation. The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful raffles or to restrain, correct, or abate a violation of this article or of the conditions of a raffle license issued pursuant hereto.~~

~~(Code 1996, § 5-27.110)~~