

Council Bill/General Ordinance No. 3043-2022

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 5, "AMUSEMENTS," of the Moline Code of Ordinances, by repealing Chapter 5 in its entirety and enacting in lieu thereof one new Chapter 5 dealing with the same subject matter.

WHEREAS, the City is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, City staff has decided to do a complete review of all chapters of the Moline Code of Ordinances to correct those items that are merely housekeeping in nature; and

WHEREAS, the City Council finds that a number of housekeeping changes are necessary in Chapter 5 of the Moline Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

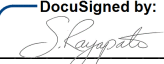
Section 1 – That Chapter 5, "AMUSEMENTS," of the Moline Code of Ordinances, is hereby amended by repealing Chapter 5 in its entirety and enacting in lieu thereof one new Chapter 5 dealing with the same subject matter, which shall read as attached (additions in underline; deletions in strikethrough):

Section 2 – All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 3 – This ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 4 – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS

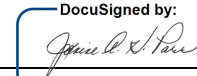
DocuSigned by:


Mayor ID: 16AB8EFE254D4...

October 25, 2022
Date

Passed: October 25, 2022

Approved: November 1, 2022

Attest: 

1A0D2384E511544C
City Clerk

CHAPTER 5

AMUSEMENTS

Art. I. Video Gaming, §5-1100 - §5-1107

Art. II. Motion Picture Theaters, §5-2100 - §5-2103

Art. III. Outdoor Carnivals and Circuses, §5-3100 - §5-3107

ARTICLE I. VIDEO GAMING

SEC. 5-1100. TERMS DEFINED.

For purposes of this article, the following terms shall have the meaning ascribed to them:

(1) Gambling. Gambling shall have the meaning ascribed to it in Section 22-5101 of the Moline Code of Ordinances.

(2) Licensed Establishment. Licensed Establishment shall mean any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. The following classes of City of Moline liquor licenses are classified as Licensed Establishments for purposes of this article and are eligible for a Video Gaming Terminal license if they meet the requirements of this article: Class A ~~restaurant or bowling alley, AA, B, BB, D club/fraternal or veterans organization, K.~~

(3) Sales Taxes. The State and City taxes paid on the retail sale of merchandise, food, alcohol and other tangible personal property from the premises of the Licensed Establishment under the requirements of the Retailers' Occupation Tax Act, 65 ILCS 5/8-11-1, the City's Home Rule Sales Tax pursuant to Chapter 31, Article IV of the City Code, and the City's Prepared Food and Liquor Tax pursuant to Chapter 31, Article VII of the City Code.

(4) Sales Tax Year. A fiscal period of twelve (12) consecutive calendar months commencing on January 1 and ending December 31 of the year immediately preceding the commencement of the February 1—January 31 video gaming terminal licensing term. "Sales Tax Year" shall measure the Sales Taxes actually collected, reported and remitted to the Illinois Department of Revenue and the City of Moline during the specified January 1—December 31 period, even though the taxable transaction may fall outside of the Sales Tax Year. By way of illustration, tax returns and corresponding payments arising out of transactions from December 2021 are not due until January 2022 and such Sales Taxes would therefore be part of the 2022 Sales Tax Year.

(5) Terminal Operator. Terminal Operator shall mean any person, firm, partnership, corporation or association who owns, sells, leases, rents, or is otherwise responsible for placing or distributing Video Gaming Terminals within the City of Moline.

(6) Video Gaming Terminal. Video Gaming Terminal shall mean any electronic video game machine that, upon insertion of cash, electronic cards or voucher, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine or device that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Ord. No. 3039-2021; Sec. 5-1100(3) and (4) enacted; 1/11/22)

SEC. 5-1101. LICENSE REQUIRED.

(a) No Video Gaming Terminal may be placed in any Licensed Establishment unless the owner of the Licensed Establishment holds a valid license for video gaming from the Illinois Gaming Board and has obtained a Video Gaming Terminal license from the City pursuant to this article. A Licensed Establishment may have a maximum of six (6) terminals on its premises if it meets all rules and regulations for video gaming licensing through the Board and the City. Video Gaming Terminals are not permitted in any other establishment in the City.

(b) No person may act as a Terminal Operator of Video Gaming Terminals in the City unless said person holds a valid license for video gaming from the Illinois Gaming Board and has obtained a Terminal Operator license pursuant to this article.

(c) Except as otherwise provided, no more than thirty (30) Licensed Establishments shall be licensed for video gaming at any time. Should there be more than thirty (30) Licensed Establishments licensed for video gaming at the time of passage of this ordinance, those license holders may continue to be licensed as long as they comply with all requirements of state and local law and there is no lapse in the validity of their licenses. No new licenses shall be issued until the number of Licensed Establishments falls below thirty (30).

(1) **Exception to the limit requirements of subsection (c):** The license holder of a Video Gaming Terminal license in a Class K Licensed Establishment that wishes to acquire a Class A Restaurant; ~~Class AA Restaurant Beer & Wine Only~~ or Class B Tavern Licensed Establishment may apply to the City of Moline for approval and issuance of a new Video Gaming Terminal license for the newly-acquired Class A ~~Restaurant, Class AA,~~ or Class B ~~Tavern~~ Licensed Establishment. Said licensee must agree to surrender its current licenses to the City as a condition of filing an application with the State of Illinois for a video gaming license at the licensee's new Class A, ~~Class AA Restaurant~~ or Class B ~~Tavern~~ Licensed Establishment. Upon approval by the State of Illinois of a new video gaming license for the newly-acquired Class A ~~Restaurant, Class AA~~ or Class B ~~Tavern~~ Licensed Establishment, the licensee

must: 1) physically surrender said Class K liquor license and the accompanying Video Gaming Terminal license to the City in exchange for the new City of Moline Video Gaming Terminal license; and 2) cease all operations at the formerly Licensed Establishment prior to operating Video Gaming Terminals within the newly-acquired Class A Restaurant, Class-AA or Class B Tavern Licensed Establishment.

(2) **Exception to the limit requirements of subsection (c):** Notwithstanding the limitation on issuing new video gaming terminal licenses to new Licensed Establishments when doing so would cause the aggregate number of Licensed Establishments licensed for video gaming in the City to exceed thirty (30) as set forth in subsection (c), a Class A restaurant or bowling alley or Class B Tavern Licensed Establishment may apply to the City of Moline for approval and issuance of a new Video Gaming Terminal license. Upon receipt of such application for a video gaming terminal license exceeding the maximum number permissible under subsection (c), the City's accounts and finance office shall promptly notify the mayor prior to processing such application. The mayor may exercise discretion to recommend increasing the maximum number of Licensed Establishments licensed for video gaming at any time by one (1) such license to accommodate the pending Class A or B Licensed Establishment application for a Video Gaming Terminal License. Such discretion shall be based on factors including but not limited to the concentration of Licensed Establishments featuring video gaming in the vicinity, impact on and compatibility with the surrounding neighborhood, anticipated impact on the applicant's business, available parking, and anticipated economic impact on the City. Upon such favorable recommendation, the City Council may, by majority vote, authorize increasing the limit to accommodate the pending application. Any increase so authorized by the City Council shall automatically sunset upon the denial of the Class A or B Licensed Establishment's pending video gaming terminal license application by the City under Section 5-1102 without further action.

(Ord. No. 3014-2020, Sec. 5-1101(c) amended; 6/2/20; Ord. No. 3039-2021, Sec. 5-1101(a) and (c) amended; 1/11/22)

SEC. 5-1102. APPLICATION; INSPECTION.

A person desiring either license required by this article shall apply to the City's accounts and finance office therefore; the license shall be issued by the accounts and finance office upon the certification of the building official and zoning administrator that the premises for which the license is applied or for which Video Gaming Terminals will be located complies with all building construction codes and the zoning and subdivision ordinances of the City of Moline, the fee has been paid, and it has been determined that the provisions of this article are complied with or that adequate provision has been made to cause such compliance.

SEC. 5-1103. FEE; TERM, LATE PENALTY.

~~(a)~~ A Licensed Establishment shall pay an annual fee of fifty dollars (\$50.00) per year for each Video Gaming Terminal located in the Licensed Establishment.

Formatted: Indent: Left: 0.18", No bullets or numbering

~~(b)~~ (a) Terminal Operators shall pay an annual fee of one thousand eight hundred dollars (\$1,800.00) per year for each Video Gaming Terminal located within the City.

~~(e)~~ (b) The term of each license shall be February 1 to January 31. A license issued pursuant to this article is good only for the term in the license, and the City may, at any time, choose to prohibit video gaming within the City entirely upon expiration of the current license term. A license issued in accordance with this article shall not vest any type of interest with the licensee other than for the term of the existing license. A license issued in accordance with this article shall expire immediately upon the voluntary surrender or revocation of the licensee's video gaming license issued by the Illinois Gaming Board or the Licensed Establishment's state or local liquor license. No license shall be issued or renewed where the applicant owes a debt, fine, fee, or penalty to the City or has violated any City ordinance, including, but not limited to, the liquor code, sign code, or any other of the requirements of this article.

~~(d)~~ (c) Any licensee licensed by any part of the Moline Code of Ordinances or other act of the City Council who fails to renew applicable licenses by the due date will be charged a reinstatement fee equal to the amount of the license or two hundred dollars (\$200.00), whichever is less. If a licensee does not renew its license within thirty (30) days after the renewal date, the license will be considered to be voluntarily surrendered and shall not be renewed.

Formatted: Indent: First line: 0.11", Space Before: 7.45 pt

~~(e)~~ Any Licensed Establishment or Terminal Operator liable for the collection, reporting and remittance of the Sales Tax shall be entitled to a credit against the fee otherwise due for Video Gaming Terminal licenses in an amount equal to the greatest aggregate amount of Sales Taxes paid during any one of the three (3) Sales Tax Years preceding the applicable video gaming terminal license term (the "Credit"). ~~Notwithstanding the foregoing, the Credit shall only be applied towards Video Gaming Terminal license fees in excess of fifty dollars (\$50.00) per Video Gaming Terminal.~~

Formatted: List Paragraph, Indent: First line: 0.11", Right: 0.2", Line spacing: Multiple 1.04 li, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: -0.2" + Indent at: 0.07", Tab stops: 0.46", Left

(d) (Ord. No. 3043-2019, Sec. 5-1103(b) amended; 12/10/19; Ord. No. 3039-2021, Sec. 5103(b) and (e) amended; 1/11/22)

SEC. 5-1104. TRANSFERABILITY; DISPLAY.

~~(a)~~ (a) No license issued pursuant to this article shall be transferable from one person to another or from one premises to another. However, licenses shall be transferable from one Video Gaming Terminal to another. For licensees that are corporations, if the percentage of ownership of any shareholders in that corporation changes by more than fifty percent (50%) or if more than fifty percent (50%) of shares in the corporation are transferred to a new shareholder or shareholders, then the license is considered to be transferred, which is not permitted pursuant to this article.

Formatted: Indent: Left: 0.07", First line: 0.11", Right: 0.2", Space Before: 0 pt, Line spacing: Multiple 1.04 li

Formatted: Font: 9.5 pt

~~(b)~~ (b) A Video Gaming Terminal license shall consist of a display certificate describing the number of Video Gaming

Formatted: Font: 9.5 pt

Terminals exhibited on the premises, the Licensed Establishment's name and address, and the Terminal Operator's name and address, and it must be signed by the accounts and finance office and under seal of the City of Moline.

Formatted: Indent: Left: 0"

(c) A Terminal Operator license shall consist of a display certificate listing by address, the name of each Licensed Establishment within the City where Video Gaming Terminals are sold, leased, rented, serviced or otherwise placed or distributed by said Terminal Operator and the number of terminals at each such Licensed Establishment.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 3 + Alignment: Left + Aligned at: -0.2" + Indent at: 0.07"

(d) In the event the Video Gaming Terminals or number of terminals change after issuance of a license, but before renewal thereof, the license shall be considered to have been amended to a new license; provided, the licensee of the Licensed Establishment and the Terminal Operator notify the accounts and finance office in writing of the change within ten (10) days after the change in number of terminals has occurred and pay any additional fees required by an increase in the number of terminals. The act of operation without the notification required herein and payment of fees required herein shall constitute operation without holding a valid license.

Formatted: Indent: First line: 0.11", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 3 + Alignment: Left + Aligned at: -0.2" + Indent at: 0.07"

(e) Each Video Gaming Terminal license issued pursuant to this article shall be displayed at all times by a Licensed Establishment in a conspicuous place on the licensed premises and in an area accessible to business invitees during all hours of operation.

Formatted: Normal, No bullets or numbering

Formatted: Font: 9.5 pt

SEC. 5-1105. RESTRICTIONS ON LOCATIONS AND ADVERTISING.

Licensed Establishments, Terminal Operators, and Video Gaming Terminals shall be subject to the restrictions of the Video Gaming Act, 230 ILCS 40/1, et. seq.

Any advertising for video gaming by or for all existing Licensed Establishments shall be restricted as follows. See Section 3-2102 of the Moline Code of Ordinances for definitions of each sign type referenced herein.

(1) From the effective date of this ordinance until June 30, 2019, no new additional video gaming advertising of any of the following types shall be permitted:

- a. Off-premises advertising, including but not limited to billboards, box trucks, sound trucks, and printed pamphlets, fliers and ads;
- b. Temporary signs; and
- c. Freestanding banners and building banners.

(2) As of July 1, 2019, no video gaming advertising of any of the following types shall be permitted:

- a. Off-premises advertising, including but not limited to billboards, box trucks, sound trucks, and printed pamphlets, fliers and ads;
- b. Temporary signs;
- c. Freestanding banners and building banners; and
- d. Window signs in any window of a Licensed Establishment.

(3) As of January 1, 2023, advertising for video gaming shall be limited to one (1) exterior building sign attached to the Licensed Establishment. The sign must conform to all requirements of Chapter 3, "Advertising and Signs," of the Moline Code of Ordinances and will count toward the number of signs allowed per building under the Code. Except for Licensed Establishments with a Class K liquor license, additional exterior building signs that are for purposes other than video gaming shall be permitted as long as they conform to all requirements of Chapter 3.

a. **Class K Liquor Licensees.** Licensed Establishments that hold a Class K Video Gaming Establishment liquor license shall be limited to one (1) exterior building sign attached to the establishment that identifies the licensee's legal name or "doing business as" name of the establishment only. The sign must conform to all requirements of Chapter 3, "Advertising and Signs," of the Moline Code of Ordinances. No other exterior building signs are permitted for a Class K liquor licensee after January 1, 2023.

b. All existing exterior building signs for video gaming at Licensed Establishments are hereby deemed to be non-conforming.

c. **Nonconforming Signs.** From the effective date of this ordinance until January 1, 2023, such nonconforming building signs may be continued until any of the following activities affect the subject sign or sign location, at which time the nonconforming sign(s) must be removed unless it is the only exterior video gaming sign and it meets the listed requirements of this subsection (3):

- 1. Change of use classification; or
- 2. Change in name of the licensee/license holder; or
- 3. Replacement or repair of any portion of the sign in excess of fifty percent (50%) of the replacement value; or
- 4. Removal or replacement of the entire sign structure; or
- 5. Building permit application review by the City of Moline or zoning administrator.

(e4) If the number of video gaming licenses issued to Licensed Establishments falls below thirty (30) and a new license is issued to a Licensed Establishment prior to any of the effective dates set forth in subsection (5) above, the license shall be subject to those advertising restrictions as of the date of its issuance rather than the effective dates listed in subsection (b).

SEC. 5-1106. SUSPENSION; REVOCATION.

(a) The mayor may suspend or revoke or refuse to renew a license issued hereunder for cause. The mayor shall give written notice to the licensee of the cause of the suspension or revocation or refusal to renew and provide the licensee at least ten (10) days before such suspension or revocation or refusal to renew is to be effective to request a hearing by filing such request in writing with the mayor. If such a request is filed, the mayor shall schedule a hearing as soon as practicable, but in no case later than thirty (30) days after a request for hearing has been filed. Pending hearing, a licensee may continue to operate.

(b) The City shall have the burden of proof that cause exists at any hearing to suspend, revoke, or refuse to renew a license. The accounts and finance officer shall render any decision in writing and give the licensee a copy thereof.

(c) Service of notices and decision required in this section shall be obtained by mailing same by certified mail.

SEC. 5-1107. PENALTY.

Any person violating the provisions of this article shall be guilty of a petty offense and be punished as provided in Section 1-1107 of the Moline Code of Ordinances."

(Ord. No. 3019-2012; Art. I. repealed in its entirety; new Art. I. enacted; 07/17/12)

(Ord. No. 3036-2017; Art. I. "AMUSEMENT DEVICES," repealed in its entirety; new Art. I. "VIDEO GAMING," enacted; 10/17/17 – removes amusement devices from Art. I. as the City will no longer regulate or license such devices; Art. I. now pertains to regulation and licensing of video gaming only)

(Ord. No. 3043-2017; new Sec. 5-1101(c) enacted; 11/07/17 – sets limitation on number of video gaming establishment licenses to 30)

(Ord. No. 3053-2018; Art. I. "VIDEO GAMING," repealed in its entirety; new Art. I. "VIDEO GAMING," enacted; 12/18/18 – adds definition and licensing requirement for a terminal operator)

(Ord. No. 3016-2019; Art. I. "VIDEO GAMING," repealed in its entirety; new Art. I. "VIDEO GAMING," enacted; 06/11/19 – amends video gaming establishment license to video gaming terminal license throughout and adds additional restrictions on advertising Sec. 5-1105)

ARTICLE II. MOTION PICTURE THEATERS

SEC. 5-2100. LICENSE REQUIRED.

It shall be unlawful for any person to operate or conduct, or to cause or permit any of said person's agents, servants or employees to operate or conduct, a motion picture theater in the City, without first having obtained a license therefor from the City.

SEC. 5-2101. LICENSE YEAR; REVOCATION, SUSPENSION OF LICENSE.

(a) Each license issued pursuant to this article shall expire on the first day of May following its issuance.

(b) Licenses may be revoked by the accounts and finance officer for cause, after an administrative hearing pursuant to written notice, or in lieu thereof, be suspended after such hearing.

SEC. 5-2102. RESERVED FOR FUTURE USE.

(Ord. No. 2002-06-12; Sec. 5-2102 repealed; new Sec. 5-2102 enacted; 06/25/02)

(Ord. No. 3031-2015; Sec. 5-2101 repealed in its entirety pursuant to 2016 License and Fee Review; section was titled "Application for License; License Fee;" 09/15/15)

SEC. 5-2103. INSPECTION AND ENFORCEMENT.

It shall be the duty of the inspections division of the department of ~~planning and development~~ public works to make or cause to be made a periodical visit of inspection of each premise subject to this division, but not less frequently than semiannually, and to require a thorough fumigation of all such places when deemed advisable on account of any epidemic or contagious disease or at any time the Illinois Department of Public Health or the Rock Island County Health Department directs same and to enforce compliance with this article.

ARTICLE III. OUTDOOR CARNIVALS AND CIRCUSES

SEC. 5-3100. TERMS DEFINED.

(a) **Outdoor carnival** means any aggregation of shows or riding devices, games of skill, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments or riding devices, whether carried on or engaged in or conducted on public or private property, which may be open air or enclosed in a tent, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

(b) **Outdoor circus** means a show consisting of acrobats, trained animals, clowns, or similar forms of entertainment that is held on public or private property, which may be open air or enclosed in a tent.

SEC. 5-3101. LICENSE REQUIRED.

It shall be unlawful for any person to operate or conduct, or to cause or permit any of said person's agents, servants or employees to operate or conduct an outdoor carnival or outdoor circus in the City without first having obtained a license therefore from the City.

SEC. 5-3102. LENGTH AND FREQUENCY OF OPERATION.

(a) No outdoor carnival or outdoor circus, once approved, shall remain in operation in any one (1) location for a period exceeding seven (7) consecutive days.

(b) No outdoor carnival or outdoor circus, regardless of operator, shall be located on any one (1) particular site more than two (2) times during any calendar year.

SEC. 5-3103. APPLICATION FOR LICENSE; LICENSE FEE.

(a) Application for outdoor carnival or outdoor circus licenses shall be made to the finance director on forms provided by said director and shall contain the following information:

(1) The site or location of the proposed carnival or circus;

(2) A precise description of the kinds of entertainment to be offered, the number, and a diagram indicating wherein they are to be located on the proposed site;

(3) The name of the owner, lessee, proprietor, operator or manager of the carnival or circus, and in addition thereto, the name of the owner, lessee, proprietor, operator or manager of each entertainment, performance or exhibition which collectively make up the carnival or circus, and the legal relationship of each to the applicant or to the proprietor of the carnival or circus;

(4) The names, birth dates, social security numbers and state driver's license or state identification for every person who will be working or volunteering for the registered purpose;

(5) The number and location of off-street parking spaces and toilet facilities to be used by patrons of the carnival or circus, to be indicated on the diagram referred to in subsection (2) above;

(6) An indication of the dates the carnival or circus is to be in operation and the hours during which the carnival or circus is to be open the public;

(7) Current USDA licenses for any animals appearing at the carnival or circus;

(8) A food license from the City of Moline for any food concessions for the length of the carnival or circus; and

(b) The fee for a license to operate an outdoor carnival or outdoor circus shall be one hundred seventy five dollars (\$175.00) plus fifty (\$50.00) per additional day.

(Ord. No. 3025-2009; Sec. 5-3103(b) repealed; new Sec. 5-3103(b) enacted; 10/05/09) (Ord. No. 3021-2015; Sec. 5-3103 repealed; new Sec. 5-3103 enacted; 05/19/15)

SEC. 5-3104. INSPECTION AND ENFORCEMENT.

It shall be the duty of the inspections division of the department of public works to make or cause to be made a visit of inspection of each premise subject to this division; it shall be the duty of the police department to conduct a site visit; and it shall be the duty of the fire department to conduct a site visit. It shall be the duty of the applicant to conduct background checks for all employees and volunteers prior to working at the event pursuant to State of Illinois' licensing requirements. It shall be the duty of the Finance Department to verify the licenses and permits submitted with the application.

(Ord. No. 3021-2015; Sec. 5-3104 repealed; new Sec. 5-3104 enacted; 05/19/15)

SEC. 5-3105. INSURANCE REQUIREMENTS.

No license shall be issued for conducting an outdoor carnival or outdoor circus until the applicant(s) therefore have placed on file with the City a certificate of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with carnivals or circuses.

Such insurance shall be in the minimum amount of one million dollars (\$1,000,000.00) per occurrence, two million dollars (\$2,000,000) aggregate, one million dollars (\$1,000,000) excess liability and shall name the City of Moline and its employees as additional insured, with insured endorsement included.

SEC. 5-3106. INDEMNITY.

The owner, lessee, operator, or manager of a carnival or circus shall, in addition to the application provided, deliver to the City an agreement in writing holding the City harmless from all liability resulting from the operation of the carnival or circus, and, further, shall agree to indemnify the City from all liability resulting from any injury to patrons, bystanders, passersby, or any individual as a result of the operation or maintenance of the carnival or circus.

SEC. 5-3107. REVOCATION OF LICENSE.

The Finance Director, shall have the authority to revoke for cause, any license or registration granted under this Article III for a violation of this chapter, after due hearing and upon notice to the party charged. The notice shall be in writing and served by registered mail to the party charged, and shall be not less than five (5) days prior to the hearing. In the case of immediate peril to persons or property or where clear and convincing evidence exists purporting to show non-compliance with this Code, the Finance Director shall have authority to summarily suspend such license and provide the license holder with notice of their right to request a hearing within three (3) days of such summary suspension, but request of a hearing shall not stay, cancel or impair the suspension.

(Ord. No. 3020-2008; new Art. III enacted; 03/18/08)