

ORDINANCE 2011-33

AN ORDINANCE TO CREATE CHAPTER 22 BUSINESSES, ARTICLE XVIII. AMUSEMENTS, DIVISION 1 TRAMPOLINE CENTERS, SECTIONS 22-610 THROUGH 22-623 AND APPENDIX D FEE SCHEDULE, TO THE NILES CODE OF ORDINANCES, VILLAGE OF NILES

NOW, THEREFORE, BE IT ORDAINED, by the President and the Board of Trustees of the Village of Niles, Cook County, Illinois, as follows:

SECTION 1: Chapter 22 Business, Article XVIII. Amusements, Division 1. Trampoline Centers, Section 22-610 through 22-623 shall be created as follows:

Sec. 22-610. Definitions

For the purpose of this chapter, certain terms used herein are defined as follows:

Trampoline shall mean a device consisting of a bed of canvas, fabric, or other material attached to a framework by springs, rubber coils, or other elastic material upon which a person can jump, bounce, or perform acrobatic tumbling.

Trampoline center shall mean any place of business open to the public for the purpose of offering the use of a trampoline at a price.

To use a trampoline shall mean to jump, bounce, or tumble, or otherwise perform tricks, stunts, or acrobatics upon, or otherwise use, such trampoline.

Supervisor shall mean a person trained and experienced in the supervision and control of persons in the use of trampolines as provided herein.

Spotter shall mean a person in close proximity to a trampoline whose function is to assist and protect the safety of another person while the latter is using a trampoline.

To operate a trampoline center shall mean to manage, conduct, maintain, carry on, or own the business of operating a trampoline center.

Sec. 22-611. Business License; Requirement; Application.

It shall be unlawful for any person, partnership, or corporation to operate a commercial trampoline center within the corporate limits of Niles Illinois, without first having

obtained a business license. Application for the business license shall be made to the Community Development Director upon forms to be supplied by the Village, containing the following information:

- (a) Name and address of the applicant;
- (b) Business capacity of applicant (corporation, partnership, sole proprietor, or other);
- (c) Name and address of manager;
- (d) Location of proposed facility;
- (e) Number of trampolines to be located at each center;
- (f) Such other information respecting the proposed facility as may be required by either the Director of Community Development or by the building official.

Sec. 22-612. Special Building Permit; Application and Plans.

Every person, partnership, or corporation who locates and constructs a commercial trampoline center within the corporate limits shall first procure a special permit from the Director of Community Development Each such application shall be accompanied by two sets of plans and specifications, each page of which shall be appropriately identified as to name of applicant and location of facility and signed by the applicant and showing, to the satisfaction of the building official, the following:

- (a) The plot plan or layout of the components of the facility, including size, location, and height of all trampolines (including bed and framing), buildings, seating, fences and other structures, lighting, entrances and exits, landscaping, off-street parking facilities, and the like.
- (b) Elevation plan showing cross-section in detail of typical trampoline equipment in place, including excavation, structural support and manner of installation, and indicating the size and nature of construction materials.
- (c) Specifications showing type and manufacturer of trampoline equipment and padding, including materials of construction, capacity, and the like.
(Manufacturer's specifications, if complete, may be submitted for this purpose.)

The applicant for such permit shall pay a fee as found in Appendix D Sec.18-2 for such permit which shall be paid before the permit is issue. No permit shall be issued within any district in which such commercial trampoline center is prohibited by the zoning ordinance as it now exists or may hereafter be amended. If the Director of Community Development is satisfied that the application for permit and accompanying documents and the proposed trampoline center conform to the requirements of this chapter and other applicable laws, and that the prescribed fees have been paid, the Director of Community Development shall issue a special building permit there for to the applicant. Such permit may be in the form of a city building permit whose caption has been amended by the Department of Community Development to read "building permit--trampoline, "in which case such permit, when issued, shall constitute any required building permit for construction under the building code. Nothing herein shall be deemed to relieve the

applicant of complying with any applicable permit fee or permit application requirements contained in the building code or other ordinances of the Village of Niles

Sec. 22-613. Amendment of Plans.

Any person who desires to make any addition to, or change or alteration in a trampoline center or any part which is not shown on or in conformity with plans and specifications previously filed by such person as required in Section 22-612, shall first file an application for an amended permit accompanied by appropriate amended plans and specifications showing such change or changes. The fee for filing such application shall be found in Appendix D Sec. 18-2.

Sec. 22-614. Construction to Comply with Plans.

After issuance of a permit, no person shall construct, install, or operate a trampoline center which is, or any portion or facility of which is designed or constructed other than in accordance with the plans and specifications on file with the building official and upon which a permit or amended permit has been issued.

Sec. 22-615. Construction and Installation Specifications.

It shall be unlawful for any person to operate a trampoline center unless:

(a) The minimum distance from any trampoline, measured from the outside dimension of the frame, to any other trampoline or structure or other obstruction, shall be at least five feet at the ends and four feet at the sides and around the corners.

(b) There shall be maintained above each trampoline a clearance of twenty five feet from any ceiling, roof, wire, or other overhead obstruction.

(c) The trampoline apparatus shall be of quality approved by the National Collegiate Athletic Association and the Amateur Athletic Union.

(d) The rigid framework of each trampoline shall be completely covered at the ends, sides, and corners with padding approved by the National Collegiate Athletic Association and the Amateur Athletic Union.

(e) The center of each trampoline bed shall be clearly marked with a cross or bull's-eye.

(f) Each trampoline shall be rigidly installed to prevent shifting of the equipment while in use.

(g) All trampoline equipment, including the bed, springs, frame, and padding shall be maintained in a good state of repair.

(h) The ground or floor area between and around all trampolines up to the distances described in subparagraph (a) shall be covered with a minimum of one and one-half inches of pea gravel in the case of bare ground, or three inches in the case of hard surfaces such as concrete or asphalt. A substitute covering material may be used if it is approved by the Director of Community Development as having equivalent or better shock absorbent characteristics.

(i) An outdoor trampoline center (excluding that portion devoted to off-street parking) shall be completely surround by a fence of at least five feet in height, or by any structure equivalent thereto.

(j) There shall be conveniently located up on the premises a telephone available for emergency use at all times. There shall be conspicuously posted on or near such telephone the phone number of available emergency medical service and of the Fire Department and Police Department.

(k) There shall be kept on the premises at all times a fully stocked first aid kit at least equivalent to the American Red Cross 16-unit field cabinet, and in addition, two standard size wool blankets.

(l) Permanent and separate toilet and wash basin facilities shall be provided on the premises for both men and women.

(m) Any trampoline center which is open to the public after sunset shall provide sufficient lighting to uniformly illuminate each trampoline bed with a light intensity of not less than five foot-candles. No lighting shall be installed in such a manner as to reasonably be disturbing or annoying to any near by occupier of property or hazardous to passing motorists.

Sec. 22-616. Hours of Operation.

It shall be unlawful to permit any such trampoline center to remain open to the public between the hours of 11:00 p.m. to 8:00 a.m., or to permit or otherwise allow any overhead lights to remain on after 11:30 p.m.

Sec. 22-617. Supervisor; Qualifications.

(a) It shall be unlawful for any person to operate a trampoline center unless there be present at the trampoline center at all times it is open to the public a supervisor devoting his or her entire time and attention to the activity on the trampoline or trampolines. There shall be one supervisor on duty for each twelve trampolines, or fraction thereof, in use.

(b) It shall be unlawful for any person to be appointed or employed to act as a supervisor unless such person:

- (1) is at least twenty-one years of age;
- (2) is of good character;
- (3) knows the safety requirements of this Division;
- (4) has completed a standard American Red Cross course in first aid or its equivalent and holds a valid certificate evidencing such fact;
- (5) Has demonstrated the ability to competently perform the following trampoline maneuvers: feet bounce, knees bounce, seat drop, front drop, back drop, hands and knees bounce.

Sec. 22-618. Operation of Trampoline.

(a) It shall be unlawful for any person who operates a trampoline center, or any supervisor or employee thereof, to permit or otherwise allow:

- (1) More than one person to use a trampoline at any one time;
- (2) Any person to use any trampoline otherwise than in accordance with accepted gymnastic practice relating to such use;
- (3) Any person to bounce, or attempt to bounce, from one trampoline to another, or to jump, or attempt to jump onto or off a trampoline.
- (4) Any person to perform advanced tricks, stunts, or acrobatics, such as the somersault, twist, or any variation or variations thereof on any trampoline, unless there be present and observing and ready to assist at least one supervisor or two spotters.
- (5) Any child under seven years to use a trampoline unless there is present and observing and ready to assist, the parent or guardian of such child, or a responsible person designated by such parent or guardian or a supervisor.
- (6) Any person to bring any food or beverage upon, or to eat any food or drink any beverage, upon the premises of any trampoline area.
- (7) Smoke upon the premises of a trampoline center.

(b) It shall be unlawful for any person to:

- (1) Use a trampoline while another person is using the same trampoline.
- (2) Bounce, or attempt to bounce, from one trampoline to another, or to jump, or attempt to jump onto or off a trampoline. Everyone using a trampoline shall be required to walk onto the trampoline or to walk off the trampoline.
- (3) Perform advanced tricks, stunts, or acrobatics, such as the somersault, twist, or any variation or variations thereof, unless permission has been secured from the manager or supervisor of the trampoline center then on duty.
- (4) Knowingly use any trampoline otherwise than in accordance with accepted gymnastic practice relating to such use.
- (5) Eat any food, or drink any beverage, upon the trampoline area of any trampoline center.

(c) Nothing in this section shall be deemed to prevent any person who operates a trampoline center, or any supervisor or employee thereof, from doing any of the acts mentioned in subsection (b) in the performance of assigned duties.

Sec. 22-619. Posting Safety Rules.

It shall be unlawful for any person to operate a trampoline center unless there shall be posted in one or more conspicuous and well-lighted places a sign or signs prominently displaying the substance of the rules for the use of trampolines contained in this Division hereof, as they apply to users of trampolines. Nothing herein is intended to preclude the posting of any other safety rules.

Sec. 22-620. Liability Insurance.

Before any certificate of registration is issued for any trampoline center, the applicant there for shall deposit with the Director of Community Development a certificate of liability insurance coverage in an amount not less than \$3,000,000.00 for bodily injury or death per occurrence. Such insurance shall include a provision saving harmless the Village of Niles from any and all liabilities or causes of action which might arise from the operation of such trampoline center. Such certificate shall be approved by the Village Attorney of Niles and shall provide that it cannot be cancelled until ten days written notice of such cancellation shall have been filed with the Village Clerk.

Sec. 22-621. Persons Prohibited.

It shall be unlawful for any person who operates a trampoline center, or any supervisor or employee thereof, to knowingly harbor, admit or receive, or permit to remain in or about such place any intoxicated person, or any person under the influence of liquor or drugs.

Sec. 22-622. Registration Certificate; Revocation or Suspension; Not Transferable.

It shall be a condition of such business license that it may be suspended or revoked at any time by the Director of Community Development for violation of any of the provisions of this Division, or any related ordinances of the village. No person shall operate any trampoline center pursuant to a certificate of registration which has been suspended or revoked under this section. Such registration shall not be assignable or transferable.

Sec. 22-623. Penalty for Violations.

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as found in Appendix D. Each day that a violation of this Division continues shall constitute a separate and distinct offense and shall be punishable as such. The penalty herein provided for shall be cumulative with and in addition to the revocation, cancellation, or suspension of the registration and permit elsewhere in this Division provided.

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APPENDIX D

FEE SCHEDULE

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<i>Description</i>	<i>Amount</i>	<i>Section of This Code</i>
* * *	* * *	* * *
Chapter 22. Businesses		
* * *	* * *	* * *
<u>Article XVIII. Amusements.</u>		
<u>Division 1. Trampoline Centers.</u>		
<u>Penalty Violations</u>	<u>\$500.00</u>	<u>22-623</u>

SECTION 2: The provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3: That all ordinances or parts of ordinances in conflict are hereby repealed to the extent of any such conflict.

PASSED: This 24th day of May, 2011
AYES: 5 Hanusiak, LoVerde, Palicki, Preston, Przybylo
NAYS: 0
ABSENT: 1 Hynes

Village Clerk

APPROVED by me this 25^h day of May, 2011

President of the Village of Niles
 Cook County, Illinois

ATTESTED AND FILED in my office this 25th day of May, 2011, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk