

ORDINANCE NO. 1979-M-38

AN ORDINANCE REGULATING COIN OPERATED AMUSEMENT DEVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

I. Coin Operated Amusement Devices.

Section 1. Definitions.

- (a) The term "coin operated amusement device" as used herein shall mean any machine which upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, electronic games, skill ball, mechanical grab machines, and all games, operations or transactions similar thereto under whatever name they may be known.
- (b) The term "person" as used herein shall include the following: Any person, firm, corporation or association which owns any coin-operated amusement device, the person, firm, corporation or association in whose place of business any such device is placed for use by the public, and the person, firm, corporation or association having control over such device.

Section 2. Licenses Required.

- (a) No person shall keep or display for operation or patronage by the public within the City any coin-operated amusement device without having first obtained a license therefor from the City Clerk.
- (b) No person shall engage in the business of keeping or providing any coin-operated amusement device, as defined in Section 1, for public use within the City without first having obtained a license therefor from the City Clerk. For purposes of this section, any person that keeps or provides not more than three coin-operated amusement

DATE OF PUBLICATION 10-24-79
NEWSPAPER Charles

devices on a premises that is devoted to the conduct of another principal business shall be conclusively presumed not to be engaged in the business of keeping or providing coin-operated amusement devices for public use.

Section 3. Application; issuance.

- (a) Applications for the licenses required in Section 2(b) shall be filed in triplicate and shall contain the following information:

If the applicant is a corporation:

- (1) Corporate name and address.
- (2) Names, dates of birth, and addresses of corporate officers and directors.
- (3) Statement of principal kind of business in which corporation engages.
- (4) Statement of whether corporate business will be conducted by a manager, and the name, address and authority of any such manager or agent.
- (5) Names, dates of birth, and addresses of all persons, firms and organizations owning of record five percent or more of the corporation's stock.
- (6) Statement of whether any officer, manager, director or shareholder owning five percent or more of the stock of the corporation has ever been convicted of a felony or has ever forfeited an appearance bond on a felony charge.
- (7) The location of the place of business and the place where the coin-operated amusement device is to be kept or displayed.
- (8) Statement or personal history of the manager or agent conducting business for the corporation.

If the applicant is an individual or partnership:

- (1) Name and address, and date of birth of applicant.
- (2) Location of place of business.
- (3) Principal kind of business engaged in.
- (4) Statement or whether business will be conducted by a manager or agent, and the name and address and date of birth of any such manager or agent.
- (5) The place where the coin-operated amusement devices are to be displayed and a description of the devices.
- (6) Statement of personal history of the manager or agent conducting business for applicant.

- (b) The City Clerk, the Chief of Police and the Building Commissioner of the City shall investigate the information contained in the application, and shall determine if the premises designated by the applicant as the location of the business complies with the provisions of the zoning ordinance of the City. The report of such investigation and determination, together with a copy of the application, shall be transmitted to the Mayor. Upon the compliance by the applicant with the requirements of this article and the zoning ordinance of the City, the Mayor shall instruct the City Clerk to issue the license and, upon payment by the applicant of the license fee required hereunder, such license shall be issued.

Section 4. Fee; transferability.

- (a) The fee for the license required by Section 2 (a) shall be \$35 per year per device.
- (b) Such license may be transferred from one device to another similar device upon application to the City Clerk, such application to include a description and serial number of the new device and the payment of a fee of \$3.

- (c) The fee for the license required by Section 2 (b) shall be \$50 per year and shall be valid from May 1st to April 30th.

Section 5. Conditions and Regulations; Violation; Penalty.

- (a) In addition to any other condition or regulation contained in this ordinance or in the statutes of the State of Illinois, the following conditions and regulations shall be applicable to and shall govern and control the business of keeping or providing coin-operated amusement devices for public use within the City:

- (1) The walls, ceiling or floor, or any combination thereof, of the building or structure, or portion thereof, containing such devices shall be insulated or otherwise constructed so that no noise or vibration that is detectable without the aid of any mechanical device or instrument will be allowed beyond the outer perimeter of the licensed premises.
- (2) No coin-operated amusement device shall be used for purposes of or in connection with the wagering of money, goods or merchandise upon the outcome of the use or manipulation of such device or otherwise used for purposes of gambling as defined in Ch. 38, Sec. 28-1, et seq., Ill. Rev. Stat. (1977 Ed.).
- (3) No person under twelve years of age shall be allowed on the licensed premises unless accompanied by a parent, guardian or an adult member of the immediate family of such person.
- (4) At all times during the hours of operation of the licensed premises there shall be present a manager or other employee of the licensee, at least one of whom shall be not less than eighteen years of age, to provide adequate control and supervision of the licensed premises and the use of the coin-operated amusement devices present therein.

- (b) It shall be unlawful for any person licensed to engage in the business of keeping or providing

coin-operated amusement devices for public use within the City to fail to comply with the conditions and regulations set forth in sub-section (a) of this section or to suffer or permit noncompliance with such conditions and regulations on or within the licensed premises.

- (c) Any person convicted of a violation of this ordinance shall be subject to a fine of not less than \$10 nor more than \$500.

Section 6. Suspension or Revocation of License.

- (a) Nothing in the provisions of this ordinance shall preclude the right of the Mayor to suspend or revoke the license of the licensee, as follows:

- (1) The Mayor may temporarily suspend any license issued under the terms of this article when he has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community or create an imminent danger of violation of applicable law. In such case, he may, upon the issuance of a written order stating the reason for such determination, and without notice or hearing, order the licensed premises closed for not more than seven days, provided that the licensee shall be given an opportunity to be heard in a public hearing during the seven day period, and further provided that if such licensee shall also be engaged in the conduct of other businesses on the licensed premises, such order shall not be applicable to such other businesses.

- (2) The Mayor may suspend or revoke any license issued under the terms of this article upon due notice to the licensee of the time and place of a public hearing, and a public hearing, if the Mayor determines upon hearing that the licensee has failed or refused to comply with the terms of this article, has failed or refused to comply with other law applicable to the

business of keeping or providing coin-operated amusement devices, or has been convicted by a court of competent jurisdiction of a violation of any provision of this article.

- II. That Chapter 28, Section 28.029, entitled "Pin Ball Machines," of the Municipal Code of the City of St. Charles be and is hereby repealed.
- III. That this ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PRESENTED to the City Council of the City of St.

Charles, Illinois, this 15th day of October, 1979.

PASSED by the City Council of the City of St. Charles, Illinois, this 15th day of October, 1979.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 15th day of October, 1979.


MAYOR

ATTEST:


City Clerk

STATE OF ILLINOIS)
)
COUNTIES OF KANE AND DUPAGE) SS.
)
CITY OF ST. CHARLES)

This is to certify that the foregoing is a true and correct
copy of Ordinance No. 1979-M-38 entitled AN ORDINANCE REGULATING COIN
OPERATED AMUSEMENT DEVICES

passed by the City Council of the City of St. Charles on the 15th
day of October, 19 79 A.D., as morefully appears from
the records and files of said City in my custody.

Given under my hand and the official seal of said City of
St. Charles, this 27th day of October, 1979 A.D.

M. Joseph Sekera
M. Joseph Sekera, City Clerk