

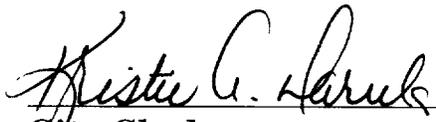
City of St. Charles, Illinois

Ordinance No. 1997-M-91

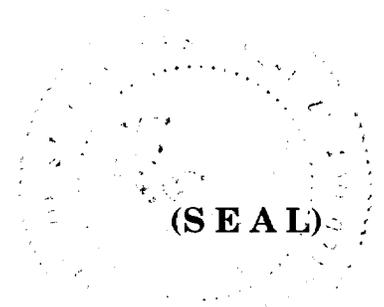
An Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.14, "Amusement Game Devices," of the St. Charles Municipal Code

**Adopted by the
City Council
of the
City of St. Charles
September 2, 1997**

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, September 5, 1997**



City Clerk



DATE OF PUBLICATION 7/5/97
NEWSPAPER Pamphlet Form

REFER TO:
MINUTES 9/2/97
PAGE _____

ORDINANCE NO. 1997-M-91

AN ORDINANCE AMENDING TITLE 5, "BUSINESS LICENSES AND REGULATIONS," CHAPTER 5.14, "AMUSEMENT GAME DEVICES," OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 5, "Business Licenses and Regulations," Chapter 5.14, "Amusement Game Devices," of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the attached therefore.

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the city of St. Charles, Illinois, this 2nd day of September, 1997.

PASSED by the City Council of the city of St. Charles, Illinois, this 2nd day of September, 1997.

APPROVED by the Mayor of the city of St. Charles, Illinois, this 2nd day of _____

September, 1997.

Susan L. Klutchaner
Mayor

ATTEST:

Kristie A. Daniels
City Clerk

COUNCIL VOTE:

Ayes: 11
Nays: 0
Absent: 1



APPROVED AS TO FORM:

Timothy D. O'Neil
City Attorney

DATE: AUGUST 29, 1997

AMUSEMENT GAME DEVICES

Chapter 5.14

AMUSEMENT GAME DEVICES

Sections:

- 5.14.010 Amusement Game Device
- 5.14.015 Amusement Game Device Arcade
- 5.14.020 License - Required - Keeping or displaying machines for use - Display of license.
- 5.14.025 Maximum number of licenses per establishment
- 5.14.030 License - Application
- 5.14.040 License - Investigation - Denial.
- 5.14.050 License - Investigation - Issuance.
- 5.14.060 License - Fee - Keeping or displaying machines for use.
- 5.14.080 License - Transfer.
- 5.14.090 License - Suspension - Revocation.
- 5.14.100 Rules of operation - Designated.
- 5.14.110 Rules of operation - Noncompliance unlawful.
- 5.14.120 Violation - Penalty.

5.14.010 Amusement Game Device.

"Amusement game device" as used in this chapter means any machine which, upon the insertion of a coin, slug, token, plate or disc or upon payment of consideration by any other method may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It includes such devices as marble machines, pinball machines, electronic games, skill ball, mechanical grab machines, videogames, and all games, operations or transactions similar thereto under whatever name they may be known. (Ord. 1984-M-25 § 1(b); Ord. 1979-M-38 § 1.)

5.14.015 Amusement Game Device Arcade.

"Amusement game device arcade" as used in this chapter means a business establishment where the premises are devoted primarily to the keeping or providing of more than four amusement game devices for operating or patronage by the public within the city.

5.14.020 License - Required - Keeping or displaying machines for use - Display of license.

No person shall keep or provide any amusement game device for operating or patronage by the public within the city or be engaged in the business thereof, without having first obtained a license therefor from the city clerk, which license shall be in plain view in a conspicuous place on the machine or the premises. (Ord. 1984-M-25 § 1(c); Ord. 1981-M-46 § 1 (part); Ord. 1979-M-38 § 2(a)).

AMUSEMENT GAME DEVICES

5.14.025 Maximum Number of Licenses Per Establishment

Not more than 12 amusement game device licenses shall be issued for any premises that are devoted primarily to the conduct of a principal business other than an amusement game device arcade. More than 12 amusement game device licenses may be issued for premises containing an amusement game device arcade, providing the arcade meets all of the requirements hereof and of the St. Charles Zoning Ordinance.

5.14.030 License - Application.

Applications for the licenses required in Section 5.14.020 shall be filed in triplicate and shall contain the following information:

- A. 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 corporate 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 amusement game device is to be kept or displayed,
- B. 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 of 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 amusement game devices are to be displayed and a description of the devices.

(Ord. 1984-M-25 § 1(c); Ord. 1979-M-38 § 3(a))

5.14.040 License - Investigation - Denial.

No license shall be issued, nor shall a licensee be entitled to have a license continue in effect under any or all of the following conditions:

- A. Any individual, corporate officer or director, or any partner, as the case may be, has ever been convicted of a felony;
- B. Any information on the application is false;
- C. The applicant has not reached the age of majority (is an adult);
- D. The manager or agent has ever been convicted of a felony, or has not reached the age of majority (is an adult).

(Ord. 1991-M-39 § 1(a); Ord. 1981-M-46 § 1 (part).)

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5.14.050 License - Investigation - Issuance.

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 chapter 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 under this chapter, such license shall be issued. (Ord. 1979-M-38 § 3(b).)

5.14.060 License - Fee - Keeping or displaying machines for use.

The fee for the license required by Section 5.14.020 shall be two hundred fifty dollars per year per device. (Ord. 1981-M-46 § 1 (part); Ord. 1979-M-38 § 4(a).)

5.14.080 License - Transfer.

Such license may be transferred from one device to another similar device upon application to the city clerk, such application is to include a description and serial number of the new device and the payment of a fee of three dollars. (Ord. 1979-M-38 § 4(b).)

5.14.090 License - Suspension - Revocation.

Nothing in the provisions of this chapter shall preclude the right of the mayor to suspend or revoke the license of the licensee, as follows:

- A. The mayor may temporarily suspend any license issued under the terms of this chapter when he has reason to believe that the continued operation of a particular amusement game device or devices 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 premises containing the amusement game device(s) 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 is also engaged in the conduct of other businesses on the licensed premises, such order shall not be applicable to such other businesses.
- B. The mayor may suspend or revoke any license issued under the terms of this chapter upon due notice to the licensee of the time and place of a public hearing, and if the mayor determines upon hearing that the licensee has failed or refused to comply with the terms of this chapter, has failed or refused to comply with other law applicable to the business of keeping or providing amusement game devices, or has been convicted by a court of competent jurisdiction of a violation of any provision of this chapter.

(Ord. 1984-M-25 § 1(c); Ord. 1979-M-38 § 6)

5.14.100 Rules of operation - Designated.

In addition to any other condition or regulation contained in this chapter or in the statutes of the state, the following conditions and regulations shall be applicable to and shall govern and control the business of keeping or providing amusement game devices for public use within the city:

- A. No amusement game device shall be used for purposes of gambling as defined and prohibited under the laws of the state of Illinois. (Ord. 1991-M-39 § 1(c).)

AMUSEMENT GAME DEVICES

- B. The Director of Finance of the city shall have the power, duty and function to enter or to authorize any law enforcing officer to enter, at any time, upon the premises licensed under this chapter, to determine whether any of the provisions of the state law or city ordinance or any rules or regulations adopted by the city or by the state have been or are being violated, and at such time to examine the premises of the licensee in connection therewith. Any person or persons appointed by the Director of Finance to assist him in the exercise of the powers and the performance of the duties provided in this subsection, shall have the powers given to the Director of Finance by this subsection.

(Ord. 1984-M-25 § 1 (c,f); Ord. 1982-M-22 § 1; Ord. 1981-M-46 § 2; Ord. 1979-M-38 § 5(a).)

5.14.110 Rules of operation - Noncompliance unlawful.

It is unlawful for any person licensed to engage in the business of keeping or providing amusement game devices for public use within the city to fail to comply with the conditions and regulations set forth in Section 5.14.100 of this chapter or to suffer or permit noncompliance with such conditions and regulations on or within the licensed premises. (Ord. 1984-M-25 § 1(c); Ord. 1979-M-38 § 5 (b).)

5.14.120 Violation - Penalty.

Any person convicted of a violation of this chapter shall be subject to a fine of not less than ten dollars nor more than five hundred dollars. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense. (Ord. 1981-M-46 § 1 (part); Ord. 1979-M-38 § 5(c).)

For Office Use Only

Receipt # _____
Date Received _____
Fee Paid \$ _____

Please call the following with questions:
Finance 377-4422
Building Commissioner 377-4406

CITY OF ST. CHARLES
2 East Main Street
St. Charles, Illinois 60174

**Application for City of St. Charles
Coin Operated Amusement Devices**

Date: _____

1. New Renewal Change
2. License Beginning Date _____ To April 30, 19____
3. Applicant is a: corporation partnership individual
4. Name (Applicant/Agent/Representative) _____ Telephone #(_____) _____
Name of Business _____
Mailing Address _____
City/State/Zip _____

CORPORATE APPLICANTS ONLY

5. For each corporate officer and director list:

Name	Address	Date of Birth

CORPORATE APPLICANTS ONLY

6. For each person owning of record 5% or more of the corporation's stock list:

Name	Address	Date of Birth	Home Phone #

7. Has any officer, manager, director or shareholder owning five percent or more of the stock of the corporation ever been convicted of a felony or ever forfeited an appearance bond on a felony charge?

Yes No

8. Will this business be conducted by a manager or agent?

Yes No

If so, list manager or agent:

Name _____ Date of Birth _____

Address _____ Home Phone #(____) _____

9. Address of place of business: _____

10. Principal kind of business engaged in: _____

a. Approximate floor area devoted to principal business: _____

b. Approximate floor area devoted to amusement game devices: _____

c. Approximate total floor area of premises (a + b): _____

d. Approximate percentage of gross receipts from: Principal Business _____%

Amusement Game Devices _____%

FOR OFFICE USE ONLY

Police Chief Endorsement:

Recommend Issuance

Yes

No

Signature

Date

Comments: _____

Building & Health Commissioner Endorsement:

Recommend Issuance

Yes

No

Signature

Date

Comments: _____

Finance Director Endorsement:

Recommend Issuance

Yes

No

Signature

Date

Comments: _____

Mayor Endorsement:

Recommend Issuance

Yes

No

Signature

Date

Comments: _____

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on September 2, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-91, entitled

"An Ordinance Amending Title 5, "Business Licenses and Regulations," Chapter 5.14, "Amusement Game Devices," of the St. Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1997-M-91, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on September 5, 1997, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 11th day of September, 1997.


Municipal Clerk

