

CHAPTER 32
BUSINESS REGULATIONS & AMUSEMENT LICENSE

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32.01 DEFINITION

For purposes of this Chapter, a coin operated or automatic amusement device is defined as: each and any machine, apparatus or device which, upon insertion of a coin, token or dollar bill(s), may be operated as a game or contest of skill or amusement of any kind or description, whereby the player initiates, employs or directs any force or energy by the machine.

32.02 AMUSEMENT LICENSE INTENT

Any person, partnership, firm, club, association or corporation engaged in the business of leasing, renting or contracting for the use or display of a coin operated device to be used or operated by the public within the City for entertainment or recreation purposes shall, before entering any lease, retail agreement or contract agreement with the owner or lessee of any premises, obtain a license from the City for the purpose of engaging in the business of leasing, renting or contracting for the use of any such devices. Or, any person, partnership, firm club, association or corporation owning any coin operated device and also engaging in any business whereby these internally owned devices are to be used or operated by the public within the jurisdiction of the City for entertainment, amusement or recreation purposes, shall obtain a license for the purpose of so displaying such devices for use or operation by the public.

32.03 AMUSEMENT LICENSE REQUIRED

No person, partnership, firm, club, association or corporation shall operate or maintain any automatic amusement device without first having obtained a license as provided in this Chapter 32.

32.04 AMUSEMENT LICENSE APPLICATION AND FEE

A. APPLICATION FOR AMUSEMENT LICENSE: Any person, partnership, firm, club, association or corporation desiring a City amusement license shall make application for that purpose to the City, which application shall set forth the following information:

1. The full name of the applicant.
2. The address, location and character of the building or place wherein the automatic amusement devices are to be located, maintained and operated.
3. The number of such devices to be located, maintained and operated in such building or place.
4. The type of machine to be located, maintained and operated and the charge to be made to the customer for operating such device.

B. AMUSEMENT DEVICE LICENSE FEE: See Exhibit A of this Chapter

32.05 AMUSEMENT LICENSE CONDITIONS *Amended, 12-10-3, 12-5-3*

A. PLACEMENT OF AMUSEMENT DEVICES: All licensed automatic amusement devices shall at all times be kept and placed in plain view of any person(s) who may frequent or be in any place of business where such devices are kept or used. Nothing in this Chapter shall be construed to authorize, regulate, permit or license any gambling device or authorize any gambling which shall only be permitted as provided in Section 33.38 of this Code.

B. DISPLAY OF AMUSEMENT LICENSE: Each automatic amusement device shall have a City issued license affixed to the device in plain view as to allow for an inspection of the device.

C. REVOCATION OF LICENSE: In addition to any penalty imposed, the City may revoke such license for good cause, including a violation of this Chapter or any other ordinance or law of the State pertaining to automatic amusement devices or conduct of the business in which the automatic amusement device is kept or used.

D. TERMS OF AMUSEMENT LICENSE: Each license shall be for a one year period which shall be from May 1st through April 30th of each following year. Any license issued after May 1st shall require the \$50.00 fee per device and will expire April 30th regardless of the date issued. Licenses are not to be transferred amongst machines and will be replaced if lost, damaged or stolen for a fee of \$2.00. All automatic amusement devices must be in compliance within 30 days of the adoption of this amendment (February 9, 2006)

32.06 INSPECTION AND SEIZURE OF AMUSEMENT DEVICES

Any automatic amusement device operated within the City is subject to inspection by the City. Any authorized City employee may, without a search warrant, seize any automatic amusement device which is being displayed in his or her presence in a manner that violates any provision of this Chapter. Such amusement device so seized shall be subject to confiscation and forfeiture as hereinafter provided.

32.07 AMUSEMENT DEVICE CONFISCATION, FORFEITURE, HEARING AND SALE

After seizing any automatic amusement device as provided in Section 32.06, the City's General Administration Committee ("Committee" for purposes of this Chapter) shall hold a hearing and determine whether such amusement device was properly licensed and/or being used in a manner which violates any provision of this Chapter.

Notification of this hearing will be posted at City Hall, 132 East Prairie Street, sent via certified mail to the owner of the automatic amusement device as reflected on the license application and if such person is not the owner of the seized device, sent via certified mail to the person who was in possession of the automatic amusement device at the time such device was confiscated at the address where such device was confiscated.

In the case neither the owner nor the person in possession of the amusement device is known, the Committee shall cause publication of the time and place of such hearing to be made at least once a week for three consecutive weeks in a newspaper of general circulation within the City.

If, as a result of such hearing, the Committee determines that the seized amusement device was, at the time of seizure, being displayed in a manner which violates this Chapter, the Committee shall enter an order declaring the amusement device confiscated and forfeited to the City and to be sold by the City in the manner provided herein. The Committee shall give notice of such order to the owner of the device if he or she is known and also to the person in whose possession the amusement device so taken was found. In the case neither the owner nor the person in possession of the device is known, the Committee shall cause publication of such order to be made at least once a week for three consecutive weeks in a newspaper of general circulation within the City.

The person from whom the amusement device has been seized (or the owner, if that is a different person) may redeem and reclaim the device within 30 days after the Committee's order of confiscation and forfeiture becomes final by payment of an amount equal to twice the annual fee applicable to the amusement device, plus any cost of seizure, transportation, storage of the device and public hearing, as well as any fines imposed.

If no complaint for review, as provided in Section 32.09, has been filed within the time required by the Administrative Review Law and if such amusement device is not redeemed and reclaimed within the time and in the manner provided for in this Section, the Committee shall proceed to sell said property for the best price obtainable and shall forthwith pay over the proceeds of such sale to the City; provided, however, that if the value of the property to be sold at any one time shall be \$500.00 or more, such property shall be sold only to the highest and best bidder on such terms and conditions and on open competitive bidding after public advertisement.

32.08 AMUSEMENT DEVICES VIOLATIONS AND PENALTIES

A. Any licensee, person, partnership, firm, club, association or corporation convicted of violating any of the provisions of this Chapter on any two occasions which are separated by a period of not less than 30 days, shall have its license revoked if, upon a bearing before the Committee, there is a finding that said violations did occur. In such event the license shall be revoked

forthwith and in addition, the licensee or any person, partnership, firm, corporation or other entity, shall be ineligible to be licensed in the following year.

Thereafter, any licensee, person partnership, firm, club, association or corporation convicted of a third violation of the provision of this Chapter occurring at any time if, upon a hearing before the Committee, there is a finding that said violations did occur, then no such licensee, person, partnership, firm or corporation required to be licensed under the provisions of this Chapter shall be granted a license under the provision of this Chapter and any license issued to such licensee shall be revoked.

B. Any person, partnership, firm club, association or corporation violating any of the provisions of this Chapter shall be fined not less than \$50.00 nor more than \$500.00. Each day that the violation exists shall be considered a separate and distinct offense.

C. Any person, partnership, firm, club, association or corporation who shall knowingly file a false application or provide false information on the application required by this Chapter shall be fined not less than \$50.00 nor more than \$500.00.

32.09 AMUSEMENT DEVICE JUDICIAL REVIEW

All final administrative decisions of the City and/or the Committee under any Section of this Chapter shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and any amendment and/or modifications thereof and the rules adopted relative thereto.

32.10 BUSINESS LICENSES

The annual license fee for certain specified businesses and events is found in Exhibit A of this Chapter.

EXHIBIT A	
Business/Event	Fee
Automatic amusement device, for each device	\$50
Carnival, per day (65 ILCS 11-54.102)	\$150
Cigarette vending machine	\$75
Circus, per day (65 ILCS 5/11-42-5)	\$150
Dance hall, entertainment provided (65 ILCS 5/11-42-5)	\$150
Food dispensing vehicle	
For one vehicle	\$50
For each additional vehicle	\$25
Handbills, samples and advertisements, distribution (Distribution of free political, civic or religious items and advertising for City businesses are exempt.)	\$50
Junk peddler, for each vehicle (65 ILCS 5/11-42-5)	\$100
Solicitation, Chapter 35, per person for a three-day license	\$10
Sound trucks, operators per vehicle per day	\$25
Taxicab, maximum fee for each taxicab business (65 ILCS 5/11-42-6)	\$75