

## CHAPTER 4

**AMUSEMENT DEVICES**

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- 4-4-1: **DEFINITIONS:** The following words and phrases when used in this Chapter shall, for the purposes of this Chapter, have the meanings respectively ascribed to them as follows:

- AMUSEMENT DEVICE:**
- A. Includes any machine which operates as a game of skill or contest upon the insertion of token, slug or coin. Such device shall include, but not be limited to, video games, arcade games, electronic games, games involving pinball or any other game in which the player can avoid, control, deflect, maneuver, direct, strike or otherwise affect a ball, electronic or video image, presentation, symbol or other object through the use of a control device, steering wheel, stick, lever, button or bar.
  - B. A coin or token operated jukebox, television or other machine which plays music or television upon insertion of a coin or token shall not be considered an amusement device.

**LICENSEE:** Any person, firm, corporation, partnership or other entity which owns, leases, rents or otherwise manages a business, store, public place, restaurant or other establishment open to the public, and who is responsible for the overall management of the business or public place who has obtained a license.

**PUBLIC PLACE:** Any building or business open to the public for any purpose which is not in violation of the laws of the United States, the State of Illinois or the Village of Elizabeth. (2002 Code)

4-4-2: **LICENSE REQUIRED:** Any person, firm or other business entity seeking to operate any public place containing an amusement device shall first obtain a license as provided herein. Each amusement device must have an individual sticker. (2002 Code)

4-4-3: **APPLICATION FOR LICENSE:** All applications for a license shall be made to the Village Clerk.

A. Application: All applications for licenses shall be made on a form to be provided by the Village Clerk, which shall be held by the Village Clerk. Such application shall be submitted and signed by any person or business entity defined as a “licensee”.

B. Multiple Devices: A licensee may submit one application for more than one amusement device, but each amusement device shall be required to have a sticker. Any licensee desiring to increase the number of devices shall file a new application and shall surrender any existing licenses to the Village Clerk. Such new application shall be considered a renewal of any existing licenses and shall be subject to the requirements of this Chapter, with the exception that the licensee shall not be required to pay license fees for those devices whose licenses are renewed pursuant to application to increase the number of devices. (2002 Code)

4-4-4: **APPROVAL OF LICENSE:**

A. Approval by Board: All applications shall be referred to the Village Board which shall approve the granting of such license by a majority vote. Upon the approval being granted, the Village Clerk shall issue a license and a sticker for each qualified amusement device.

- B. Denial by Board: The Village Board may deny a license, in its discretion, for the following reasons:
1. That applicant or any co-owner of the public place in which the amusement devices are to be located has been convicted of a felony in this State, the United States of America or any other state.
  2. Any applicant or any co-owner of the public place in which the amusement device are to be located has had a license under this Chapter or any similar Ordinance revoked.
  3. Any applicant who is operating as agent, trustee, partner, shareholder, lessee/lessor or employee on behalf of, for the benefit of, or in association with any person or business entity which would not be eligible for a license or who already possesses a license in another location within the Village.
  4. The applicant made untrue statements on the application; has failed to report a change in circumstances which make the applicant ineligible; has failed to report a change in circumstances regarding other licenses currently held which violate this Chapter.
  5. Any person or business entity would otherwise threaten the public health, safety or welfare of the citizen of the Village.
  6. Any other unlawful reasons deemed appropriate by the Board of Trustees. (2002 Code)

4-4-5: **LICENSE FEE AND TERM:** Licenses shall only be granted upon the payment of five dollars (\$5.00) per amusement device. Said license shall be maintained in a conspicuous place and shall only be valid for a period of twelve (12) months after issuance, unless on each year's anniversary date or other date as agreed by and between the parties in writing, the licensee pays an annual five dollar (\$5.00) fee per amusement device. (2002 Code) (amd. 2012 Code)

4-4-6: **LICENSE NONTRANSFERABLE:** Licenses shall not be transferred or assigned to another amusement device or any other person or business entity. (2002 Code)

**4-4-7: CONDITIONS OF LICENSE:**

- A. Age Restrictions: The granting of the license shall be conditional upon the prohibition of the use of the amusement devices by any person under the age of eighteen (18) after curfew and before eight o'clock (8:00) A.M.; any use of the amusement devices which results in disturbances of the peace, blockage of entries and exits, or repeated violations of Village Ordinances.
- B. Production of License: Any license shall be produced upon demand to any person or agent authorized pursuant to this Chapter to make such an inspection.
- C. Change of Location: No licensee shall have, nor shall any application be granted for, amusement devices in more than one public place. No device may be moved to any location other than that location listed in the application.
- D. Changes Reported: Any change in circumstances which would cause the licensee or applicant to be in violation of the terms of this Chapter, must be immediately reported to the Village Clerk in writing. Failure to do so is grounds for revocation of existing licenses held by licensee or denial of the application and shall be considered a violation of this Chapter. (2002 Code)

**4-4-9: VIOLATIONS; REMEDIES:**

- A. Report of Violation: Upon discovering a violation exists, the Police Chief or Trustee shall report said violation to the Village President who may then authorize the Police Chief to issue a complaint to the owner of said public place, licensee or person committing said violation.
- B. Inspection and Supervision: The Police Chief of the Village shall be responsible for the inspection and supervision of all public places for conformance with this Chapter. Upon complaint by any person that a public place is not in conformance with this Chapter, the Police Chief or any Trustee of the Village, or any person or agent authorized by them, shall immediately ascertain whether a violation of this Chapter exists by any person, licensee or within any public place.
- C. Removal of Devices: Any licensee or owner of a public place found guilty of violating this Chapter shall immediately have any other licenses or amusement devices within the public place removed. Such licensee shall not be eligible to apply for a new license for a period of six (6) months.

- D. Revocation of License: The Village President, upon being presented with a request to do so by any Trustee of the Village, shall have the right to revoke any license issued pursuant to the Chapter; however, such revocation shall be made only after a notice is sent to the licensee informing such licensee of the proposed revocation and the reasons for the revocation. Such notice shall be written and shall be delivered to the licensee ten (10) days before any hearing on the proposed revocation. Such revocation shall be made only after a hearing at which time the licensee may appear. Any revocation shall be in writing and notice of same shall be delivered to the licensee within seven (7) days in person or by certified mail, return receipt requested. Upon receipt of the revocation order, the licensee shall be considered revoked.
- E. Application for Reinstatement: Any licensee whose license has been revoked may apply for reinstatement with the Village Clerk. Such license shall only be reinstated after a majority of the Village Board of Trustees vote to approve the reinstatement. (2002 Code)

4-4-10: **PENALTY:** Any public place containing an amusement device without a license shall be liable to pay a fine as provided in Section 1-4-1 of this Code per amusement device for each day that such device is unlicensed, and each day shall be considered a separate offense.