

ARTICLE B. MECHANICAL AMUSEMENT DEVICES

3-4B-1: DEFINITIONS:

When used in this article, the following words and terms shall have the meanings herein ascribed to them:

MECHANICAL AMUSEMENT DEVICE: 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, skillball, mechanical grab machines, pistol ranges, baseball games, bowling games, tennis games and any and all devices referred to as arcade equipment, and all games and operations similar thereto under whatever name they may be indicated. It shall also include those amusements operated by remote control, whether or not actuated by insertion of a coin. For purposes of this article, the term "mechanical amusement devices" shall not include mechanical devices commonly known as "kiddie rides" or "carnival amusement rides" designated for child or adult amusement rides or music machines.

PINBALL: A game played with any number of balls or spheres upon a table or board having holes, pockets or cups into which such balls or spheres may drop or become lodged, or having arches, pins and springs, or any of them, to control, deflect or impede the direction or speed of the ball or spheres in motion by the player.

TAVERN: Any place of business whose chief or principal function is the sale or dispensing of alcoholic beverages, and not chiefly or principally in the business of selling food, as measured by gross sales of food compared to gross sales of alcoholic beverages. (Ord. 1978-4, 4-27-1978; amd. Ord. 1979-20, 11-15-1979)

3-4B-2: LICENSE REQUIRED:

No person shall operate, maintain or conduct a billiard table, pool table or pinball machine or amusement device open to the public without first having obtained a license therefor as herein provided. (Ord. 1978-4, 4-27-1978)

3-4B-3: LICENSE FEE:

A. The annual fee for any license required by this article shall be twenty dollars (\$20.00) for each table, machine or mechanical amusement device. (Ord. 1978-4, 4-27-1978; amd. 1994 Code)

B. If, at the time application is made for a license required by this article and less than six (6)

months of the current license year shall have expired, the full fee shall be charged for any such pool table, billiard table, pinball machines or amusement devices. If more than six (6) months of such current year shall have expired, a license fee of one-half ($\frac{1}{2}$) the full fee shall be charged for such billiard table, pool table, pinball machine or mechanical amusement device for such portion of the current license year that shall remain unexpired. (Ord. 1978-4, 4-27-1978)

3-4B-4: INVESTIGATION OF APPLICANT:

- A. All applications for licenses required by this article, when filed, shall be referred to the city building and zoning officer to assure compliance with the applicable building, zoning and housing ordinances of the city¹, and no license shall be granted to any applicant at any location unless and until the city building and zoning officer shall have first certified that the proposed location complies with the applicable building, zoning and housing ordinances of the city.

- B. Upon receipt of any application for license required by this article, the city clerk shall forward such application to such other appropriate agencies or administrators as may be affected, including, but not limited to, the local liquor control commissioner if liquor is to be sold upon the premises where such pinball machine or mechanical amusement device is to be held and to the Kendall County health officer if food is to be dispensed upon the premises. No license shall be issued until such agency or administrator, as the case may be, shall have certified that the intended location of the place of business is in compliance with all other applicable ordinances. (Ord. 1979-20, 11-15-1979)

3-4B-5: ISSUANCE OF LICENSE; RESTRICTIONS:

The application for license required by this article, when filed, shall be referred to the city clerk who shall issue or cause to be issued to such applicant a license authorizing the keeping, conducting or operating of such billiard tables, pool tables or pinball machines, as the case may be, at the place described in such application, for and during the term of such license. A license shall not issue, however, to the following person or persons:

- A. A person who has been convicted of a felony under the laws of the state of Illinois;

- B. A person whose license issued under this article has been revoked for good cause;

- C. A person who, at time of application for renewal of any license issued under this article, would

not be eligible for such license upon first application;

- D. A partnership, unless all of the members of such partnership shall be qualified to obtain a license;
- E. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee;
- F. A person who does not own the premises for such a license, unless said person has valid lease for the full period for which the license is to be issued;
- G. A person who has been convicted of any crime or misdemeanor involving moral turpitude. (Ord. 2007-65, 10-9-2007)

3-4B-6: LOCATION RESTRICTIONS:

- A. In accordance with the provisions of the zoning ordinance of the city², under no circumstances shall a license be issued for the operation of any billiard table, pool table, pinball machine or mechanical amusement device business unless such parlor or business is located in a B-2 general business district or B-3 service business district classification. (Ord. 1978-4, 4-27-1978)
- B. No license shall be granted to any place of business under this article to operate, maintain or conduct a billiard table, pool table or pinball machine or amusement device for the use of minors which is within three hundred feet (300') of any school or tavern. (Ord. 1979-20, 11-15-1979)

3-4B-7: HOURS OF OPERATION:

All places of business licensed under this article, with the exception of those places holding liquor licenses³ shall be closed and kept closed each night from twelve o'clock (12:00) midnight until eight o'clock (8:00) A.M. the following morning. (Ord. 1978-4, 4-27-1978)

3-4B-8: MINORS:

- A. **Minors Prohibited:** Minors under the age of twenty one (21) shall not, under any circumstances, frequent, loiter or go or remain in a place licensed hereunder for the sale of liquor. It shall be unlawful for the proprietor or manager of such place so licensed for the sale of liquor to allow or permit these minors to frequent or loiter or remain within the premises or designated area in which said pinball machines, amusement devices or billiard tables are located. (Ord. 1978-4, 4-27-1978; amd. 1994 Code)
- B. **Manager In Attendance:** Every place of business that permits minors to play billiards, pool, pinball machines or mechanical amusement devices shall have in attendance, as a manager or operator of such place of business, a responsible person of good moral character, who is the age of twenty one (21) years or more. (Ord. 1979-20, 11-15-1979)

3-4B-9: MANUFACTURERS OR DISTRIBUTORS:

No manufacturer or distributor or any other person shall sell, lease, supply or deliver any billiard table or pool table, pinball machine or amusement device to any premises within the city unless the owner or lessee thereof shall first obtain and display to the manufacturer or distributor a current, valid city license for such table or machine or mechanical amusement device. (Ord. 1978-4, 4-27-1978)

3-4B-10: REVOCATION OR SUSPENSION OF LICENSE:

- A. The mayor may revoke or suspend any license issued by the city clerk if the mayor determines the licensee has violated any of the provisions of this article or is convicted of a felony or any crime or misdemeanor involving moral turpitude. However, no such license shall be sold, revoked or suspended except after a public hearing by the mayor with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the mayor shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the mayor has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days; except, that if such licensee shall also be engaged in the conduct of another business or businesses on a licensed premises, such order shall not be applicable to such other business or businesses.
- B. All orders of suspension or revocation by the mayor and following hearing shall, within forty eight (48) hours from the date of entry of such order, be served upon the licensee. All orders of the mayor regarding suspension or revocation of a license shall be appealable to the circuit court or such other court as provided by law. (Ord. 2007-65, 10-9-2007)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See titles 8 and 10 of this code for building and zoning regulations, respectively.

[Footnote 2](#): See [title 10](#) of this code.

[Footnote 3](#): See subsection [3-3-12A](#) of this title, hours for liquor establishments.