

CHAPTER 9

AMUSEMENT ARCADES

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3-9-1: DEFINITION: Amusement Arcade is defined as any area wherein more than eight (8) automatic or electronic amusement devices are located. Said devices do not include vending machines operated by coin, or juke boxes, but includes pinball machines and all electronic game devices.

3-9-2: LICENSE REQUIRED: No person, firm or corporation shall conduct, engage in, maintain, operate, carry on, or manage any amusement arcade either by himself, or through any agent, without first having obtained a license for such activities.

3-9-3: BUILDING LEASE AGREEMENT: A copy of the Building Lease Agreement shall accompany Application for License.

3-9-3a: BUILDING FOR LICENSE: Application for all licenses shall be made to the Village Clerk in writing on a form provided for that purpose, and said form shall be completed by the owner and manager. In the event the manager shall be changed, the Village Clerk shall be immediately notified and a new application form signed with the Village Clerk. The

application shall be in the following form:

APPLICATION FOR AMUSEMENT ARCADE LICENSE

The undersigned hereby makes application for the issuance of an Amusement Arcade license and hereby certifies to the following facts:

- (a) Name of the owner of the building, residential address, and residential phone number;

- (b) Name of the applicant, residential address, and residential phone number;

(If the applicant is a corporation or partnership, the applicant must state the name, residential address, and residential phone number of each principal officer.)

- (c) Name of the manager, his residential address, and residential phone number;

- (d) The proposed location of the place of business;

- (e) State whether any of the above-named persons has ever been convicted of a felony under any Federal or State law, and if so, where, when and what offense?

- (f) State whether any of the above-named persons has ever been convicted of keeping a house of ill fame, pandering or other crime or misdemeanor opposed to decency and morality, and if so, where, when and what offense?

- (g) State whether any of the above-named persons has ever been convicted of a violation of any Federal or State liquor law concerning the manufacture, possession, or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation.

- (h) State whether any of the above-named persons has ever been convicted of a gambling offense as provided by the Illinois Criminal Code, or whether any of the above-named persons has ever been issued a Federal Gaming Device Tax Stamp or other Federal Wagering Occupational Tax Stamp

- (i) The applicant hereby agrees that the Village may make such private investigation of the applicant as it may desire _____.

Date _____ 19

Applicant

3-9-4: LICENSE FEE: The application shall be accompanied by a check in the amount of Five Hundred (\$500.00) dollars per year, and the amount due shall be divided into quarters of the Village fiscal year any part of a quarter that requires full payment for that quarter and the balance of the year. This license fee shall be in addition to that provided for each pinball machine, shooting gallery, target machine, pin pool table, or any coin operated amusement device as set out in Title 3, Chapter 2, Section 3-2-1(A) of the Village Code of East Alton, Illinois, 1975.

3-9-5: APPROVAL; DISAPPROVAL:

(a) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Mayor shall determine that the application is satisfactory, he shall approve the application. Thereupon, the municipal Clerk shall notify the applicant that the application has been approved. The license or permit shall be signed by the Mayor, attested by the Clerk, and then issued to the licensee.

(b) If, after due consideration of the information contained within the application and related investigative and inspection reports, the Mayor shall determine that matters concerning the application are unsatisfactory, he shall disapprove the application, indicating the reasons therefore. Thereupon, the Clerk shall notify the applicant that the application has not been approved and that no license or permit will be issued.

3-9-6: LICENSE TERM; EXPIRATION; RENEWAL; NUMBER:

(a) Each license shall indicate its term. All annual licenses shall be operated and the license year for the municipality shall commence on the first day of May of each year. No license shall be granted for a period longer than one (1) year. Except where otherwise provided herein, every license shall expire on the 30th day of April following the date of issuance.

(b) The Clerk shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least twenty-one (21) days prior to such expiration date; provided, however, that a failure to make such notification or the licensee's failure to receive it, shall not exclude the licensee from the obligation to obtain a new license or a renewal.

(c) Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

(d) Not more than two (2) licenses pursuant to this Ordinance shall be granted within the

Village limits of the Village of East Alton, Illinois.

3-9-7: LICENSES NOT ASSIGNABLE; UNLAWFUL USE:

(a) No license or permit may be assigned, sold, loaned, transferred, used as collateral or otherwise encumbered. No person, firm or corporation shall use or display any license certificate, tag, badge, or sticker, which has been improperly acquired.

(b) No person, firm or corporation shall alter, deface, forge, or counterfeit any license, certificate, plate, tag, badge or sticker issued by the municipality.

3-9-8: BUILDING AND PREMISES: No license shall be issued for the conduct of this business, and no permit shall be issued for any purpose or activity if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the municipality and the State of Illinois.

3-9-9: LOCATION: No license or permit for the operation of this business, establishment or activity in the municipality shall be construed to permit its operation in more than one location in the municipality; a separate license or permit shall be required for each location. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings contained the principal or accessory uses (1) shall be connected or shall be located on the same lot or parcel, (2) shall be operated and managed by the same person or owner, and (3) shall be an establishment with the same classification.

3-9-10: NUISANCE PROHIBITED:

A. Generally. No business or establishment, whether or not licensed, shall be so conducted as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. Any charge of conducting or operating a nuisance may be made under this Chapter or under the provisions of the Code prohibiting nuisances generally.

B. Unsafe or Unhealthful Business:

(1) No building or structure, utilized, constructed, or maintained in connection with this business or occupation, shall evidence an unsanitary, unsafe or dangerous condition.

(2) No substance, matter or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with this business or occupation, or be used in any work or labor performed in the municipality.

(3) The licensed premises shall be provided at all times with two (2) separate toilet facilities, which shall be kept in a clean and operating condition.

C. Refuse Disposal:

(1) Refuse Containers. The standard refuse container required by this Code shall be a receptacle of not less than twenty (20) gallon capacity, or constructed of impervious and sturdy material, with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers unless another type container is approved by the Clerk due to the unusual nature of the refuse produced by the business.

(2) Refuse Removal. It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with the business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.

(3) Removal of Refuse by Some Businesses or Occupations. Every person owning or controlling this business or occupation, where more than thirty-two (32) gallons of refuse is normally produced weekly, shall cause all substances deposited in such containers to be removed as often as shall be necessary, including daily removal from his premises, to insure the healthful environment surrounding such establishment. Such removal shall be at his own expense.

3-9-11: WORKING CONDITIONS:

(A) Health Requirements. No owner, lessee, manager or superintendent of any store, factory, workshop or other place shall allow or cause any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

(B) Sanitation. All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust or otherwise which are injurious to health. Sufficient washroom facilities for all employees shall be provided and such facilities shall be properly ventilated.

(C) Heat Required. It shall be the duty of every person owning or controlling the heating plant to any factory, workshop, retail business or other commercial establishment, to maintain a temperature when workers are present within such factory or workshop of not less than 68 degrees Fahrenheit or 20 degrees Celsius without such undue restriction of ventilation as to interfere with proper sanitary conditions therein.

(D) Inspection. The appropriate municipal officials shall visit or cause to be visited all such places of employment in the municipality as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

(E) Supervision. Adult supervision shall be provided on the licensed premises at all times by the licensee.

3-9-12: BUSINESS OPEN TO PUBLIC:

(A) All businesses licensed under this Chapter which invite the public generally into their establishment for the purpose of conducting business or any other activity licensed under this Chapter shall be subject to the following regulations in addition to all other applicable provisions of this Code.

(B) All areas within the licensed premises where the public may enter shall be kept in a safe and sanitary condition.

(C) All businesses subject to this Section shall refrain from all deceptive trade practices as defined by State or Federal law or regulation and shall comply with all applicable laws and regulations regarding consumer protection and deceptive trade practices. In the event of any such violation, the business license of the establishment may be revoked pursuant to the provisions of this Chapter.

3-9-13: INSPECTION: In addition to any other penalty which may be provided, the Mayor may revoke under the provisions of this Code the license of any owner or operator of a licensed business in the municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties.

3-9-14: LICENSE TO BE POSTED; DESTRUCTION, REMOVAL OF LICENSE:

(A) It shall be the duty of any person conducting a licensed business in the municipality to keep his license displayed at all times in a prominent place on the premises, machine or vehicle used for such business.

(B) No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate or sticker which has been issued by the municipality except when such license, certificate, plate or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Mayor or his duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his premises, any vehicle or any machine when said license has been revoked under the provisions of this Code.

(C) No alcoholic beverages shall be allowed on the licensed premises and a sign shall be prominently erected to such effect.

3-9-15: AGE OF INVITEES: No one shall be admitted to these licensed premises who is under the age of sixteen (16) years of age after 8:30 P.M. unless they are accompanied by a parent or guardian, and signs shall be publicly placed to inform the public of same.

3-9-16: LOITERING: The licensee shall be responsible to prevent loitering outside the licensed premises whether or not such persons are customers.

3-9-17: OBSCENITY: No photographs, books or publications shall be kept on the licensed premises which violate the standards of the community as to obscenity. In the event the Village Officials feel that this section is violated, the Mayor shall appoint five (5) individuals from the community from various sectors of the social and economic spectrum within the Village who shall view the allegedly objectionable materials and their decision as to whether the materials violate the moral standards of the community shall be final. Before the aforesaid persons request the appointments shall be made by whatever Judge is currently serving in the Courtroom of the Third Judicial Circuit in East Alton, Illinois.

3-9-18: PARKING AND TRAFFIC: The licensee shall be responsible for providing adequate parking space for patrons, and shall regulate the traffic thereon so that the same does not amount to a nuisance or disturb the peace of other citizens or present a hazard to other citizens.

3-9-19: HOURS:

(A) The licensed premises shall be open for business not earlier than 9:00 a.m. on each day of the week except Sunday and on that day not open until 12:00 noon. The premises shall remain open until 12:00 midnight on Friday and Saturday nights and shall close at 10:00 p.m. on weeknights except during the summer vacation months when the premises may be kept open until 12:00 midnight every night.

(B) No child of school age shall be allowed on the premises during school hours.

3-9-20: PENALTY AND ENFORCEMENT:

(A) Unless otherwise expressly provided, any person, firm or corporation convicted of violating any provisions of this Chapter shall be fined not less than Twenty-five (\$25.00) dollars and not more than Five-hundred (\$500.00) dollars, except that the third and all subsequent convictions within any twelve (12) month period shall be deemed to be misdemeanors, and the person, firm or corporation guilty thereof may be fined not less than Twenty-five (\$25.00) dollars and not more than Five-hundred (\$500.00) dollars and imprisoned for a period not exceeding six (6) months.

(B) Whenever a person, firm or corporation shall neglect or refuse to procure any license required by this Code, or otherwise violates the terms of this Chapter, the Mayor is authorized to cause appropriate legal action and proceedings to be instituted to enforce the license requirement.

(C) The Mayor shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this Chapter. When necessary and expedient, he may call upon the Chief of Police to assist in such enforcement, and it shall be the duty of the Chief of Police to perform such enforcement acts as may be required of him. All municipal employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this Code and other municipal

ordinances relating to the licensing of businesses and occupations and their regulations.

3-9-21: SUSPENSION, REVOCATION OF LICENSE OR PERMIT:

(A) When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, or where the holder of any license shall have refused to allow an inspection of his premises, the Mayor shall be authorized to summarily order the cessation of business and the closing of the premises until the danger no longer exists.

(B) Within eight (8) days after a license or permit is suspended, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(C) Licenses and permits issued by the municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in subsection (d) and (e) of this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license or permit.
2. Any violation by the licensee or permittee of provisions of this Code or other ordinances of the municipality relating to the license or permit, the subject matter of the license or permit or the premises occupied.
3. Conviction of the licensee or permittee of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest and legitimate business operation within the Village.
4. Failure of the licensee or permittee to pay any fine, penalty or charge owed to the Village.
5. Refusal to permit an inspection or sampling or any interference with a duly authorized municipal officer or employee while in the reasonable performance of his duties in making such inspections, as provided in Section 3-9-13.

Such revocation, if ordered, shall not preclude prosecution of any other penalties provided for the violation of other applicable provisions of this Code or other ordinances of the municipality.

(D) Notice of the hearing for revocation of a license or permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his last known address, at least five (5) days prior to the date set for the hearing. If the licensee shall request a continuance on the date of the hearing, the 10-day suspension

shall be in effect until two (2) days after the final hearing date.

(E) At the hearing, the Municipal Attorney shall present the complaint and shall represent the municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

(F) A stenographic or electronically recorded record of the hearing shall be kept. The municipality shall pay the cost of attendance fees of the recorder and the cost of the transcript, if such transcript shall be ordered by the municipality. The licensee or permittee shall pay the cost of any transcript ordered by him.

(G) Within a reasonable time after the conclusion of the hearing, but not later than thirty (30) days after such conclusion, the Mayor shall file a written decision in which he has summarized the evidence and has stated the reasons for his decision.

3-9-22: APPEAL: Any person aggrieved by the decision of the Mayor in regard to the denial of the application for this business license, as provided in this Code, or in connection with the revocation of a license or permit, or the closing of an establishment dangerous to the public, as provided in this Code, shall have the right to appeal to the corporate authorities. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The corporate authorities shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 3-9-21 hereof. The decision of the corporate authorities on such appeal shall be final.