

Chapter 36

**AMUSEMENTS
(13-50)**

Current as of 8-27-13

Sections:

36.01 AMUSEMENT DEVICES.

**36.02 AMUSEMENT HALLS, MOVIE THEATERS, SKATING RINKS,
THEATERS, BOWLING ALLEYS: AMUSEMENT FACILITY LICENSE
REQUIRED.**

36.03 PENALTIES.

36.01 AMUSEMENT DEVICES.

a) License Required. It shall be unlawful for any person to operate within the City an amusement device, either for gain or not, in any place of public resort, without a license therefor.

b) Definitions.

"Amusement Device" shall mean any machine, apparatus, contrivance, appliance, or device which may be operated or played involving in its use either skill or chance, including, but not limited to pool table, billiards, bumper pool, tape machine, card machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horse racing machine, shuffleboard machine, basketball machine, baseball game machine, football game machine, dart game, electronic video game, or any other similar mechanical or electronic game machine or device. Amusement Device shall not include any video gaming device licensed pursuant to Chapter 38 of the City Code of Ordinances.

"Proprietor" shall mean the person in whose place of business any such amusement device is placed for the use, amusement, patronage or recreation of the general public or members and guests of any club.

"Place of Public Resort" as used in this section shall mean any premises wherein any service or merchandise is offered for sale to the public or where tables or implements of any kind for playing any game of amusement are kept for use by the general public or by members and guests of any club.

"Person" shall mean any corporation, association, partnership, club, society or individual.

c) License Fee. The fee for licenses under this Section 36.01 shall be Twenty-Five Dollars (\$25.00) per device per year or portion thereof. For an arcade, defined as a business consisting solely of Amusement Devices, an annual fee of Five Hundred Dollars (\$500.00) to cover thirty (30) or

more devices. Applications for renewal shall be made no later than April 30th of each year. Renewal applications shall include a late fee of an additional Twenty-five Dollars (\$25.00) per device for each month or portion thereof submitted after April 30th. The term of licensure shall be from May 1 to April 30.

d) **Application for License.** Application for licenses for any amusement device shall be made by the proprietor in whose place of business any such amusement device is placed for the use, amusement, patronage, or recreation of the general public or members and guests of a club and shall be signed by the applicant, if an individual; by a partner in the case of a partnership; or by an officer in the case of a corporation, club, association, or society, verified by oath or affidavit; and shall contain the following information:

1. The name, address, age, date and place of birth of the applicant, if an individual; the names, addresses, ages, and dates and places of birth of all general or limited partners, if a partnership; the names, addresses, ages, dates and places of birth of all officers and directors of the corporation, club, association or society, if a corporation, club, association or society.

2. Prior convictions of the applicant for any violations of the gaming laws of the State of Illinois or any other State, or of any federal gaming laws.

3. Place where machine or device is to be displayed or operated and the business conducted at that place, and a floor plan showing the information described below.

4. Description of machine to be covered by the license, mechanical features, and name of manufacturer.

5. Whether said machine is owned by applicant, and if not, the name and address of the owner thereof.

e) **Code Enforcement Inspection.** All applications at the date of this Ordinance and all new applications shall be referred to the Director of Building and Community Services with a floor plan showing the following:

- 1) Square footage;
- 2) Exiting (door locations);
- 3) Seating arrangement;
- 4) Amusement device locations;
- 5) Aisle widths;
- 6) Emergency and exit lighting;
- 7) Bathroom locations;
- 8) Schematic of electrical system-inclusive of floor plan; and,
- 9) Fire extinguishers, alarms, fire suppression systems.

Any changes of the listed floor plan items shall be immediately reported to the Department of

Building and Community Services. In the case of new applicants, submit to Department of Building and Community Services an application for a sign permit. If electrical or structural/wall work is to be completed, said work shall require compliance with all applicable codes, and acquisition of all required permits and permissions.

f) Police Department Check. The Police Department shall investigate the location wherein it is proposed to operate such amusement devices, and determine and verify the information given by the applicant. Yearly inspection of the premises to verify appropriate number of licensed amusement devices will be the duty of the Police Department.

g) City Manager Grants. The application shall be referred to the City Manager who shall grant or deny the license pursuant to this Section 36.01 of the Municipal Code. Licenses shall be issued by the City Clerk. No permit shall be issued to any person who is a debtor on any obligation of any form owed to the City of DeKalb, nor to any premises that lacks proper zoning or is in violation of any City Code.

h) Display of License. The license or licenses herein provided for shall be posted prominently and conspicuously at the location of the amusement device(s) in the premises the device(s) is to be operated or to be maintained to be operated.

i) Gambling. It shall be unlawful for any person owning, possessing or operating any amusement device (whether any of the above are electronic or otherwise) to permit said device or any scheme whatever to dispense any form of pay-off, prize, reward, except free games dispensed by the device and nothing in this Section 36.01 shall in any way be construed to authorize, license or permit any gambling device whatsoever or any mechanism which has been judicially determined to be a gambling device, or in any way contrary to the laws of the State of Illinois.

j) Any facility that obtains an Amusement Device license shall be required to obtain and maintain a Fire Life-Safety license for their premises for all times that an Amusement Device license is in place.

**36.02 AMUSEMENT HALLS, MOVIE THEATERS, SKATING RINKS, THEATERS,
BOWLING ALLEYS: AMUSEMENT FACILITY LICENSE REQUIRED.**

a) It shall be unlawful to operate an amusement hall, dance club, bounce house, indoor-trampoline facility, indoor rock-climbing gym, movie theater, ice or roller-skating rink/alley/field, bowling alley (or bowling lanes), theater, or any other facility enclosed within a building which is used for athletic, amusement or recreational purposes with seating or occupancy limits in excess of 100 persons, without first obtaining an annual license to operate said facility. The license fee shall be \$250 per license year or portion thereof. In addition to the Amusement Facility License, the premises shall be required to obtain and maintain a valid Fire Life-Safety License. Amusement Facility License terms shall be coterminous with Fire Life-Safety Licenses (i.e. May 1 – April 30). Amusement Facility Licenses shall be made available on an application form acceptable to the City Manager. No permit shall be issued to any person who is a debtor on any obligation of any form

owed to the City of DeKalb, nor to any premises that lacks proper zoning or is in violation of any City Code.

b) Any facility with a license predating the passage of this Ordinance shall continue to operate under that license until April 30, 2014, but shall require a new Amusement Facility License and Fire Life-Safety License at that time.

36.03 PENALTIES.

A violation of any provision of this Ordinance shall be punishable by a fine of not less than Five Hundred Dollars, plus Court Costs. In addition, violators of this section shall be liable for restitution costs to the City of DeKalb and any other public entity that utilizes public employees to respond to any event or licensed facility to provide police, fire or other similar services.