

Chapter 104

AMUSEMENT ARCADES AND AMUSEMENT DEVICES

§ 104-1. Definitions.

§ 104-2. Amusement arcade license.

§ 104-3. Hours of operation for amusement arcades.

§ 104-4. General requirements for amusement arcades.

§ 104-5. License revocation.

§ 104-6. Coin-operated amusement devices.

[**HISTORY:** Adopted by the Village Board of the Village of Black Creek as Title 7, Ch. 5, of the 1987 Village Code. Amendments noted where applicable.]

§ 104-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMUSEMENT ARCADE — Any premises or arcade operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing amusement devices to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of amusement devices to the public at retail or where six or more amusement devices are located.

AMUSEMENT DEVICE — Any table, platform, mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use or operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly known as "baseball," "football," "basketball," "hockey," "pinball," "shuffleboard," "ray guns," "bowling games," "bumper games," "Skee-Ball," "electronic video games," and shall also include billiard tables and pool tables (whether coin-operated or not). Such definition does not include a bowling alley, jukebox or other coin-operated music machine or a mechanical children's amusement riding device.

§ 104-2. Amusement arcade license.

- A. License required. No person, firm, or corporation shall operate or keep an amusement arcade, as defined herein, without having obtained and posted on the premises, in plain view, a license to operate such arcade. Application shall be made to the Village Clerk-Treasurer on the form provided by such office, accompanied by an application fee as set forth in the General Fee Schedule, on file in the Village offices, which shall cover the cost of processing the application and shall be nonrefundable. The application shall set forth the following information: [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)**]

- (1) The name and address of the applicant, or, if a partnership, the name and addresses of all the partners, or, if a corporation, the names and addresses of the principal officers and registered agent thereof, and the name and address of the person who will supervise the game room.
 - (2) The name and addresses of the owners of the amusement devices to be located on the licensed premises, if such owners are different from that of the applicant. If the owner of the amusement devices is a partnership, the names and addresses of all the partners or, if a corporation, the names and addresses of the principal officers and registered agent thereof.
 - (3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
 - (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject premises and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within 20 feet of the property lines of the premises to be licensed.
 - (5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.
 - (6) Such application shall also contain such additional information as the Village deems necessary to assist it in determining the qualifications of the applicant for such license.
- B. Inspection. The Village Clerk-Treasurer shall notify the Chief of Police and Building Inspector of each new application for license, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. The Chief of Police and Building Inspector shall furnish to the Village Board, in writing, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a reinspection of the premises and report as originally required.
- C. Public hearing. The application shall be forwarded to the Village Board, which shall hold a public hearing prior to the granting or denial of any amusement arcade license. In reviewing each application, the Village Board shall find:
- (1) That the establishment, maintenance, or operation of an amusement arcade at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - (2) That the proposed amusement arcade will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

AMUSEMENT ARCADES AND AMUSEMENT
DEVICES

§ 104-2

§ 104-5

- (3) That the establishment of the amusement arcade will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate measures have been or will be taken to maintain good order surrounding the location thereof.
- D. Issuance of license; term. The Village Clerk-Treasurer shall issue a license upon approval of the application by the Village Board, upon the payment by the applicant of an annual license fee as set forth in the General Fee Schedule, on file in the Village offices. All licenses issued herein shall be for one year ending on the 30th day of June and shall not be transferable. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 104-3. Hours of operation for amusement arcades.

- A. No premises for which an amusement arcade license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.
- B. No premises for which an amusement arcade license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which school is in regular session.
- C. For the purpose of this section, the term "public school" or "parochial school" shall be any institution providing learning facilities for Grades K through 12.

§ 104-4. General requirements for amusement arcades.

The following general requirements shall apply to all amusement arcades licensed in accordance with this chapter:

- A. All amusement arcades shall have an adult supervisor on the premises at all times in which the game room is open to the public.
- B. Every amusement arcade shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as to not occupy any portion of a public sidewalk or to otherwise obstruct pedestrian passage to and from the premises.
- C. Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.
- D. All arcades shall post rules of nonacceptable patron conduct.

§ 104-5. License revocation.

Licenses may be revoked by the Village Board after notice and public hearing in the event an amusement arcade's location or operation fails to conform to standards provided in this chapter or violates any other provision of this Code of Ordinances.

§ 104-6. Coin-operated amusement devices.

- A. Definition. As used in this section, the following terms shall have the meanings indicated:

COIN-OPERATED AMUSEMENT DEVICE — Each machine which, upon the insertion of a coin, trade token or slug, operates or may be operated as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money or trade token or slugs, or which makes no provision whatever for the return of money to the player. A "coin-operated amusement device" is hereby further defined as any machine, apparatus, or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine. The term "coin-operated amusement device" is also hereby defined to be and shall include each machine-vending recorded music or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, or of trade tokens or slugs; provided, however, that this does not include coin-operated radios or television sets in private quarters.

- B. License. It shall be unlawful for any person, firm or corporation to install, operate or maintain any such coin-operated amusement or music device without having first obtained a license therefor. Applications shall be made to the Clerk-Treasurer. The fee for such licenses shall be as set forth in the General Fee Schedule, on file in the Village offices, per year or any portion of a year. The license period shall be the same as the calendar year. **[Amended 3-10-2003; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**