

COIN OPERATED AMUSEMENT DEVICES

3-18-1: DEFINITIONS:

AMUSEMENT DEVICES: Any machine which upon the insertion of a coin, or other currency, slug, token, plate, disk or the like, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include, but not be limited to, such devices as marble machines, pinball machines, skill ball, mechanical grab machines, pistol ranges, baseball games, basketball games, dart games, bowling games, tennis games or any electronic devices utilizing a television like screen and any and all devices referred to as arcade equipment and all other games, operations and tables, similar thereto under whatever name may be indicated. It shall also include those amusements operated by remote control whether or not actuated by the insertion of a coin. For purposes of this chapter, the term amusement devices shall not include mechanical devices commonly known as kiddie rides designed for child amusement or music machines. (Ord. 93-23, 10-4-1993)

3-18-2: LICENSE REQUIRED:

It shall be unlawful for any person to distribute, sell, lease, have, keep for use or suffer to permit to be used, any amusement device without first obtaining a license therefor, as herein provided. All applications for such licenses shall be made, in writing, to the village and shall state thereon the intended location of the place of business and the number of tables, amusement devices or pinball machines to be used therein.

Each new application and all information required to be furnished in connection therewith shall be referred to the Oswego police department who shall certify whether or not the applicant is qualified to receive the applied for license. (Ord. 08-91, 11-18-2008)

3-18-3: APPLICATION FOR LICENSE; ISSUANCE AND RENEWAL:

The application for license required by this chapter, when filed shall be referred to the village which shall issue to such applicant a license authorizing the keeping, conducting or operating of such billiard table, pool table, pinball machines or other coin operated devices as described above, as the case may be at the place described in such application, for and during the term of such license. A license shall not be issued, however, to the following person or persons:

- (A) A person who has been convicted of a felony under the laws of the state;
- (B) A person who has been convicted within the past three (3) years of any of the following crimes:
 1. Keeping a place of prostitution;
 2. Pimping;
 3. Pandering;
 4. Soliciting for a prostitute;
 5. Gambling;
 6. Keeping a gambling place;

7. Any offenses involving bodily harm; or
- (C) A person whose license issued under this chapter has been removed for good cause;
 - (D) A person who at the time of application for renewal of any license issued under this chapter would not be eligible for such license;
 - (E) A partnership, unless all of the members of such a partnership shall be qualified to obtain license;
 - (F) A person whose place of business is conducted by a manager or agent, unless the said manager or agent possesses the same qualifications required of the licensee;
 - (G) A person who does not own the premises for such a license unless said person has a valid lease for the full period for which the license is to be issued;
 - (H) A person who is not of good moral character and reputation in the community in which he resides.

The provisions above shall not apply to an individual to whom a license to sell alcoholic beverages has been issued and subsections (F) and (G) of this section shall not apply to a distributor of amusement devices. (Ord. 93-23, 10-4-1993)

3-18-4: MINORS PROHIBITED:

- (A) It is unlawful for any person who has not reached the age of seventeen (17) years unless accompanied by a parent or guardian to operate any pinball or mechanical amusement device as defined in this chapter.
- (B) It is unlawful for any person to allow or permit any person under the age of seventeen (17) years to play any such device unless said minor is accompanied by a parent or guardian.
- (C) It is unlawful for any person to allow or permit any person under the age of seventeen (17) years to play any amusement device if said machines are located in a premises licensed to sell alcoholic beverages to the general public, unless said minor is accompanied by a parent or guardian.
- (D) Every premises to which access of minors is restricted under this section shall have a sign located in a conspicuous place near said tables, machines or alleys, stating the following:
It is unlawful for anyone under seventeen (17) years of age to play this device unless accompanied by a parent or guardian.

(Ord. 93-23, 10-4-1993)

3-18-5: LOCATION OF PREMISES:

- (A) In accordance with the provisions of the Oswego zoning ordinance, under no circumstances shall a license be issued for the operation of any amusement device parlor, establishment or business, unless such establishment is located in a designated business district.

(B) No license shall be issued for any place within two hundred feet (200') of any church, hospital or building used exclusively for educational purposes, unless the place to be licensed has been established as a place where such tables, machines or alleys are kept, used and maintained before the establishment of the church, hospital or educational institution. Such distance shall be measured from the nearest point of the premises for which application for license has been made and the nearest point of the church, hospital or educational institution. (Ord. 93-23, 10-4-1993)

3-18-6: LICENSE FEE AND TERMINATION:

The annual fee for any license required by this chapter shall be one hundred dollars (\$100.00) for each machine kept or installed on the premises. Each license issued under this chapter shall terminate on January 1 next following its issuance. Regardless of when application is made for license under this chapter during the license year from January 1 to December 31, the license fee shall be one hundred dollars (\$100.00) and no proration of the annual fee shall be made. This license fee shall be waived for any not for profit corporation that has obtained a state gaming license from the state. (Ord. 93-23, 10-4-1993)

3-18-7: SUSPENSION OR REVOCATION:

(A) Licenses issued under this chapter may be revoked or suspended for a period not to exceed one year for the first violation and two (2) years for each subsequent violation by the village president after notice and hearing for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license;
2. Any violation by the licensee of ordinance provisions relating to the license, the subject matter of the license or the premises occupied;
3. Conviction of the licensee or manager of any felony or misdemeanor;
4. Failure of the licensee to pay any fine or penalty owing to the village;
5. The occurrence of two (2) or more disturbances at the premises occupied within a ninety (90) day period, or two (2) or more incidents involving injury or bodily harm to patrons, bystanders or police officers within a ninety (90) day period; and provided, that the village president finds, upon the recommendation of the chief of police, that as a result of said disturbances or incidents involving injury or bodily harm, a public nuisance exists endangering the health, safety or welfare of the citizens of Oswego.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the village. (Ord. 08-91, 11-18-2008)

3-18-8: NUMBER OF LICENSES PER ESTABLISHMENT OR BUSINESS:

There shall be no limit on the number of licenses issued to each establishment or business for games bearing an American Amusement Machine Association rating of "Suitable for All Ages". For all other games, the maximum number of licenses for a particular location shall be ten (10).

The village administrator may increase the maximum number of licenses for a particular location on a case by case basis if he finds that:

- (A) The increase in licenses would not be detrimental to the public health, safety, and general welfare; and
- (B) The increase in licenses would not be inconsistent with the purposes of this chapter; and
- (C) One of the following conditions is met:
 - 1. The operation of amusement devices constitutes a substantial portion of the applicant's business at that location; or
 - 2. The location is a retail establishment of greater than ninety thousand (90,000) square feet and no more than two thousand (2,000) square feet will be used for operating amusement devices. (Ord. 08-56, 7-1-2008)

3-18-9: LICENSE POSTED:

It shall be the duty of any licensee to keep the license issued posted in a prominent place on the premises upon which said amusement device(s) is located. (Ord. 93-23, 10-4-1993)

3-18-10: LICENSE NOT TRANSFERABLE:

No license issued to any person under this chapter shall be transferable. (Ord. 93-23, 10-4-1993)

3-18-11: PENALTIES:

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. (Ord. 09-42, 5-12-2009)