

CHAPTER 5

AMUSEMENTS

Art. I. Video Gaming, §5-1100 - §5-1107

Art. II. Motion Picture Theaters, §5-2100 - §5-2103

Art. III. Outdoor Carnivals and Circuses, §5-3100 - §5-3107

ARTICLE I. VIDEO GAMING

SEC. 5-1100. TERMS DEFINED.

For purposes of this article, the following terms shall have the meaning ascribed to them:

- (1) **Gambling**. Gambling shall have the meaning ascribed to it in Section 22-5101 of the Moline Code of Ordinances.
- (2) **Licensed Establishment**. Licensed Establishment shall mean any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. The following classes of City of Moline liquor licenses are classified as Licensed Establishments for purposes of this article and are eligible for a Video Gaming Establishment license if they meet the requirements of this article: Class A, AA, B, D, K.
- (3) **Terminal Operator**. Terminal Operator shall mean any person, firm, partnership, corporation or association who owns, sells, leases, rents, or is otherwise responsible for placing or distributing Video Gaming Terminals within the City of Moline.
- (4) **Video Gaming Terminal**. Video Gaming Terminal shall mean any electronic video game machine that, upon insertion of cash, electronic cards or voucher, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine or device that directly dispenses coins, cash, or tokens or is for amusement purposes only.

SEC. 5-1101. LICENSE REQUIRED.

(a) No Video Gaming Terminal may be placed in any Licensed Establishment unless the owner of the Licensed Establishment holds a license for video gaming from the Illinois Gaming Board and has obtained a Video Gaming Establishment license pursuant to this article. Video Gaming Terminals are not permitted in any other establishment in the City.

(b) No person may act as a Terminal Operator of Video Gaming Terminals in the City unless said person holds a valid license for video gaming from the Illinois Gaming Board and has obtained a Terminal Operator license pursuant to this article.

(c) No more than thirty (30) Video Gaming Establishment licenses shall be in existence at any time. Should there be more than thirty (30) Video Gaming Establishment license holders in existence at the time of passage of this ordinance, those license holders may continue to be licensed as long as they comply with all requirements of state and local law and there is no lapse in the validity of their licenses. No new licenses shall be issued until the number of licenses falls below thirty (30).

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SEC. 5-1102. APPLICATION; INSPECTION.

A person desiring a license required by this article shall apply to the City's accounts and finance office therefore; the license shall be issued by the accounts and finance office upon the certification of the building official and zoning administrator that the premises for which the license is applied or for which Video Gaming Terminals will be located complies with all building construction codes and the zoning and subdivision ordinances of the City of Moline, the fee has been paid, and it has been determined that the provisions of this article are complied with or that adequate provision has been made to cause such compliance.

SEC. 5-1103. FEE; TERM, LATE PENALTY.

(a) Video Gaming Establishments shall pay an annual fee of fifty dollars (\$50.00) per year for each Video Gaming Terminal located in the Licensed Establishment.

(b) Terminal Operators shall pay an annual fee of one thousand dollars (\$1,000.00) per year for each Video Gaming Terminal located within the City.

(c) The term of the license shall be February 1 to January 31. A license issued pursuant to this chapter is good only for the term in the license, and the City may, at any time, choose to prohibit video gaming within the City entirely upon expiration of the current license term. A license issued in accordance with this article shall not vest any type of interest with the licensee other than for the term of the existing license. A license issued in accordance with this article shall expire immediately upon the voluntary surrender or revocation of the licensee's video gaming license issued by the Illinois Gaming Board or the Licensed Establishment's state or local liquor license. No license shall be issued or renewed where the applicant owes a debt, fine, fee, or penalty to the City or has violated any City ordinance, including, but not limited to, the liquor code, sign code, or any other of the requirements of this article.

(d) Any licensee licensed by any part of the Moline Code of Ordinances or other act of the City Council who fails to renew applicable licenses by the due date will be charged a reinstatement fee equal to the amount of the license or two hundred dollars (\$200.00), whichever is less. If a licensee does not renew its license within thirty (30) days after the renewal date, the license will be considered to be voluntarily surrendered and shall not be renewed.

SEC. 5-1104. TRANSFERABILITY; DISPLAY.

(a) No license issued pursuant to this article shall be transferable from one person to another or from one premises to another. However, licenses shall be transferable from one machine to another. For licensees that are corporations, if the percentage of ownership of any shareholders in that corporation changes by more than fifty percent (50%) or if more than fifty percent (50%) of shares in the corporation are transferred to a new shareholder or shareholders, then the license is considered to be transferred, which is not permitted pursuant to this article.

(b) A Video Gaming Establishment license shall consist of a display certificate describing the number of the devices exhibited, the Licensed Establishment's name and address and the Terminal Operator's name and address and must be signed by the accounts and finance office and under seal of the City of Moline.

(c) A Terminal Operator license shall consist of a display certificate listing by address, the name of each Licensed Establishment within the City where Video Gaming Terminals are sold, leased, rented, serviced or otherwise placed or distributed by said Terminal Operator and the number of terminals at each such Licensed Establishment.

(d) In the event the devices or number of devices change after issuance of a license, but before renewal thereof, the license shall be considered to have been amended to a new license; provided, the licensee of the Licensed Establishment and the Terminal Operator notify the accounts and finance office in writing of the change within ten (10) days after the change in number of devices has occurred and pay any additional fees required by an increase in the number of devices. The act of operation without the notification required herein and payment of fees required herein shall constitute operation without holding a valid license.

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(e) Each Video Gaming Establishment license issued pursuant to this article shall be displayed at all times by a Licensed Establishment in a conspicuous place on the licensed premises and in an area accessible to business invitees during all hours of operation.

SEC. 5-1105. RESTRICTIONS ON LOCATIONS AND ADVERTISING.

(a) Video Gaming Establishments, Terminal Operators, and Video Gaming Terminals shall be subject to the restrictions of the Video Gaming Act, 230 ILCS 40/1, et. seq.

(b) Advertising by or for all video gaming establishments that have a City of Moline Class K liquor license shall be restricted as follows:

- (1) Upon the effective date of this ordinance, no new additional off-site advertising for any Class K video gaming establishment shall be permitted.
- (2) As of July 1, 2019, no off-site advertising for any Class K video gaming establishment shall be permitted. This includes billboards, box trucks, pamphlets, fliers and ads.
- (3) As of July 1, 2019, no advertising in any window of any Class K video gaming establishment shall be permitted.
- (4) As of January 1, 2023, Class K video gaming establishments may only have up to one (1) building sign that identifies the legal name or doing business as name of the establishment. The sign must conform to all requirements of Chapter 3, "Advertising and Signs," of the Moline Code of Ordinances. No other exterior signs are permitted after January 1, 2023.
 - a. All existing video gaming signs at Class K video gaming establishments are hereby deemed to be non-conforming.
 - b. Nonconforming Signs. From the effective date of this ordinance until January 1, 2023, nonconforming signs may be continued until any of the following activities affect the subject sign or sign location, at which time the nonconforming sign(s) must be removed unless it is the only exterior sign and it meets the listed requirements of subsection (4) above:
 1. Change of use classification; or
 2. Change in name of the licensee/license holder; or
 3. Replacement or repair of any portion of the sign in excess of fifty percent (50%) of the replacement value; or
 4. Removal or replacement of the entire sign structure; or
 5. Building permit application review by the City of Moline or zoning administrator.

SEC. 5-1106. SUSPENSION; REVOCATION.

(a) The mayor may suspend or revoke or refuse to renew a license issued hereunder for cause. The mayor shall give written notice to the licensee of the cause of the suspension or revocation or refusal to renew and provide the licensee at least ten (10) days before such suspension or revocation or refusal to renew is to be effective to request a hearing by filing such request in writing with the mayor. If such a request is filed, the mayor shall schedule a hearing as soon as practicable, but in no case later than thirty (30) days after a request for hearing has been filed. Pending hearing, a licensee may continue to operate.

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(b) The City shall have the burden of proof that cause exists at any hearing to suspend, revoke, or refuse to renew a license. The accounts and finance officer shall render any decision in writing and give the licensee a copy thereof.

(c) Service of notices and decision required in this section shall be obtained by mailing same by certified mail.

SEC. 5-1107. PENALTY.

Any person violating the provisions of this article shall be guilty of a petty offense and be punished as provided in Section 1-1107 of the Moline Code of Ordinances.

(Ord. No. 3019-2012; Art. I. repealed in its entirety; new Art. I. enacted; 07/17/12)

(Ord. No. 3036-2017; Art. I. "AMUSEMENT DEVICES," repealed in its entirety; new Art. I. "VIDEO GAMING," enacted; 10/17/17 – removes amusement devices from Art. I. as the City will no longer regulate or license such devices; Art. I. now pertains to regulation and licensing of video gaming only)

(Ord. No. 3043-2017; new Sec. 5-1101(c) enacted; 11/07/17 – sets limitation on number of video gaming establishment licenses to 30)

(Ord. No. 3053-2018; Art. I. "VIDEO GAMING," repealed in its entirety; new Art. I. "VIDEO GAMING," enacted; 12/18/18 – adds definition and licensing requirement for a terminal operator)

ARTICLE II. MOTION PICTURE THEATERS

SEC. 5-2100. LICENSE REQUIRED.

It shall be unlawful for any person to operate or conduct, or to cause or permit any of said person's agents, servants or employees to operate or conduct, a motion picture theater in the City, without first having obtained a license therefor from the City.

SEC. 5-2101. LICENSE YEAR; REVOCATION, SUSPENSION OF LICENSE.

(a) Each license issued pursuant to this article shall expire on the first day of May following its issuance.

(b) Licenses may be revoked by the accounts and finance officer for cause, after an administrative hearing pursuant to written notice, or in lieu thereof, be suspended after such hearing.

SEC. 5-2102. RESERVED FOR FUTURE USE.

(Ord. No. 2002-06-12; Sec. 5-2102 repealed; new Sec. 5-2102 enacted; 06/25/02)

(Ord. No. 3031-2015; Sec. 5-2101 repealed in its entirety pursuant to 2016 License and Fee Review; section was titled "Application for License; License Fee;" 09/15/15)

SEC. 5-2103. INSPECTION AND ENFORCEMENT.

It shall be the duty of the inspections division of the department of planning and development to make or cause to be made a periodical visit of inspection of each premise subject to this division, but not less frequently than semiannually, and to require a thorough fumigation of all such places when deemed advisable on account of any epidemic or contagious disease or at any time the Illinois Department of Public Health or the Rock Island County Health Department directs same and to enforce compliance with this article.

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ARTICLE III. OUTDOOR CARNIVALS AND CIRCUSES

SEC. 5-3100. TERMS DEFINED.

(a) **Outdoor carnival** means any aggregation of shows or riding devices, games of skill, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments or riding devices, whether carried on or engaged in or conducted on public or private property, which may be open air or enclosed in a tent, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

(b) **Outdoor circus** means a show consisting of acrobats, trained animals, clowns, or similar forms of entertainment that is held on public or private property, which may be open air or enclosed in a tent.

SEC. 5-3101. LICENSE REQUIRED.

It shall be unlawful for any person to operate or conduct, or to cause or permit any of said person's agents, servants or employees to operate or conduct an outdoor carnival or outdoor circus in the City without first having obtained a license therefore from the City.

SEC. 5-3102. LENGTH AND FREQUENCY OF OPERATION.

(a) No outdoor carnival or outdoor circus, once approved, shall remain in operation in any one (1) location for a period exceeding seven (7) consecutive days.

(b) No outdoor carnival or outdoor circus, regardless of operator, shall be located on any one (1) particular site more than two (2) times during any calendar year.

SEC. 5-3103. APPLICATION FOR LICENSE; LICENSE FEE.

- (a) Application for outdoor carnival or outdoor circus licenses shall be made to the finance director on forms provided by said director and shall contain the following information:
- (1) The site or location of the proposed carnival or circus;
 - (2) A precise description of the kinds of entertainment to be offered, the number, and a diagram indicating wherein they are to be located on the proposed site;
 - (3) The name of the owner, lessee, proprietor, operator or manager of the carnival or circus, and in addition thereto, the name of the owner, lessee, proprietor, operator or manager of each entertainment, performance or exhibition which collectively make up the carnival or circus, and the legal relationship of each to the applicant or to the proprietor of the carnival or circus;
 - (4) The names, birth dates, social security numbers and state driver's license or state identification for every person who will be working or volunteering for the registered purpose;
 - (5) The number and location of off-street parking spaces and toilet facilities to be used by patrons of the carnival or circus, to be indicated on the diagram referred to in subsection (2) above;
 - (6) An indication of the dates the carnival or circus is to be in operation and the hours during which the carnival or circus is to be open the public;
 - (7) Current USDA licenses for any animals appearing at the carnival or circus;
 - (8) A food license from the City of Moline for any food concessions for the length of the carnival or circus; and
- (b) The fee for a license to operate an outdoor carnival or outdoor circus shall be one hundred seventy five dollars (\$175.00) plus fifty (\$50.00) per additional day.

(Ord. No. 3025-2009; Sec. 5-3103(b) repealed; new Sec. 5-3103(b) enacted; 10/05/09) (Ord. No. 3021-2015; Sec. 5-3103 repealed; new Sec. 5-3103 enacted; 05/19/15)

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SEC. 5-3104. INSPECTION AND ENFORCEMENT.

It shall be the duty of the inspections division of the department of public works to make or cause to be made a visit of inspection of each premise subject to this division; it shall be the duty of the police department to conduct a site visit; and it shall be the duty of the fire department to conduct a site visit. It shall be the duty of the applicant to conduct background checks for all employees and volunteers prior to working at the event pursuant to State of Illinois' licensing requirements. It shall be the duty of the Finance Department to verify the licenses and permits submitted with the application.

(Ord. No. 3021-2015; Sec. 5-3104 repealed; new Sec. 5-3104 enacted; 05/19/15)

SEC. 5-3105. INSURANCE REQUIREMENTS.

No license shall be issued for conducting an outdoor carnival or outdoor circus until the applicant(s) therefore have placed on file with the City a certificate of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with carnivals or circuses. Such insurance shall be in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and shall name the City of Moline and its employees as additional insured.

SEC. 5-3106. INDEMNITY.

The owner, lessee, operator, or manager of a carnival or circus shall, in addition to the application provided, deliver to the City an agreement in writing holding the City harmless from all liability resulting from the operation of the carnival or circus, and, further, shall agree to indemnify the City from all liability resulting from any injury to patrons, bystanders, passersby, or any individual as a result of the operation or maintenance of the carnival or circus.

SEC. 5-3107. REVOCATION OF LICENSE.

The Finance Director, shall have the authority to revoke for cause, any license or registration granted under this Article III for a violation of this chapter, after due hearing and upon notice to the party charged. The notice shall be in writing and served by registered mail to the party charged, and shall be not less than five (5) days prior to the hearing. In the case of immediate peril to persons or property or where clear and convincing evidence exists purporting to show non-compliance with this Code, the Finance Director shall have authority to summarily suspend such license and provide the license holder with notice of their right to request a hearing within three (3) days of such summary suspension, but request of a hearing shall not stay, cancel or impair the suspension.

(Ord. No. 3020-2008; new Art. III enacted; 03/18/08)