

CHAPTER 5

AMUSEMENTS

- Art. I. Amusement Devices, §5-1100 - §5-1109
Art. II. Motion Picture Theaters, §5-2100 - §5-2103
Art. III. Outdoor Carnivals and Circuses, §5-3100 - §5-3107

ARTICLE I. AMUSEMENT DEVICES

SEC. 5-1100. PURPOSE.

The purpose of this article is to impose a tax for revenue upon devices generally known as amusement devices and coin-operated amusement devices or bowling alleys, pool tables, juke boxes, pinball, video, and arcade games. However, because it is legislatively determined that such devices present a great attraction to minors and that truancy and juvenile delinquency are related problems and that the nearness of such games to elementary, junior and senior high schools encourage truancy; an additional purpose of this article is to regulate the location of such devices in order to aid in the efforts to control truancy.

SEC. 5-1101. TERMS DEFINED.

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

- (1) **Amusement device.** Amusement device shall mean any game or entertainment played for a fee paid to the operator of the game rather than inserted directly into a device, machine or electronic device. It shall include bowling alleys, pool tables, athletic type games, and similar games; provided such do not include games, devices or events operated by not-for-profit organizations.
- (2) **Arcade.** Arcade shall mean any premise where ten (10) or more coin-operated amusement devices are operated, displayed or exhibited for use.
- (3) **Bowling alley.** Bowling alley shall mean each enclosed wooden lane designed for the game of bowling.
- (4) **Coin-operated amusement device.** Coin-operated amusement device shall mean any game or entertainment operated or played by insertion of coins, tokens, or similar objects, into a machine or other device to activate the game or entertainment. Such games and entertainments include, but are not limited to, pool tables, juke boxes, pinball games, video games and amusements, air hockey, electronic games, mechanical or electronic rides, shuffleboard or shuffle bowler, foosball, motion picture viewers, and other, similar mechanical or electronic devices. Not included within the term are devices for which licenses are required elsewhere in the Moline Code of Ordinances, devices for the dispensing of tangible property and food or beverages unless chance is involved in obtaining said items, devices located within single-family residences, and devices displayed solely for retail sale.
- (5) **Exhibitor.** Exhibitor shall mean any person who owns or operates premises upon which amusement devices or coin-operated amusement devices are operated, displayed, or exhibited for use.
- (6) **Gambling.** Gambling shall have the meaning ascribed to it in Section 22-5101 of the Moline Code of Ordinances.

MOLINE CODE OF ORDINANCES

- (7) **Gambling device.** Gambling device shall have the meaning ascribed to it in Section 22-5100(1) of the Moline Code of Ordinances, but shall specifically include the acts or repurchase of free games or tokens awarded by such devices and the acts of exchanging free games or tokens for merchandise.
- (8) **Juke box.** Juke box shall mean any phonograph, player piano, music box, juke box, or other instrument or device capable of producing or reproducing any vocal or instrumental sounds, other than a motion picture sound machine, which is governed by, controlled by, operated or played by insertion of coins, tokens, or similar objects into the instrument or device.
- (9) **Operator.** Operator shall mean any person, firm, partnership, corporation or association who owns, sells, leases, rents, or is otherwise responsible for placing or distributing amusement devices or coin-operated amusement devices within the City of Moline, Illinois.
- (10) **Pool table.** Pool table shall mean a billiard table or other table for the playing of billiards, pool, bumper pool, eight-ball and similar games.

SEC. 5-1102. LICENSE REQUIRED.

It shall be unlawful for any person to act as an operator or exhibitor of amusement devices or coin-operated amusement devices unless said person holds a valid license issued by the accounts and finance office in the name of the operator and exhibitor.

SEC. 5-1103. APPLICATION; INSPECTION.

A person desiring a license required by this article shall apply to the accounts and finance office therefor; 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 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. 5-1104. FEE; TERM, LATE PENALTY.

- (a) The annual fee for licenses required by this article shall be as follows:
 - (1) Operators shall pay an annual fee of fifty dollars (\$50.00) per year for each coin-operated amusement device and for each amusement device not specified in subsection (2) below. (Ord. No.2002-06-12; Sec.5-1104 (a)(1) repealed; new Sec. 5-1104 (a)(1) enacted; 06/25/02)
 - (2) Operators shall pay an annual fee of ten dollars (\$10.00) per year for each bowling alley, tennis court, and racquetball court.
 - (3) Exhibitors operating an arcade shall pay an additional annual fee of five hundred dollars (\$500.00) per year per location.
- (b) The term of the license shall be February 1 to January 31.
- (c) Licenses not renewed prior to expiration of the previous license shall be charged a penalty of twenty five dollars (\$25.00) minimum, or \$5.00 per day for each day past the due date, whichever is greater.
- (d) Corporations organized under the General Not-For-Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq.,) or authorized to conduct activities in the State of Illinois as a foreign not-for-profit corporation which are organized for charitable, educational, civic, religious, and or athletic purposes, and which do not possess a liquor license from the City of Moline, are exempt from the payment of any fee under the provisions of this article.

AMUSEMENTS

SEC. 5-1105. TRANSFERABILITY; DISPLAY.

(a) No license issued pursuant to this article shall be transferable from one person to another or from one premise to another. However, licenses shall be transferable from one machine to another.

(b) A license shall consist of a display certificate describing the number and nature of the devices exhibited, the exhibitor's name and address and the operator's name and address and must be signed by the accounts and finance officer and under seal of the City of Moline.

(c) 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 transferred to a new license; provided, the licensee notifies the accounts and finance officer in writing of the change within ten (10) days after the change in number of devices has occurred and pays any additional fee 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.

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

SEC. 5-1106. LOCATIONS PROHIBITED.

No arcade exhibitor's license may be issued for premises located within four hundred (400) feet of any public or private elementary, junior high, or senior high school as measured from the nearest wall of the school building to the nearest wall of the principal building in which the devices are located unless said premises also are licensed for the sale of alcoholic beverages. If a premise is licensed for the sale of alcoholic beverages and is located within four hundred (400) feet of such a school, an exhibitor's license may be issued; however, it shall be unlawful to locate amusement devices or coin-operated amusement devices within areas on said premises which are accessible to minors.

SEC. 5-1107. SUSPENSION; REVOCATION.

(a) The accounts and finance officer may suspend or revoke or refuse to renew a license issued hereunder for cause. Such officer shall be required to 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 accounts and finance officer. If such a request is filed, the accounts and finance officer 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.

(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 to the operator and exhibitor at their addresses as shown on the application for license.

SEC. 5-1108. OPERATION.

(a) An operator shall file with the application for annual license by January 31 of each year with the accounts and finance officer a list, by address, of all premises within the City where amusement devices or coin-operated amusement devices sold, leased, rented, serviced or otherwise placed or distributed by said operator are exhibited, displayed or operated and the name of the exhibitor at each such premise and the number of devices at each such premise. Such filing shall be kept confidential as a business secret.

MOLINE CODE OF ORDINANCES

(b) An arcade exhibitor must have readily identifiable adult supervision present during all hours of operation. However, this provision shall not apply to multi-family residential structures where game rooms are restricted to use by residents and their guests.

(c) No exhibitor shall knowingly permit gambling to occur on said exhibitor's premises and shall not maintain any gambling device.

SEC. 5-1109. 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.

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. APPLICATION FOR LICENSE; LICENSE FEE.

(a) Application for a theater license shall be made to the accounts and finance officer on forms provided by said officer, which forms shall specify (1) the name and address of the owner of the premises, (2) the name and address of the operator of the premises; (3) the location of the theater, and (4) the seating capacity of the theater.

(b) In addition thereto, the applicant shall pay one hundred dollars (\$100.00) to said accounts and finance officer as a license fee and \$50.00 for each screen, which fee shall be used to reimburse the City for the cost of annual inspections by the City. (Ord. No. 2002-06-12; Sec. 5-2102 repealed; new Sec. 5-2102 enacted; 06/25/02)

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.

AMUSEMENTS

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 and the zoning classification thereof;
- (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 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;
- (5) 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 to the public;
- (6) Current USDA licenses for any animals appearing at the carnival or circus;
- (7) A food license from the City of Moline for any food concessions for the length of the carnival.

(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 dollars (\$50.00) per additional day. (Ord. No. 3025-2009; Sec. 5-3103(b) repealed; new Sec. 5-3103(b) enacted; 10/05/09)

MOLINE CODE OF ORDINANCES

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 make the appropriate background checks and conduct site visits; and it shall be the duty of the fire department to conduct a site visit.

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 division 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)