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AN ORDINANCE AMENDING TITLE 7, CHAPTER 6, OF THE ORLAND PARK VILLAGE CODE IN REGARD TO AMUSEMENT DEVICES

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Village may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, the Village desires to clarify and update the Definition and licensing provisions of the Village Code regarding amusement devices; and

WHEREAS, the Village has determined that the amendments set out below are in the best interests of the Village and its residents.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

Title 7, Chapter 6, Sections 7-6-1 and 7-6-2 of the Orland Park Village Code are hereby amended in their entirety to provide as attached hereto as EXHIBIT “A”.

SECTION 2:

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

SECTION 5:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

EXHIBIT "A"

Orland Park, IL Code of Ordinances

CHAPTER 6

AMUSEMENT DEVICES

SECTION:

- 7-6-1: Definition**
- 7-6-2: License; Fees; Emblem**
- 7-6-3: Application**
- 7-6-4: Restrictions**
- 7-6-5: Inspections**
- 7-6-6: Term and Renewal of Automatic Amusement Device Operators License**
- 7-6-7: Seizure and Destruction of Devices Used for Gambling**
- 7-6-8: Revocation of License**
- 7-6-9: Transfer of License**
- 7-6-10: Penalties**

7-6-1: DEFINITION:

The term "automatic amusement device" shall mean any machine or device which, upon the insertion of a coin, slug, token, plate or disc, or via payment of any form may be operated by the public generally for use primarily 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, billiard, virtual reality gaming, bagatelle, pigeon-hole or pool tables, video games, games played with any number of balls, spheres or electronically operated devices that are actuated by said balls or spheres or electrical contacts, electrical impulse and/or cathode tube games, and all games, operations or transactions similar thereto under whatever name by which they may be indicated or identified. Each payment location shall indicate a separate device. However, said term shall not include juke boxes and other music box devices where the sole purpose of the device is to produce or reproduce any vocal or instrumental sounds which are controlled by the deposit of a coin or token. "Automatic Amusement Device" does not include a video gaming terminal as defined in the Illinois Video Gaming Act (230 ILCS 40/5) and lawfully licensed and operated in accordance with Chapter 18, Title 7 of this Code and pursuant to the said Act.

Nothing in this Chapter shall in any way be construed to authorize, license or permit movie and video booths or stands or any gambling machine or device whatsoever, including, but not limited to, a bingo device, a card game device, or any class of mechanism that has been judicially determined to be a gambling device, or in any way prohibited by law, provided, however, that devices or mechanisms used for games licensed by the State of Illinois and in compliance with the Village Codes and Ordinances shall not be considered gambling.

Notwithstanding contrary provisions of this paragraph, video gaming terminals lawfully licensed by the State of Illinois and lawfully licensed and operated in accordance with Chapter 18, Title 7, of this Code shall be considered gambling and are permitted as provided in Chapter 18 of this Title 7.

(Ord. 4529, 12-7-09; Amd. Ord. 5119, 9-6-16; Amd. Ord. 5319, 8-6-18)

7-6-2 LICENSE; FEES; EMBLEM:

(A) No person, firm, corporation, association or entity shall, within the Village of Orland Park, display for public patronage or keep for operation by patrons any automatic amusement device(s), as defined herein without first having obtained an automatic amusement device operators license and the appropriate individual automatic amusement device current year's emblem or certificate as set forth in subsections 2(B) and 2(C) below.

(B) For the issuance of no more than twenty-five (25) automatic amusement device operators licenses at the fee of \$100.00 for persons, firms, corporations or associations displaying for public patronage or keeping for operation by patrons any automatic amusement devices.

(C) In addition to the one-time license fee required by subsection 2(B), each automatic amusement device shall be charged a separate annual fee of \$50.00. In the event that an emblem is issued, the current year's emblem shall be affixed prominently and conspicuously to each device for which it is issued. In the event that an amusement device certificate is issued, the certificate shall be prominently displayed near the business license. Each such emblem or certificate shall be issued only for a particular device and may not be transferred or used in any way whatsoever as the required emblem or certificate of any other device whether or not such other device is a new or replacement device for the original device. Each and every device must have such an emblem or certificate issued for its particular use after the payment of the required fee. In the event any employee of the Village locates an amusement device that does not have the current year's emblem affixed or certificate displayed, the Village retains the right to unplug said device and deem it unusable until the current year's emblem is prominently affixed or certificate displayed.

(D) No refund shall be paid at any time to any licensee for fees paid for any emblem or certificate provided for in subsection 2(C) above. If, however, the licensee wishes to transfer an emblem or certificate which is required under subsection 2(C) above to a replacement device for the original device, the licensee may transfer the emblem or certificate to a replacement device if all of the following conditions are met:

(a) The original device is permanently removed from display for public patronage and is made unavailable for operation by patrons; and

(b) The fee emblem is taken off the original device and returned to the Village of Orland Park or the certificate is remitted to the Village of Orland Park; and

(c) A transfer fee of \$50.00 for each device is paid to the Village of Orland Park.

Once all of the above requirements have been met, the Village of Orland Park will provide the licensee with a new replacement fee emblem or certificate which shall be immediately displayed per subsection 2(C) above.

(E) No license shall be issued to any applicant unless he or she is over twenty-one (21) years of age.

(F) All new automatic amusement device operators licenses must be approved by the Village Board of Trustees.

(Ord. 4580, 8-2-10; Amd. Ord. 5107, 7-5-16; Amd. Ord. 5119, 9-6-16; Amd. Ord. 5339, 10-1-18)