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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** BRENT EICHELBERGER, VILLAGE ADMINISTRATOR  
ALISON MURPHY, ASSISTANT TO THE VILLAGE ADMINISTRATOR/  
VILLAGE CLERK  
**SUBJECT:** ORDINANCE: AMENDING AMUSEMENT DEVICE LICENSES  
**AGENDA:** MAY 3, 2022 REGULAR BOARD MEETING  
**DATE:** APRIL 29, 2022

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**ISSUE**

Should the Village Board approve an ordinance amending Village Code Title 3 (Business and License Regulations), Chapter 3 (Amusement Devices).

**DISCUSSION**

At the April 19, 2022 Village Board meeting, the Board approved amusement device licenses for the Fiscal Year 2022-2023 as required in the Village Code. Due to the routine nature of the amusement device license approval, staff recommends streamlining the approval and renewal process by amending the Village Code to allow for the Village Clerk to approve the licenses rather than the full Village Board. Currently, tobacco licenses are approved by the Clerk without Board approval. Additional recommended changes to the amusement device license ordinance include removing the provision for individual stickers and the area restriction for games and moving the oversight of the licenses to the Village Clerk and Police Chief or designee.

**COST**

There is a small cost to codify the ordinance.

**RECOMMENDATION**

That the Village Board approve an ordinance amending Village Code Title 3 (Business and License Regulations), Chapter 3 (Amusement Devices).



**VILLAGE OF SUGAR GROVE**

**ORDINANCE NO. 20220503A**

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**An Ordinance Amending Village Code Title 3 (Business and License Regulations),  
Chapter 3 (Amusement Devices)**

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PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
THIS 3<sup>RD</sup> DAY OF MAY, 2022.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY  
OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
THIS 3<sup>RD</sup> DAY OF MAY, 2022

**VILLAGE OF SUGAR GROVE  
ORDINANCE NO. 20220503A**

**An Ordinance Amending Village Code Section Title 3 (Business and License Regulations),  
Chapter 3 (Amusement Devices)**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 et seq.; and,

**WHEREAS**, the Illinois Coin-Operated Amusement Device and Redemption Machine Tax Act , 35 ILCS 510/7 provides municipalities of the State of Illinois the right to impose taxes or license fees and to regulate or control the operation of amusement devices within the municipality; and,

**WHEREAS**, the Village of Sugar Grove Board of Trustees finds that it is in the best interests of the citizens of the Village of Sugar Grove to amend the Village of Sugar Grove Village Code Title 3 (Business and License Regulations), Chapter 3 (Amusement Devices) with regard to the aforementioned proposition.

**NOW, THEREFORE, BE IT ORDAINED** by the President and the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE: TEXT AMENDMENTS**

**Title 3 (Business and License Regulations), Chapter 3 (Amusement Devices) of the Village Code shall be amended as follows:**

**SECTION:**

**3-3-1: Definitions**

**3-3-2: License Required**

**3-3-3: Application For License**

**3-3-4: Approval Of License**

**3-3-5: License Fee And Term**

**3-3-6: License Nontransferable**

**3-3-7: Conditions Of License**

**3-3-8: Expired License; Renewal**

**3-3-9: Violation; Remedies**

**3-3-10: Penalty**

**3-3-1: DEFINITIONS:**

The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them as follows:

AMUSEMENT DEVICE: Includes any machine which operates as a game of skill or contest upon the insertion of a token, slug ~~or coin~~, or card. Such device shall include, but not be limited to, video games, arcade games, electronic games, games involving pinball or any other game in which the player can avoid, control, deflect, maneuver, direct, strike or otherwise affect a ball, electronic or video image, presentation, symbol or other object through the use of a control device, steering wheel, stick, lever, button or bar. A coin, ~~card~~ or token operated jukebox, television or other machine which plays music or television upon insertion of a coin or token shall not be considered an amusement device.

LICENSEE: Any person, firm, corporation, partnership or other entity which owns, leases, rents or otherwise manages a business, store, public place, restaurant or other establishment open to the public, and who is responsible for the overall management of the business or public place who has obtained a license.

PUBLIC PLACE: Any building or business open to the public for any purpose which is not in violation of the laws of the United States, the State of Illinois or the Village of Sugar Grove. Such public place shall be zoned B-1 or B-4 and be more than one hundred feet (100') from any school or church.

SQUARE FEET REQUIREMENTS: For the purposes of this Chapter, square feet requirements shall only include those areas accessible and commonly used by the public and shall not include parking lots, storage areas, bathrooms or rooms occupied by heating or cooling devices. (Ord. 445, 6-26-1989)

### **3-3-2: LICENSE REQUIRED:**

Any person, firm or other business entity seeking to operate any public place containing an amusement device shall first obtain a license as provided herein. ~~Each amusement device must have an individual sticker.~~

### **3-3-3: APPLICATION FOR LICENSE:**

All applications for a license shall be made to the Village Clerk.

- A. Application: All applications for licenses shall be made on a form to be provided by the Village Clerk, which shall be held by the Village Clerk. Such application shall be submitted and signed by any person or business entity defined as a "licensee".

- B. Multiple Devices: A licensee may submit one application for more than one amusement device, ~~but each amusement device shall be required to have a sticker.~~ Any licensee desiring to increase the number of devices shall file a new application and shall surrender any existing licenses to the Village Clerk. Such new application shall be considered a renewal of any existing licenses and shall be subject to the requirements of this chapter, with the exception that the licensee shall not be required to pay license fees for those devices whose licenses are renewed pursuant to application to increase the number of devices.

### **3-3-4: APPROVAL OF LICENSE:**

- A. Approval By ~~Board~~ Village Clerk: All applications shall be ~~referred to the village board which shall approve the granting of such license by a majority vote~~ reviewed and approved by the village clerk.

Upon the approval being granted, the village clerk shall issue a license ~~and a sticker for each qualified amusement device.~~

B. Denial By ~~Board~~ Village Clerk: The village clerk may deny a license, in her/his discretion, for the following reasons:

1. That applicant or any co-owner of the public place in which the amusement devices are to be located has been convicted of a felony in this state, the United States of America or any other state.
2. Any applicant or any co-owner of the public place in which the amusement devices are to be located has had a license under this chapter or any similar ordinance revoked.
3. Any applicant who is operating as agent, trustee, partner, shareholder, lessee/lessor or employee on behalf of, for the benefit of, or in association with any person or business entity which would not be eligible for a license or who already possesses a license in another location within the village.
4. The applicant made untrue statements on the application; has failed to report a change in circumstances which make the applicant ineligible; has failed to report a change in circumstances regarding other licenses currently held which violate this chapter.
5. Any person or business entity would otherwise threaten the public health, safety or welfare of the citizens of the village.
6. Any other lawful reasons deemed appropriate by the ~~board of trustees~~ village clerk.

### **3-3-5: LICENSE FEE AND TERM:**

Application licenses shall only be granted upon the payment of the application fee. The fee shall be set and determined from time to time by the board of trustees of the village by resolution by said board of trustees. Said license shall be maintained in a conspicuous place and shall only be valid for a period of twelve (12) months or until May 1 of the following year.

### **3-3-6: LICENSE NONTRANSFERABLE:**

Licenses shall not be transferred or assigned to another amusement device or any other person or business entity. (Ord. 445, 6-26-1989)

### **3-3-7: CONDITIONS OF LICENSE:**

~~A. Area Requirement: The public place must contain at least one hundred feet (100') of area for each amusement device license applied for, not including kitchens, storage areas, patio, decks, offices, areas behind bars and any other nonpublic access areas.~~

B. Age Restrictions: The granting of the license shall be conditional upon the prohibition of the use of the amusement devices by any person under the age of eighteen (18) after curfew and before eight o'clock (8:00) A.M.; any use of the amusement devices which results in disturbances of the peace, blockage of entries and exits, or repeated violations of village ordinances.

C. Production Of License: Any license shall be produced upon demand to any person or agent authorized pursuant to this chapter to make such an inspection.

D. Change Of Location: No licensee shall have, nor shall any application be granted for, amusement devices in more than one public place. No device may be moved to any location other than that location listed in the application.

E. Changes Reported: Any change in circumstances which would cause the licensee or applicant to be in violation of the terms of this chapter, must be immediately reported to the village clerk in writing. Failure to do so is grounds for revocation of existing licenses held by licensee or denial of the application and shall be considered a violation of this chapter.

### **3-3-8: EXPIRED LICENSE; RENEWAL:**

Any licenses which have expired or any amusement device which has been moved shall be permitted to apply for a renewal and shall be subject to all the requirements of this Chapter regarding the application and granting of licenses.

### **3-3-9: VIOLATION; REMEDIES:**

A. Report Of Violation: Upon discovering a violation exists, the Police Chief ~~or designee or Trustee shall report said violation to the Village President who may then authorize the Police Chief to~~ ~~shall be authorized to~~ issue a complaint to the owner of said public place, licensee or person committing said violation.

B. Inspection And Supervision: The Police Chief of the Village shall be responsible for the inspection and supervision of all public places for conformance with this Chapter. Upon complaint by any person that a public place is not in conformance with this Chapter, the Police Chief ~~or designee or any Trustee of the Village;~~ or any person or agent authorized by them, shall immediately ascertain whether a violation of this Chapter exists by any person, licensee or within any public place.

C. Removal Of Devices: Any licensee or owner of a public place found guilty of violating this Chapter shall immediately have any other licenses or amusement devices within the public place removed. Such licensee shall not be eligible to apply for a new license for a period of six (6) months.

D. Revocation Of License: The Village ~~President, Clerk,~~ upon being presented with a request to do so by ~~Police Chief or designee any Trustee of the Village,~~ shall have the right to revoke any license issued pursuant to this Chapter; however, such revocation shall be made only after a notice is sent to the licensee informing it of the proposed revocation and the reasons for the revocation. Such notice shall be written and shall be delivered to the licensee ten (10) days before any hearing on the proposed revocation. Such revocation shall be made only after a hearing at which time the licensee may appear. Any revocation shall be in writing and notice of same shall be delivered to the licensee within seven (7) days in person or by certified mail, return receipt requested. Upon receipt of the revocation order, the license shall be considered revoked.

E. Application For Reinstatement: Any licensee whose license has been revoked may apply for reinstatement with the Village Clerk. ~~Such license shall only be reinstated after a majority of the Village Board of Trustees vote to approve the reinstatement.~~

### **3-3-10: PENALTY:**

Any public place containing an amusement device without a license shall be liable to pay a fine as provided in Section 1-4-1 of this Code per amusement device for each day that such device is unlicensed and each day shall be considered a separate offense.

## **SECTION TWO: GENERAL PROVISIONS**

**REPEALER:** All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

**SEVERABILITY:** Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its approval, passage, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 3<sup>rd</sup> day of May, 2022.

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Jennifer Konen,  
Village President

ATTEST:

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Alison Murphy,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James F. White	___	___	___	___