

VILLAGE OF CHEBANSE

---

ORDINANCE NO. 05 - 01

AN ORDINANCE AMENDING CHAPTER 11 OF THE  
MUNICIPAL CODE OF THE VILLAGE OF CHEBANSE, ILLINOIS

---

ADOPTED BY THE  
BOARD OF TRUSTEES OF THE  
VILLAGE OF CHEBANSE  
THIS 13<sup>th</sup> DAY OF FEBRUARY, 2005.

---

Published in pamphlet form by authority of the Board of Trustees of the Village of Chebanse,  
Kankakee and Iroquois Counties, Illinois this 13<sup>th</sup> day of FEBRUARY, 2005.

ORDINANCE NO. 05- 01

AN ORDINANCE AMENDING CHAPTER 11 OF THE  
MUNICIPAL CODE OF THE VILLAGE OF CHEBANSE, ILLINOIS

WHEREAS, it is essential to protect the safety of the citizens and the peace of the Village of Chebanse; and

WHEREAS, it is the policy of the Village of Chebanse to license amusement devices; and

WHEREAS, the current ordinance Chapter 11, Article II AMUSEMENT DEVICES is inadequate to protect the citizens of the Village of Chebanse, and should therefore be stricken and/or deleted in its entirety and replaced

WHEREAS, it is necessary and appropriate to amend Chapter 11 Article II AMUSEMENT DEVICES by striking and/or deleting the current ordinance in its entirety and replacing it with the following language:

ARTICLE II. AMUSEMENT DEVICES

11.201. Definitions.

For the purposes of this chapter, the following words are defined and shall have the meaning ascribed to them in this section, unless the context clearly indicates a different meaning:

(a) Amusement center or arcade means any establishment, place, premises, structure, or enclosure of any design or any place of business at which five or more amusement devices are located for the use or entertainment of persons patronizing the place of business.

(b) Amusement device or device(s) means any amusement machine or device operated by means of the insertion of a coin, token, slug, disc, plate, card, or similar object, or upon payment of consideration, which operates or may be operated by the public generally as a game, a contest or test of skill, or other amusement of any description. An amusement device does not include cigarette, candy, or other similar type vending machines.

(c) Exhibitor means any person conducting business at a place of business at which four or less amusement devices are located for the use or entertainment of persons patronizing the place of business, irrespective of the ownership of the device or devices.

(d) Good moral character means that the owner, exhibitor, or operator has not been convicted of a felony, a misdemeanor involving moral turpitude, or any gambling conviction or convictions within the five years next preceding the date of the application.

(e) Operator means any person conducting business at a place of business which is an amusement center wherein five or more amusement devices are located for the use of entertainment of persons patronizing the place of business, irrespective of the ownership of the devices.

(f) Owner means any person possessing legal title to any amusement device.

#### **11.202. Amusement Device License Required.**

No person as an owner, operator, or exhibitor shall locate, cause to be located, or permit any amusement device in the Village of Chebanse unless such amusement device is the subject of a valid license issued by the Village Clerk. A separate license shall be required for each amusement device displayed at any one time by any owner, operator, or exhibitor.

#### **11.203. Application for Amusement Device License.**

Application for a license to display an amusement device as defined herein must be made to the Village of Chebanse upon such forms as shall be prepared therefore by the Village Clerk. Each applicant for an amusement device license shall set forth the name and address of the owner of the amusement device, the name and address of the exhibitor, the nature and address of the place of business at which the amusement device is to be exhibited, a description of the amusement device sought to be licensed, including the name, make, model, and serial number of such device, and any other information as the Village may reasonably require. There shall be filed with each application for an amusement device license, affidavits of the owner and the exhibitor as to their good moral character and the truth of the information set forth in the application for the amusement device license. Applications for more than one amusement device may be submitted on the same application form.

#### **11.204. Issuance of Amusement Device License.**

The Village Clerk is authorized to issue amusement device licenses upon board approval. The amusement device license shall set forth the name and address of the owner of the amusement device, the name and address of the exhibitor, the nature and address of the place of business at which the licensed amusement device is to be located, the fiscal year for which such license is issued, and any other information as reasonably may be required by the Village of Chebanse. No amusement device license shall issue unless:

(a) The exhibitor of the amusement device to be licensed has properly filed the application for the amusement device license and affidavits as required in Section 11.203;

(b) The fee required by Section 11.212 has been paid;

(c) The Village Clerk has found that the exhibitor and owner are of good moral character as defined herein;

(d) The amusement device to be licensed is not held, exhibited, or operated contrary to the provisions of the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance;

(e) The Village Clerk has determined that there exists no other reasonable cause to deny the issuance of the amusement device license as required by the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

#### **11.205. Transfer of Amusement Device License; Amendments.**

(a) An amusement device license issued to an exhibitor under the provisions of this chapter shall not be transferred to any other person until the transferee has complied with all requirements of this chapter and has been issued an amusement device license.

(b) Should the exhibitor named on an amusement device license move the business, such license may be transferred to the licensed exhibitor's new business location.

(c) An amusement device license may be amended for an exhibitor therein named to change the selection of amusement devices.

(d) A request for a transfer as provided in subsection (b) herein or an amendment as provided in subsection (c) herein must be made by the licensed exhibitor to the Village Clerk. A transfer or amendment provided for in this section shall be granted after a determination by the Village Clerk that such transfer or amendment does not violate the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

(e) Any transfer or amendment of an amusement device license as herein provided shall be requested by the exhibitor on forms prescribed by the Village Clerk.

(f) This section is not applicable to an amusement center.

#### **11.206. Display of Amusement Device License.**

Each amusement device license shall be prominently displayed at the place of business listed thereon in full view of the patrons of the business.

#### **11.207. Amusement Center License Required.**

No person as an owner or operator shall operate an amusement center at any place of business unless such operator holds a valid amusement center license in accordance with the requirements of this chapter for the place of business at which such amusement center is operated. Each amusement device located within the amusement center shall be approved in accordance with the requirements of this ordinance.

### **11.208. Application for Amusement Center License.**

The Village Clerk is authorized to accept applications for the issuance of amusement center licenses. Each application for an amusement center license shall be submitted upon a form prescribed by the Village Clerk and shall set forth the name and address of the owner of the amusement devices, the name and address of the operator, if not the same as the owner, the address of the place of business which is to be the licensed amusement center, the fiscal period for which the amusement center license is sought, and a description of the amusement devices sought to be licensed at the amusement center, including the name, make, model, and serial number. If the operator filing the application for an amusement center license is a corporation, the application for an amusement center license shall list the names of any individual, corporation, or other entity owning the issued and outstanding shares of any class of stock of the corporation, including the percentage of ownership. If the operator filing the application for an amusement center license is a partnership, the application shall list the names of all of the partners. There shall be filed with each application for an amusement center license affidavits of the owner and operator, if not the same as the owner, as to their good moral character and the truth of the information provided in the application for the license.

### **11.209. Issuance of Amusement Center License.**

The Village Clerk is authorized to issue amusement center licenses upon board approval. Each amusement center license shall set forth the name and address of the owner of the amusement device, the name and address of the operator, if not the same as the owner, the address of the place of business which is the licensed amusement center, and the fiscal year for which such license is issued. The Village Clerk shall issue no license unless:

- (a) The owner or operator of the amusement center to be licensed has properly filed the application for an amusement center license and affidavits required by Section 11.208;
- (b) The fee required by Section 11.212 has been paid;
- (c) The Village Clerk has found that the owner and the operator, if not the same as the owner, are of good moral character as defined herein;
- (d) The Village Clerk has found that the amusement devices are not held, exhibited, or operated contrary to the provisions of the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance; and
- (e) The Village Clerk has determined that there exists no other reasonable cause to deny the issuance of the amusement center license as required by the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

### **11.210. Transfer of Amusement Center License; Amendments.**

- (a) An amusement center license issued to an operator under the provisions of this ordinance shall not be transferred to any other person until the transferee has complied with all

requirements of this ordinance and has been issued an amusement center license by the Village Clerk.

(b) Should the operator named on an amusement center license move his business, such license may be transferred to the licensed operator's new business location.

(c) An amusement center license may be amended to reflect additions to the selection of amusement devices. Should the addition of amusement devices require any additional license fee pursuant to Section 11-212, then a list of the additional amusement devices must be made seven days prior to the installation of such coin amusement devices to allow for a license amendment. Any list required by this section shall include the name, make, model, and serial number of the amusement device.

(d) A request for a transfer as stated in subsection (b) herein must be made by the licensed operator to the Village Clerk upon forms prescribed by the Village Clerk. A transfer shall be granted after a determination by the Village Clerk that such transfer does not violate any laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

#### **11.211. Display of Amusement Center License.**

Each amusement center license shall be prominently displayed at the place of business listed thereon in full view of the patrons of the licensed amusement center.

#### **11.212. Fees.**

The fees for an amusement device license or an amusement center license shall be as follows:

(a) For the license of any one or more pool tables, the annual fee shall be one-hundred dollars (\$100.00) per pool table.

(b) For the license of any one or more cherry, poker, blackjack, dice, roulette or other casino based games, the annual fee shall be one-hundred dollars (\$100.00) per machine.

(c) For the license of any and all other amusement devices including but not limited to one or more pin ball machines, the annual fee shall be thirty-five dollars (\$35.00) per machine.

(d) For the license of any amusement center, the fee shall be one-hundred dollars (\$100.00) per year.

(e) The amount of the license fee for an amusement device or amusement center shall be computed and established at the time the license is approved and issued by the Village Clerk and the fee, or any part thereof, shall be non-refundable during the annual term of the license. The person in whose name the license is issued is responsible and liable for the payment of the license fee.

**11.213. Location.**

(a) No license shall be granted for any amusement device or amusement center at a place where such amusement device will be displayed or the amusement center will conduct business at a location that is within 200 feet of the boundaries of a parcel of real estate occupied by any school building, public library, park, playground, or place of worship.

(b) An amusement center shall not be located within a 1,000-foot radius of the boundaries of a parcel of real estate occupied by another amusement center.

(c) The location or locations of an amusement center within a shopping mall or within the boundaries of a shopping center shall not be located within 1,000 feet of another amusement center within the same shopping mall or shopping center.

(d) This section shall not apply to a duly licensed amusement device or amusement center location in existence at the time a school, public library, park playground, or place of worship move or are constructed within the distances prescribed in this section.

**11.214. Investigation of Application.**

It shall be the duty of the Village Clerk to require an investigation of each application for an amusement device or amusement center license and to determine whether or not the place of business where the license is sought to be located is in violation of any law, and the amusement devices comply with the laws, ordinances, and regulations applicable thereto and to cause an investigation of the good moral character of the persons as defined above. This investigation is to be conducted by the Chief of Police who shall file a written report and recommendation of such investigation with the Village Clerk.

**11.215. Renewal of License.**

All applications for the renewal of an amusement device or amusement center license shall be submitted to the Village Clerk not earlier than thirty (30) days, but not less than five (5) days prior to the expiration of the license and shall be upon forms provided by the Village Clerk. License fees shall accompany all applications for renewal.

If an application is timely filed pursuant to the terms of this section and no renewal license has been issued before the expiration date of the existing license, the applicant may continue to operate under its existing license until a renewal license is issued or until notified that no renewal license will be issued.

**11.216. Operation by Minors.**

(a) No person shall knowingly permit any person under the age of twenty-one years of age to play or operate an amusement device classified as a cherry, poker, blackjack, dice, roulette or other casino based amusement device.

(b) All other amusement devices, including but not limited to pin ball machines, shall not have an age restriction for use.

(c) No person shall show or give false identification or information or otherwise mislead an exhibitor or operator, their agents or employees, for the purpose of operating or playing an amusement device if not otherwise authorized by subsection (a) hereof.

(d) No person shall knowingly show, give or make any false identification or information, either orally or in writing, or otherwise mislead an exhibitor or operator, their agents or employees, for the purpose of enabling another person that is not authorized under subsection (a) hereof to operate or play an amusement device.

**11.217. False Affidavit; Statements.**

Any person who knowingly swears falsely in any affidavit required to be filed under the provisions of this ordinance or makes a false statement in any application for an amusement device or amusement center license shall be guilty of a violation of this ordinance.

**11.218. Revocation of License.**

(a) If at any time any licensee, or a managing officer thereof if the licensee is a corporation, firm, partnership, or association, or the person in charge of or managing the operation of such amusement device or amusement center is found to be in violation of any of the provisions of this chapter or any laws against gambling, the Village may, after a hearing of which such licensee shall be given written notice, revoke such license.

(b) If at any time there have been more than 2 breaches of the peace in a one year period at the location where said amusement device is used, and said breaches of the peace have caused any police, fire, ambulance or rescue agency or department to respond to said breaches of the peace, the Village of Chebanse may, after a hearing of which such licensee shall be given written notice, revoke such license.

**11.219. Prohibited Practices.**

It shall be unlawful for any person:

(a) To use slugs, tokens, plates, discs, cards, or any objects other than United States coins to operate an amusement device, except for slugs, tokens, plates, discs, or any other object furnished by the owner of such amusement device at the location of the owner's amusement



device for use in the owner's machines only and having no redemption in cash value other than play or amusement; or

(b) To use or permit the use of any such amusement device as a gambling device or in connection with gambling.

**11.220. Expiration of Licenses.**

Each amusement device license or amusement center license shall expire on, and shall be renewed by, the thirty-first day of July following the date of issuance.

**11.221. Appeals.**

(a) Any person whose initial application for an amusement device or amusement center license is denied or whose existing license is not renewed or is revoked by the Village Clerk, may appeal such decision to the Village Hearing Officer who shall be the currently appointed Village Attorney, provided notice of appeal in writing is submitted to the Village Clerk within ten days after receipt of such denial, revocation, or failure to renew.

(b) The Village Hearing Officer shall hear any appeal timely made within thirty (30) days from the date such notice of appeal is received by the Village Clerk and the Hearing Officer shall have the power to sustain, modify, or reverse such decision. The Hearing Officer's decision must be in writing and sent to the license holder within fifteen (15) days after the hearing is concluded. The decision of the Hearing Officer shall be final.

**11.222. Penalty for Violations.**

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five-hundred dollars (\$500.00). Each day that a violation of this ordinance continues shall constitute a separate offense and shall be punishable as such. The penalty herein provided shall be cumulative with, and in addition to, the forfeiture of any license or right provided elsewhere in this ordinance for violation thereof.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHEBANSE, KANKAKEE AND IROQUOIS COUNTIES, ILLINOIS AS FOLLOWS:**

**SECTION ONE:** Chapter 11 of the Code of Ordinances of the Village of Chebanse shall be amended by striking and/or deleting the entire current ordinance and replacing it with the following:

## ARTICLE II. AMUSEMENT DEVICES

### 11.201. Definitions.

For the purposes of this chapter, the following words are defined and shall have the meaning ascribed to them in this section, unless the context clearly indicates a different meaning:

(a) Amusement center or arcade means any establishment, place, premises, structure, or enclosure of any design or any place of business at which five or more amusement devices are located for the use or entertainment of persons patronizing the place of business.

(b) Amusement device or device(s) means any amusement machine or device operated by means of the insertion of a coin, token, slug, disc, plate, card, or similar object, or upon payment of consideration, which operates or may be operated by the public generally as a game, a contest or test of skill, or other amusement of any description. An amusement device does not include cigarette, candy, or other similar type vending machines.

(c) Exhibitor means any person conducting business at a place of business at which four or less amusement devices are located for the use or entertainment of persons patronizing the place of business, irrespective of the ownership of the device or devices.

(d) Good moral character means that the owner, exhibitor, or operator has not been convicted of a felony, a misdemeanor involving moral turpitude, or any gambling conviction or convictions within the five years next preceding the date of the application.

(e) Operator means any person conducting business at a place of business which is an amusement center wherein five or more amusement devices are located for the use of entertainment of persons patronizing the place of business, irrespective of the ownership of the devices.

(f) Owner means any person possessing legal title to any amusement device.

### 11.202. Amusement Device License Required.

No person as an owner, operator, or exhibitor shall locate, cause to be located, or permit any amusement device in the Village of Chebanse unless such amusement device is the subject of a valid license issued by the Village Clerk. A separate license shall be required for each amusement device displayed at any one time by any owner, operator, or exhibitor.

### 11.203. Application for Amusement Device License.

Application for a license to display an amusement device as defined herein must be made to the Village of Chebanse upon such forms as shall be prepared therefore by the Village Clerk. Each applicant for an amusement device license shall set forth the name and address of the owner of the amusement device, the name and address of the exhibitor, the nature and address of the place of business at which the amusement device is to be exhibited, a description of the

amusement device sought to be licensed, including the name, make, model, and serial number of such device, and any other information as the Village may reasonably require. There shall be filed with each application for an amusement device license, affidavits of the owner and the exhibitor as to their good moral character and the truth of the information set forth in the application for the amusement device license. Applications for more than one amusement device may be submitted on the same application form.

#### **11.204. Issuance of Amusement Device License.**

The Village Clerk is authorized to issue amusement device licenses upon board approval. The amusement device license shall set forth the name and address of the owner of the amusement device, the name and address of the exhibitor, the nature and address of the place of business at which the licensed amusement device is to be located, the fiscal year for which such license is issued, and any other information as reasonably may be required by the Village of Chebanse. No amusement device license shall issue unless:

(a) The exhibitor of the amusement device to be licensed has properly filed the application for the amusement device license and affidavits as required in Section 11.203;

(b) The fee required by Section 11.212 has been paid;

(c) The Village Clerk has found that the exhibitor and owner are of good moral character as defined herein;

(d) The amusement device to be licensed is not held, exhibited, or operated contrary to the provisions of the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance;

(e) The Village Clerk has determined that there exists no other reasonable cause to deny the issuance of the amusement device license as required by the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

#### **11.205. Transfer of Amusement Device License; Amendments.**

(a) An amusement device license issued to an exhibitor under the provisions of this chapter shall not be transferred to any other person until the transferee has complied with all requirements of this chapter and has been issued an amusement device license.

(b) Should the exhibitor named on an amusement device license move the business, such license may be transferred to the licensed exhibitor's new business location.

(c) An amusement device license may be amended for an exhibitor therein named to change the selection of amusement devices.

(d) A request for a transfer as provided in subsection (b) herein or an amendment as provided in subsection (c) herein must be made by the licensed exhibitor to the Village Clerk. A transfer or amendment provided for in this section shall be granted after a determination by the

Village Clerk that such transfer or amendment does not violate the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

(e) Any transfer or amendment of an amusement device license as herein provided shall be requested by the exhibitor on forms prescribed by the Village Clerk.

(f) This section is not applicable to an amusement center.

#### **11.206. Display of Amusement Device License.**

Each amusement device license shall be prominently displayed at the place of business listed thereon in full view of the patrons of the business.

#### **11.207. Amusement Center License Required.**

No person as an owner or operator shall operate an amusement center at any place of business unless such operator holds a valid amusement center license in accordance with the requirements of this chapter for the place of business at which such amusement center is operated. Each amusement device located within the amusement center shall be approved in accordance with the requirements of this ordinance.

#### **11.208. Application for Amusement Center License.**

The Village Clerk is authorized to accept applications for the issuance of amusement center licenses. Each application for an amusement center license shall be submitted upon a form prescribed by the Village Clerk and shall set forth the name and address of the owner of the amusement devices, the name and address of the operator, if not the same as the owner, the address of the place of business which is to be the licensed amusement center, the fiscal period for which the amusement center license is sought, and a description of the amusement devices sought to be licensed at the amusement center, including the name, make, model, and serial number. If the operator filing the application for an amusement center license is a corporation, the application for an amusement center license shall list the names of any individual, corporation, or other entity owning the issued and outstanding shares of any class of stock of the corporation, including the percentage of ownership. If the operator filing the application for an amusement center license is a partnership, the application shall list the names of all of the partners. There shall be filed with each application for an amusement center license affidavits of the owner and operator, if not the same as the owner, as to their good moral character and the truth of the information provided in the application for the license.

#### **11.209. Issuance of Amusement Center License.**

The Village Clerk is authorized to issue amusement center licenses upon board approval. Each amusement center license shall set forth the name and address of the owner of the amusement device, the name and address of the operator, if not the same as the owner, the address of the place of business which is the licensed amusement center, and the fiscal year for which such license is issued. The Village Clerk shall issue no license unless:

(a) The owner or operator of the amusement center to be licensed has properly filed the application for an amusement center license and affidavits required by Section 11.208;

(b) The fee required by Section 11.212 has been paid;

(c) The Village Clerk has found that the owner and the operator, if not the same as the owner, are of good moral character as defined herein;

(d) The Village Clerk has found that the amusement devices are not held, exhibited, or operated contrary to the provisions of the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance; and

(e) The Village Clerk has determined that there exists no other reasonable cause to deny the issuance of the amusement center license as required by the laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

**11.210. Transfer of Amusement Center License; Amendments.**

(a) An amusement center license issued to an operator under the provisions of this ordinance shall not be transferred to any other person until the transferee has complied with all requirements of this ordinance and has been issued an amusement center license by the Village Clerk.

(b) Should the operator named on an amusement center license move his business, such license may be transferred to the licensed operator's new business location.

(c) An amusement center license may be amended to reflect additions to the selection of amusement devices. Should the addition of amusement devices require any additional license fee pursuant to Section 11-212, then a list of the additional amusement devices must be made seven days prior to the installation of such coin amusement devices to allow for a license amendment. Any list required by this section shall include the name, make, model, and serial number of the amusement device.

(d) A request for a transfer as stated in subsection (b) herein must be made by the licensed operator to the Village Clerk upon forms prescribed by the Village Clerk. A transfer shall be granted after a determination by the Village Clerk that such transfer does not violate any laws of the State of Illinois, the Code of the Village of Chebanse, or the requirements of this ordinance.

### **11.211. Display of Amusement Center License.**

Each amusement center license shall be prominently displayed at the place of business listed thereon in full view of the patrons of the licensed amusement center.

### **11.212. Fees.**

The fees for an amusement device license or an amusement center license shall be as follows:

(a) For the license of any one or more pool table, the annual fee shall be one-hundred dollars (\$100.00) per pool table.

(b) For the license of any one or more cherry, poker, blackjack, dice, roulette or other casino based game the annual fee shall be one-hundred dollars (\$100.00) per machine.

(c) For the license of any and all other amusement devices including but not limited to one or more pin ball machines, the annual fee shall be thirty-five dollars (\$35.00) per machine.

(d) For the license of any amusement center, the fee shall be one-hundred dollars (\$100.00) per year.

(e) The amount of the license fee for an amusement device or amusement center shall be computed and established at the time the license is approved and issued by the Village Clerk and the fee, or any part thereof, shall be nonrefundable during the annual term of the license. The person in whose name the license is issued is responsible and liable for the payment of the license fee.

### **11.213. Location.**

(a) No license shall be granted for any amusement device or amusement center at a place where such amusement device will be displayed or the amusement center will conduct business at a location that is within 200 feet of the boundaries of a parcel of real estate occupied by any school building, public library, park, playground, or place of worship.

(b) An amusement center shall not be located within a 1,000-foot radius of the boundaries of a parcel of real estate occupied by another amusement center.

(c) The location or locations of an amusement center within a shopping mall or within the boundaries of a shopping center shall not be located within 1,000 feet of another amusement center within the same shopping mall or shopping center.

(d) This section shall not apply to a duly licensed amusement device or amusement center location in existence at the time a school, public library, park playground, or place of worship move or are constructed within the distances prescribed in this section.

#### **11.214. Investigation of Application.**

It shall be the duty of the Village Clerk to require an investigation of each application for an amusement device or amusement center license and to determine whether or not the place of business where the license is sought to be located is in violation of any law, and the amusement devices comply with the laws, ordinances, and regulations applicable thereto and to cause an investigation of the good moral character of the persons as defined above. This investigation is to be conducted by the Chief of Police who shall file a written report and recommendation of such investigation with the Village Clerk.

#### **11.215. Renewal of License.**

All applications for the renewal of an amusement device or amusement center license shall be submitted to the Village Clerk not earlier than thirty (30) days, but not less than five (5) days prior to the expiration of the license and shall be upon forms provided by the Village Clerk. License fees shall accompany all applications for renewal.

If an application is timely filed pursuant to the terms of this section and no renewal license has been issued before the expiration date of the existing license, the applicant may continue to operate under its existing license until a renewal license is issued or until notified that no renewal license will be issued.

#### **11.216. Operation by Minors.**

(a) No person shall knowingly permit any person under the age of twenty-one years of age to play or operate an amusement device classified as a cherry, poker, blackjack, dice, roulette or other casino based amusement device.

(b) All other amusement devices, including but not limited to pin ball machines, shall not have an age restriction for use.

(c) No person shall show or give false identification or information or otherwise mislead an exhibitor or operator, their agents or employees, for the purpose of operating or playing an amusement device if not otherwise authorized by subsection (a) hereof.

(d) No person shall knowingly show, give or make any false identification or information, either orally or in writing, or otherwise mislead an exhibitor or operator, their agents or employees, for the purpose of enabling another person that is not authorized under subsection (a) hereof to operate or play an amusement device.

#### **11.217. False Affidavit; Statements.**

Any person who knowingly swears falsely in any affidavit required to be filed under the provisions of this ordinance or makes a false statement in any application for an amusement device or amusement center license shall be guilty of a violation of this ordinance.

**11.218. Revocation of License.**

(a) If at any time any licensee, or a managing officer thereof if the licensee is a corporation, firm, partnership, or association, or the person in charge of or managing the operation of such amusement device or amusement center is found to be in violation of any of the provisions of this chapter or any laws against gambling, the Village may, after a hearing of which such licensee shall be given written notice, revoke such license.

(b) If at any time there have been more than 2 breaches of the peace in a one year period at the location where said amusement device is used, and said breaches of the peace have caused any police, fire, ambulance or rescue agency or department to respond to said breaches of the peace, the Village of Chebanse may, after a hearing of which such licensee shall be given written notice, revoke such license.

**11.219. Prohibited Practices.**

It shall be unlawful for any person:

(a) To use slugs, tokens, plates, discs, cards, or any objects other than United States coins to operate an amusement device, except for slugs, tokens, plates, discs, or any other object furnished by the owner of such amusement device at the location of the owner's amusement device for use in the owner's machines only and having no redemption in cash value other than play or amusement; or

(b) To use or permit the use of any such amusement device as a gambling device or in connection with gambling.

**11.220. Expiration of Licenses.**

Each amusement device license or amusement center license shall expire on, and shall be renewed by, the thirty-first day of July following the date of issuance.

**11.221. Appeals.**

(a) Any person whose initial application for an amusement device or amusement center license is denied or whose existing license is not renewed or is revoked by the Village Clerk, may appeal such decision to the Village Hearing Officer who shall be the currently appointed Village Attorney, provided notice of appeal in writing is submitted to the Village Clerk within ten days after receipt of such denial, revocation, or failure to renew.

(b) The Village Hearing Officer shall hear any appeal timely made within thirty days from the date such notice of appeal is received by the Village Clerk and the Hearing Officer shall have the power to sustain, modify, or reverse such decision. The Hearing Officer's decision must be in writing and sent to the license holder within fifteen (15) days after the hearing is concluded. The decision of the Hearing Officer shall be final.



**11.222. Penalty for Violations.**

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five-hundred dollars (\$500.00). Each day that a violation of this ordinance continues shall constitute a separate offense and shall be punishable as such. The penalty herein provided shall be cumulative with, and in addition to, the forfeiture of any license or right provided elsewhere in this ordinance for violation thereof.

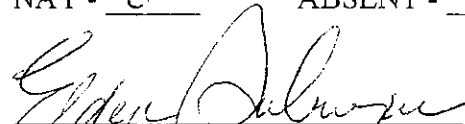
**SECTION TWO:** Should any provision or section of this Ordinance be declared invalid by any Court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part hereof other than the part so declared to be invalid

**SECTION THREE:** This Ordinance shall be in full force and effect as of the date of its passage.

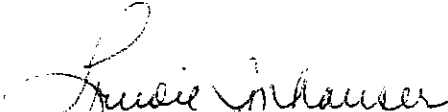
**PASSED** by the President and the Board of Trustees of the Village of Chebanse, Kankakee and Iroquois Counties, Illinois this 23<sup>RD</sup> day of FEBRUARY, 2005.

Trustee Dowdy	Aye - _____	Nay - _____	Absent - <u>✓</u>
Trustee Hart	Aye - <u>✓</u>	Nay - _____	Absent - _____
Trustee Kemnetz	Aye - <u>✓</u>	Nay - _____	Absent - _____
Trustee Mathy	Aye - <u>✓</u>	Nay - _____	Absent - _____
Trustee Zens	Aye - <u>✓</u>	Nay - _____	Absent - _____
Trustee Dubuque	Aye - <u>✓</u>	Nay - _____	Absent - _____

TOTALS:                    AYE - 5                    NAY - 0                    ABSENT - 1

  
\_\_\_\_\_  
**ELDEN DUBUQUE**  
Acting Village President

ATTEST:

  
\_\_\_\_\_  
**Trudie Imhauser**  
Village Clerk