



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-078
DATE OF PASSAGE November 14, 2023

An Ordinance Amending Chapter 8 - Division 8-IV-1 Pertaining to Amusement Devices Generally.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, there are reports of numerous unlicensed and unregulated video gaming machines in operation within the City of Aurora; and

WHEREAS, while there exists legislation at the State and local levels regulating video gaming machines, business owners have found a loophole in this legislation wherein they feel they can operate video gaming machines in their businesses under the guise of amusement devices; and

WHEREAS, it is in the best interest of public health, safety and welfare of the City of Aurora residents to prohibit the use of unregulated video gambling devices; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 8, Division 8-IV-1 of the Code of Ordinance shall be and hereby are amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon passage and approval.

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

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Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

ORDINANCE NO. 023-078

LEGISTAR NO. 23-0800

PASSED AND APPROVED ON November 14, 2023

AYES 11 NAYS 0 NOT VOTING 1 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	recused

ATTEST:


City Clerk


Mayor

1 DIVISION 8-IV-1 GENERALLY

2
3 **Sec 8-90 Definitions**

4 The following words, terms and phrases, when used in this article, shall have the meanings
5 ascribed to them in this section, except where the context clearly indicates a different
6 meaning:

7 *Amusement device* means any machine, table or device operated either mechanically or
8 electrically, by insertion of a coin or token or by any other payment of consideration or
9 credit, and which consists of a single game or several games of skill or chance, including
10 but not limited to billiard, bagatelle, pool, pigeonhole, bowling, pinball, electric darts, prize
11 crane, or other like machines, tables or devices in which the prize does not include cash or
12 a voucher for money or other financial consideration and specifically excluding video
13 gaming terminals. Amusement devices shall be in the following categories:

- 14 (a) Entertainment devices, which includes all amusement devices other than pool
15 tables;
16 (b) Pool tables, including billiard, bumper pool and similar pool games of all
17 dimensions.

18 *Arcade* means any establishment having eight (8) or more amusement devices, and up to
19 the maximum number of video gaming terminals permitted by the Illinois Gaming Board
20 from time to time.

21 *Distributor* means a person who sells, leases out, establishes, supplies or otherwise
22 distributes amusement devices and/or video terminals requiring valid licensing under this
23 article.

24 *Poolroom* means any premises having five (5) or more pool tables, or any other premises
25 which present to the public its principal purpose as a poolroom or pool hall or place to play
26 pool by including pool tables therein, regardless of any other amusement devices or video
27 gaming terminals therein.

28 *Video Gaming Terminal or Gambling Device* means: (1) any clock, tape machine, slot
29 machine, or other machines or device for the reception of money ~~or other thing of value~~
30 on chance or skill or upon the action of which money or ~~other thing of value~~ a voucher for
31 money or other financial consideration is staked, hazarded, bet, won, or lost; or (2) any
32 mechanism, furniture, fixture, equipment, or other device designed primarily for use in a
33 gambling place; or (3) any vending or other electronic machine or device, including,
34 without limitation, a machine or device that awards credits and contains a circuit, meter,
35 or switch capable of removing and recording the removal of credits that offers a person
36 entry into any contest, competition, sweepstakes, scheme, plan, or other selection
37 process that involves or is dependent upon an element of chance for which the person
38 may receive a gift, award, or other item or service of value if that offer is incidental to or
39 results from: (A) the purchase of an item or service of value; or (B) the purchase or
40 gratuitous receipt of a coupon, voucher, certificate, or other similar credit that can be

redeemed for or applied towards an item or service of value from such machine or device or elsewhere.

Sec 8-91 Certain Hours Of Operation

Arcades and poolrooms licensed under this article, with the exception of those places holding liquor licenses or distributing amusement devices, shall be closed each night from 12:00 midnight until 8:00 a.m. the following morning.

Sec 8-92 Amusement Device Licensing Required

Except as otherwise provided, it shall be unlawful for any person to have, keep for use, or permit to be used, any amusement device without first becoming licensed therefor under this division. Any device in violation hereof shall be sealed against use and operation thereof. Each such device licensed under this article must also bear a current state amusement device license. The total of individual devices licensed under this article shall be cumulatively listed by category on the one (1) location license posted at each premises, being either an arcade or poolroom, as applicable hereunder.

Sec 8-93 Certain Limited Use

Nothing herein contained shall be construed as requiring a license from a person keeping or having amusement devices without charge for the use thereof, for personal residential use.

Sec 8-94 Application And Issuance Of Amusement Licenses

(a) On the appropriate location license applications under this article, any person desiring to have, keep for use or permit to be used amusement devices in the city shall also make an initial application for the individual devices to be located therein to the city treasurer on forms provided by the city.

(b) For each individual amusement device, if the premises complies with all ordinances and the applicant is eligible under this article to be issued the license, the city treasurer shall issue the required license, as applicable. A total cumulative listing of individual devices by category shall be included on the license for each location.

Sec 8-95 Fees

The fees for the licenses and stickers required by this article shall be as established by resolution as specified in section 8-1. Such fees shall be paid at the time of the issuance of the license or renewal thereof.

Sec 8-96 Termination

Each license issued under this article shall terminate on the September 30 next following its issuance. However, fees and requirements added under this article shall take effect January 1, 1997; prior thereto, current licensing approvals shall apply.

Sec 8-97 Transfer

1 No license issued to any person under this article shall be transferable to any other person.

2 **Sec 8-98 Display**

3 It shall be the duty of any licensee under this article to keep all required licenses posted in
4 a prominent place on the premises upon which the amusement device is located or on the
5 premises used for distribution. Each casino entertainment device shall clearly bear a sign
6 labelled "for amusement purposes only."

7 **Sec 8-99 Video Gaming Terminal or Gambling Devices Prohibited**

8 Video Gaming Terminals or Gambling Devices, as defined herein, shall not be licensed
9 pursuant to this section.

10 **Sec 8-100 Seizure of Machines Gaming Terminals used for Gambling**

11 If the license administrator shall have reason to believe any automatic amusement
12 machine is used as a gambling device, such machine may be seized by the police and
13 impounded under Sec. 29-79 of this Code.

14

15 **Sec 8-101 Violations Declared Nuisance**

16 The operation or maintenance of any automatic amusement machine in violation of this
17 article is declared a public nuisance as that term is defined in Sec. 29-126. The license
18 administrator may, in addition to other remedies provided for in Chapter 29, Article VII,
19 recommend that the Corporation Counsel seek injunctive relief.

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