

Sub committee
Revenue

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

Section 1. Chapter 4-156 "Amusements" of the Chicago Municipal Code is hereby amended by inserting the language underscored as follows:

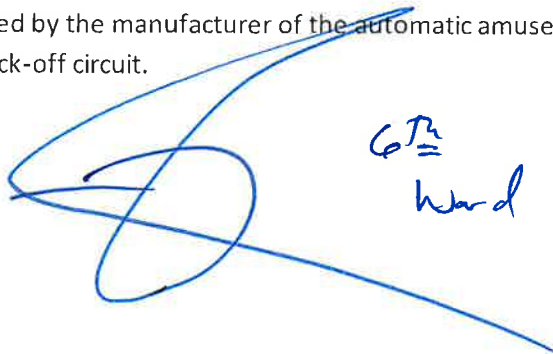
4-156-150 Definitions.

As used in this chapter:

"Automatic amusement device" means any machine, which, upon the insertion of a coin, slug, token, card or similar object, or upon any other payment method, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, and includes but is not limited to such devices as jukeboxes, marble machines, pinball machines, movie and video booths or stands and all games, operations or transactions similar thereto under whatever name by which they may be indicated. Bingo devices are deemed gambling devices and are therefore prohibited for use except as provided by state law. If a machine consists of more than one game monitor which permits individuals to play separate games simultaneously, each separate game monitor shall be deemed an automatic amusement device. An "automatic amusement device" does not include a machine used for lawful gambling at a casino, as that term is defined in 230 ILCS 10/4, or a video gaming terminal that is lawfully maintained and operated in accordance with the Illinois Gaming Act.

"Illegal amusement device" means an automatic amusement device that: includes a knock-off circuit; or allows more than ten replays or free games, or maintains a count of payoffs or the number of times a person has won a game played on the device; or maintains a tally of players' scores other than the tally displayed to players; or fails to display in the required manner a tax emblem required by chapter; or has been used for illegal gambling. "Illegal amusement device" does not include a device that properly displays a required tax emblem, that is not used for illegal gambling and that qualifies either as a crane game as defined in the Illinois Criminal Code of 1961 or as a redemption machine as defined in the Illinois Criminal Code. An automatic amusement device shall not be deemed an illegal automatic amusement device because of internal diagnostic devices or capabilities that are able to record and maintain statistical data such as the number of coins or tokens deposited, the number of games played or the number of games won, if such diagnostic devices or capabilities are intended and used exclusively for auditing of game performance. The term "illegal amusement device" shall not include a duly licensed video gaming terminal.

"Knock-off circuit" means any mechanical or electrical device, circuitry or modification on an automatic amusement device, whereby free games shown on an externally visible indicator are released, while a record of games so released is maintained on a second indicator, meter or counter, either inside or outside the device. A reset button installed by the manufacturer of the automatic amusement device shall not, without more, constitute a knock-off circuit.


G^A
Ward

The phrase "more than ten replays or free games" means more than ten replays or free games at one time. "Free game or replay" does not include an extension of a game awarded as a result of the player's skill, such as an extra ball in a pinball game or extended playing time in a video game.

"Payoff" means the giving of money or other thing of value in exchange for a player's accumulated points or free games or replays.

The phrase "a count of payoffs or the number of times a player has won a game played on the device" means a tally, whether on paper, mechanical or electronic, and regardless of whether maintained inside, on or outside the automatic amusement device. The phrase is not intended to include a record of scores, accessible to players of the device, and linked to previous players' names, nicknames, initials or other identifiers, for purposes of comparison and competition.

The phrase "tally of players' scores other than the tally displayed to players" does not include a record of scores, accessible to players of the device, and linked to previous players' names, nicknames, initials or other identifiers, for purposes of comparison and competition.

"Sweepstakes Machine" means any mechanically, electrically or electronically operated device or machine, including but not limited to a stand-alone terminal, tabletop device, kiosk, or similar equipment, that:

(1) accepts payment, credit, or other consideration directly or indirectly;

(2) provides the user an entry into a sweepstakes or similar promotion, with or without an option for free entry; and

(3) displays the results through an entertaining interface, including but not limited to a simulated gambling game such as poker, bingo, keno, slot machine, or similar entertainment system, regardless of whether the outcome is determined by chance, skill, or some combination thereof;

and

(4) issues or awards, directly or indirectly, a coupon, token, credit, receipt, or other item that may be redeemed for cash, merchandise, services, or any other item of value, either on-site or elsewhere.

Any device meeting the above criteria shall be deemed a "Sweepstakes Machine" regardless of whether the operator offers a free method of entry, and regardless of whether the prize or reward is cash, merchandise, or a non-cash equivalent.

SECTION 2. Chapter 4-156 is further amended by inserting a new Section 4-156-185, as follows:

4-156-185 Sweepstakes Machines Prohibited.

(a) No person, business, operator, lessee, owner, or other entity shall place, install, lease, rent, maintain, operate, or allow the operation of any Sweepstakes Machine, as defined in Section 4-156-150, at any premises located within the City of Chicago.

(b) Each individual Sweepstakes Machine in operation, and each day such machine is operated in violation of this section, shall constitute a separate and distinct offense.

Any Sweepstakes Machine operated in violation of this section is hereby declared a public nuisance and may be seized, impounded, and destroyed in accordance with applicable law and due process.

(d) The Commissioner of Business Affairs and Consumer Protection, the Superintendent of Police, and any other authorized city agency are empowered to enforce this section, including the adoption of any rules or regulations necessary for its implementation.

SECTION 3. Section 4-156-280 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and deleting the language struck through, as follows:

4-156-280 Violation – Penalty.

(a) The owner, manager, licensee or person in control of premises where an automatic amusement device is used for illegal gambling shall be subject to a fine of ~~\$5,000.00~~ \$10,000 for each device so used. Any person violating any other provision of this chapter by possession or use of an illegal amusement device shall be fined not less than ~~\$500.00~~ \$1000 nor more than ~~\$1,000.00~~ \$2000 for each offense. Every day such violation continues shall constitute a separate and distinct offense. Fines under this section shall be in addition to suspension or revocation of business licenses issued under this Code, and in addition to confiscation and destruction of illegal amusement devices, or Sweepstakes Machines.

(b) Upon a third violation of the provisions of this chapter relating to possession or use of an illegal amusement device occurring on the same premises for a period of five years, all City licenses issued for business activity on those premises shall be revoked, and no automatic amusement device or Sweepstakes Machine may be placed on the premises for a period of one year from the date of revocation. Nothing in this section limits the authority of the Commissioner to revoke a license on a licensee's first or second violation during such period. For purposes of this subsection (b), "licensee" includes an employee or agent of a licensee.

(c) In addition to any fine or other penalty, any device operated in violation of this chapter may be seized and confiscated by the department of business affairs and consumer protection or the police department. Devices so seized may be forfeited to the City and destroyed, sold, or otherwise disposed of, in accordance with law.

SECTION 4. This ordinance takes effect (30) days after its passage and publication.