

5.09 – Video Gaming

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5.09.010 – Definitions

DEFINITIONS: All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Video Gaming Act, effective July 13, 2009 (230 ILCS 40/ 1 et seq.), shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

- A. **LICENSED ESTABLISHMENT:** Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. The term Licensed Establishment includes any licensed fraternal establishment and/or licensed veterans establishment as those terms are defined in the Video Gaming Act, 230 ILCS 40/ 1 et seq., as amended (" Video Gaming Act")
- B. **VIDEO GAMING:** The ownership, placement, maintenance, operation or use of a video gaming terminal (as defined below) in a licensed establishment(as defined above) within the city.
- C. **VIDEO GAMING TERMINAL:** Any electronic video game machine, that upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Illinois Gaming Board, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash or tokens or is for amusement purposes only.
- D. **DISTRIBUTOR:** any individual, partnership, corporation, or limited liability company licensed under this the Illinois Video Gaming Act (230 ILCS 40/5) to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.
(2019-M-8 : § 1;2018-M-8 : 1 & 2;2015-M-47 : 3)

5.09.020 – Video Gaming Allowed

VIDEO GAMING ALLOWED: Video Gaming is allowed in certain Licensed Establishments within the City only in accordance with this Article. Subject to all other provisions of this Article, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that is the holder of a class A-4, A-5, B-1, B-2, B-3, C-1, C-2, C-3, D-2, D-3, D-4, D-5, D-6, G-1, or G-2 liquor license, or fraternal or veterans' establishment liquor license.. Further, subject to all other provisions of this Article, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that, in addition to being the holder of a class A-4, A-5, B-1, B-2, B-3, C-1, C-2, C-3, D-2, D-3, D-4, D-5, D-6, G-1, or G-2 liquor license, or fraternal or veterans' establishment liquor license, has also been issued a supplemental class V (video gaming) liquor license.

Ordinances: Ordinance No. 2015-M-47
(2020-M-42 : § 1;2018-M-8 : 1 & 2;2015-M-47 : 3)

5.09 Video Gaming

5.09.030 – Annual Video Gaming License Required

ANNUAL VIDEO GAMING LICENSE REQUIRED: No establishment or distributor licensed by the Illinois Gaming Board shall be permitted to operate any Video Gaming Terminal pursuant to the Illinois Video Gaming Act (230 ILCS 40/5) unless the establishment and distributor has first obtained a license and paid an annual license fee to the City as hereafter provided. No license may issue where the license applicants owes a debt, fine, fee or penalty to the City.

(2019-M-8 : § 2;2018-M-8 : 1 & 2;2015-M-47 : 3)

5.09.040 – Application Requirements

APPLICATION REQUIREMENTS: Application to the City for a Video Gaming License shall be made to the Chief of Police on forms furnished by the Chief of Police: The Application shall contain the following information:

- A. The name, address age, and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located;
- B. Prior convictions of the owner of the video gaming terminal and the owner of the establishment, if any;
- C. The place where the video gaming terminal is to be displayed or operated and the business conducted at that place;
- D. A description of the video gaming terminal to be covered by the license;
- E. A copy of the applicant' s complete license application, and all supporting documents, to the Illinois Video Gaming Board;
- F. Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment;
- G. Attach a responsible gaming policy, which outlines all employee education and training programs, policies, and procedures to promote responsible gaming. If standardized training for responsible gaming becomes available at a future date, it shall be required as part of the Video Gaming License application.
- H. Such other information as the City may determine is necessary as set forth in the application form.

(2018-M-8 : 1 & 2;2015-M-47 : 3)

5.09.050 – Term of License

TERM OF LICENSE: All Licenses shall be valid for a period not to exceed one year after issuance, unless sooner terminated, revoked or suspended as provided by law; and all licenses shall terminate on April 30 next following their issuance.

No license shall be issued or renewed if the license, its officers, directors, or shareholders are in arrears of any debt owed to the City.

(2020-M-42 : § 2;2018-M-8 : 1 & 2;2015-M-47 : 3)

5.09 Video Gaming

5.09.060 – Annual License Fee; Proration

No licensed establishment shall be permitted to operate any video gaming terminal in the city unless said establishment and the distributor has also obtained a license, and paid a yearly fee to the city in the amount established by resolution of the city council from time to time, for each video gaming terminal on its premises. The annual business license fees for a Video Gaming License shall be as follows:

Licensed Establishment:

One Thousand Dollars (\$1,000.00) fee for the initial license and Five Hundred Dollars (\$500.00) for each renewal license; plus One Hundred Dollars (\$100.00) for each Video Gaming Terminal.

Distributor:

One Thousand Dollars (\$1,000.00) fee for the initial license and Five Hundred Dollars (\$500.00) for each renewal license; plus One Hundred Dollars (\$100.00) for each Video Gaming Terminal.

License fees are payable at the time of application and are not subject to proration and are not refundable.
(2019-M-8 : § 3; 2018-M-8 : 1 & 2; 2015-M-47 : 3)

5.09.070 – Conditions of License

CONDITIONS OF LICENSE: All such Video Gaming Terminals shall at all times be kept, placed, operated, and monitored in accordance with State laws and applicable regulations, as well as all applicable provisions of the City code including, but not limited to:

A. Prohibiting persons under the age of 21 years and persons who are visibly intoxicated from entering or remaining in the gaming area, and posting signage thereof.

B. Video Gaming Terminals shall be placed in an area restricted to individuals age 21 or over.

C. The operation of Video Gaming Terminals shall only be allowed during the legal hours of

operation allowed for the consumption of alcoholic beverages at the licensed establishment. Upon the suspension or revocation of a licensee's liquor license, the licensee's Video Gaming license shall automatically be suspended (or revoked in the event of a liquor license revocation) without the requirement of any further action by the City.

D. The Video Gaming area shall be physically monitored at all times during the legal hours of operation by an employee over 21 years of age.

E. It shall be unlawful for any licensee to post or display any advertisement which is visible

to the public that advertises gaming terminals are located at the licensed establishment. This includes temporary or permanent signage that may include a business name, name, identification, description, display, illustration or attention-getting device which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or lot, and which directs attention to a person, business, product, service, place, organization or entertainment.

(2018-M-8 : 1 & 2; 2015-M-47 : 3)

5.09.080 – Violations and Penalty

VIOLATIONS AND PENALTY: It shall be unlawful for any person to violate any provision of this article. Any person found to be in violation of any provision of this article shall be subject to the penalties contained in Section 5. 08. 370 of this code. In addition, any and all licenses issued to the licensee shall be subject to suspension or revocation as provided in the Municipal Code or by law.

(2018-M-8 : 1 & 2; 2015-M-47 : 3)