

ORDINANCE NO. 1022

**AN ORDINANCE OF THE CITY OF EL PASO, WOODFORD AND MCLEAN COUNTIES
ILLINOIS PERTAINING TO GAMBLING AND VIDEO GAMING**

WHEREAS, the City of El Paso, Woodford and McLean Counties, Illinois, is a non-home rule municipality pursuant to Section 7, Article VII of the 1970 Constitution of the State of Illinois, and as such may only exercise powers granted to it by law or as specified in the aforementioned Section of Illinois Constitution; and

WHEREAS, the Illinois Video Gaming Act (230 ILCS 40/1, et seq.)(Gaming Act), as amended, gives municipalities the authority to license and regulate video gaming establishments; and

WHEREAS, the Corporate Authorities of the City of El Paso are charged with the responsibility of regulating and prohibiting certain acts, conduct and offenses for the protection of the public health, safety, morals, and welfare of its citizenry and are authorized pursuant to 65 ILCS 5/1-2-1.1 to pass ordinances not inconsistent with the criminal laws of this state; and

WHEREAS, pursuant to the Gaming Act, a non-home rule municipality may impose a \$25 per video gaming terminal fee for the operation of a video gaming terminal; and

WHEREAS, the Corporate Authorities believe it is in the best interests of the residents and for the protection of public health, safety, morals, and welfare of its residents to regulate video gaming establishments and require a license and impose a license fee and video game terminal operation fee; and

WHEREAS, the Corporate Authorities have determined that the revenue from video gaming can be used for the purposes of economic development together with other improvements of the City of El Paso.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of El Paso, Woodford and McLean Counties, Illinois, by and through its statutory powers, that the above recitals are incorporated herein and made a part hereof, as is fully set forth in their entirety.

SECTION ONE: The El Paso Municipal Code is hereby amended to add Chapter 112 entitled Video Gaming.

CHAPTER 112. VIDEO GAMING.

§112-1 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.

§112-2 VIDEO GAMING ALLOWED: Video Gaming is allowed in certain Licensed Establishments within the City only in accordance with this Chapter. Subject to all other provisions of this Chapter, Video Gaming shall only be permitted and a Video Gaming License issued to a Licensed Establishment that is the holder of a Class A, B, or C liquor license. Further, subject to all other provisions of this Chapter, 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, B, or C liquor license.

§112-3 ANNUAL VIDEO GAMING LICENSE REQUIRED: No establishment licensed by the Illinois Gaming Board shall be permitted to operate any Video Gaming Terminal pursuant to the Illinois Video Gaming Act unless the establishment has first obtained a license and paid an annual license fee to the City as hereafter provided. No license may issue where the license applicant owes a debt, fine, fee or penalty to the City.

§112-4 APPLICATION REQUIREMENTS: Application to the City for a Video Gaming License shall be made to the Director of Public Services on forms furnished by the Director. 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.

All applications received by the Director of Public Services shall be referred to a three-member City of El Paso Gaming Board who shall review and approve or deny the applications. The Gaming Board shall also have the right to suspend or terminate any license for violations of this Chapter.

§112-5 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. Notwithstanding the foregoing, the license issued for any video gaming terminals at the time of the adoption of this Chapter shall have a term beginning May 1, 2020.

§112-6 ANNUAL LICENSE FEE; PRORATION: The annual business license fee for a Video Gaming License shall be as follows:

Two Thousand Five Hundred Dollars (\$2,500.00) fee for the initial license and Two Thousand Five Hundred Dollars (\$2,500.00) for each renewal license; plus Twenty-five Dollars (\$25.00) for each Video Gaming Terminal.

License fees are payable at the time of application and are not subject to proration and are not refundable.

§112-7 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. A number of video gaming terminals located in each licensed establishment shall be limited to five terminals regardless of the number of terminals authorized by state law. This restriction of five terminals shall apply to any truck stop establishment as well as other licensed establishments.

D. 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.

E. 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.

F. Video Gaming terminals may not be operated on any premises located within 300 feet of a school or a place of worship.

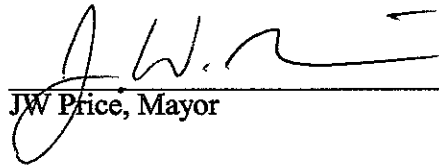
G. It shall be unlawful for any licensee to post or display any advertisement which is visible to the public that advertises gaming terminals are located at the licensed establishment, excepting advertisements which are attached to the building or are visible through windows of the building. No advertising signs shall be allowed outside the building housing the licensed establishment including the sidewalk adjacent to the building.

§112-8 VIOLATIONS AND PENALTY: It shall be unlawful for any person to violate any provision of this Chapter. Any person found to be in violation of any provision of this Chapter shall be subject to the penalties contained in Chapter 1 Article IV 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.

SECTION TWO: This ordinance shall take effect upon its passage, approval and publication in pamphlet form as provided by law.

PASSED and APPROVED this 19th day of August, 2019.

APPROVED:




JW Price, Mayor

ATTEST:



David W. Fever, City Clerk

PASSED by the City Council on the 19th day of August, 2019.
APPROVED by the Mayor on the 19th day of August, 2019.
PUBLISHED in pamphlet form on the 20th day of August, 2019.



David W. Fever, City Clerk