

## ORDINANCE NO. 1028

### 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 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 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 within 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 in a licensed establishment that, in addition to being the holder of a Class A, B, or C liquor license, also holds a Class I liquor license.

**§112-3 CONDITIONS OF OPERATION OF VIDEO GAMING TERMINALS WITHIN LICENSED ESTABLISHMENTS:** 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 terminals shall be automatically suspended from operation (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. Video Gaming terminals may not be operated on any premises located within 300 feet of a school or a place of worship.

**§112-4 ANNUAL VIDEO GAMING TERMINAL FEE:** Each licensed establishment shall pay \$25 for each video gaming terminal within the licensed establishment with the fee being payable each year together with the required liquor license on May 1<sup>st</sup> of each year. The \$25 video gaming terminal fee shall be paid each time a video gaming terminal is replaced. The fee shall be non-refundable, and shall not be prorated for a portion of a year. The fee shall be paid prior to the beginning of any operation if a terminal is added or replaced during the year.

**§112-5 LIMITATIONS ON NUMBER OF VIDEO GAMING TERMINALS:** The total number of video gaming terminals located within the City limits of the City of El Paso shall not exceed 43. This maximum number may be increased or decreased by the City Council of the City of El Paso from time to time.

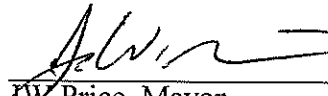
Among the items to be considered in limiting the number of video gaming terminals shall be the amount of terminals per capita within the City of El Paso compared to other municipalities of similar size in the State of Illinois.

**§112-6 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.

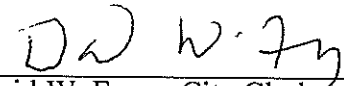
**SECTION TWO:** This ordinance shall take effect upon its passage, approval and publication in pamphlet form as provided by law.

PASSED and APPROVED this 18th day of November, 2019.

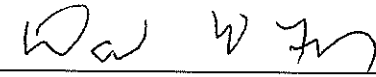
APPROVED:

  
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J.W. Price, Mayor

ATTEST:

  
\_\_\_\_\_  
David W. Fever, City Clerk

PASSED by the City Council on the 18th day of November, 2019.  
APPROVED by the Mayor on the 18th day of November, 2019.  
PUBLISHED in pamphlet form on the 19th day of November, 2019.

  
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David W. Fever, City Clerk