

ORDINANCE NO. 19-028

AN ORDINANCE REGULATING VIDEO GAMING WITHIN THE CORPORATE LIMITS OF THE CITY OF MONMOUTH

WHEREAS, the Video Gaming Act, 230 ILCS 40/1 *et seq.*, as amended from time to time, allows video gaming in certain establishments as provided therein; and

WHEREAS, the City of Monmouth has determined that the revenue from video gaming can be used for the purpose of economic development and improvement of capital infrastructure.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Monmouth, Warren County, Illinois, a home rule municipality in exercise of its home rule powers, as follows:

Section 1:

That the recitals set forth hereinabove are incorporated herein by reference as substantive provision.

Section 2:

That Chapter 112: Amusements of the City of Monmouth Municipal Code is hereby amended to add Section 112.50 entitled "Video Gaming".

112.50 VIDEO GAMING

§ 112.51 DEFINITIONS: All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Video Gaming Act effective July 31, 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"). Licensed Establishment shall NOT include a Licensed Truck Stop Establishment or Licensed Large Truck Stop Establishment as those terms are

defined by the Video Gaming Act and those two (2) Establishments shall continue to be governed by said Act and not by this Ordinance.

- 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 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.

§ 112.52 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 1, 2 or 3 liquor license, fraternal establishments and veterans' establishments. 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 1, 2 or 3 liquor license, fraternal establishments and veterans' establishments has been issued a supplemental Class VI (video gaming) liquor license.

§ 112.53 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 be issued where the license applicant owes a debt, fine, fee or penalty to the City.

§ 112.54 APPLICATION REQUIREMENTS: Application to the City for a Video Gaming License shall be made to the City Clerk on forms furnished by the City Clerk. 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's 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.

§ 112.55 **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.

§ 112.56 **ANNUAL LICENSE FEE: PRORATION:** The annual business license fee for a Video Gaming License shall be as follows:

Fifty Dollars (\$50.00) fee for the initial license and each renewal thereof; plus One Hundred Twenty-five Dollars (\$125.00) for each Video Gaming Terminal located in the licensed establishment.

License fees are payable at the time of application and are not subject to proration, except in the first year (2019-2020) which proration shall be one-half of said stated amounts.

§ 112.57 **CONDITIONS OF LICENSE:** All such Video Gaming Terminals shall at all times be kept, placed, operated, and monitored in accordance with the 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 licenses 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 houses of operation by an employee over 21 years of age.
- E. That the license holder shall not be allowed to place more than five (5) video gaming terminals in a licensed establishment located in the City.

§ 112.58 VIOLATIONS and PENALTY: It shall be unlawful for any person to violate any provision of this Section. Any person found to be in violation of any provision of this Section shall be subject the penalties contained in Section 112.48 of this Code. In addition, any and all licenses issued to the licensee shall be subject to suspension or revocation as provided in this Code of Ordinance or otherwise provided by law.

Section 3:

That Section 115.24 of the Code of Ordinances to the City of Monmouth, entitled “Classes of Licenses; Fees”, is hereby amended by adding the following additional language:

(A) (6) Class VI (Video Gaming) which is a supplemental license only, which permits Video Gaming only in a Licensed Establishment, otherwise qualified to hold a Video Gaming Licenses.

(B) (1)

<i>Class of License</i>	<i>Annual Fee (per year)</i>
Class VI	\$50.00 – annual fee; \$125.00 per terminal annual fee

Section 4:

Nothing contained in this Ordinance shall in any way serve to diminish or subtract from the portion of the Video Gaming revenues remitted to the State of Illinois and distributed to the municipality.

Section 5:

In all other respects, Chapter 112 of the Monmouth Code of Ordinances previously enacted shall remain in full force and effect.

Section 6:

This ordinance shall be in full force and effect, effective November 1, 2019 after its due publication in pamphlet form, passage and approval thereof as provided by law.

PASSED this _____ day of _____, A.D., 2019.

APPROVED this _____ day of _____, A.D., 2019.

MAYOR

ATTESTED:

CITY CLERK

Ayes: _____

Nays: _____

Absent or not voting: _____