City of St. Charles, Illinois
Ordinance No. 2015-M-_____

An Ordinance Permitting Video Gaming Within The Corporate Limits of the City of St. Charles

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 St. Charles ("City") previously passed Ordinance 2010-M-14 prohibiting video gaming within the City of Charles; and

WHEREAS, the City of St. Charles has now had the opportunity to study the issue of video gaming and has determined that allowing video gaming will remove a competitive disadvantage between the City of St. Charles businesses and businesses in neighboring communities and within the region that currently allow video gaming; and

WHEREAS, the City of St. Charles has determined that the State of Illinois has now developed regulations to monitor and control video gaming that were not in effect when it adopted Ordinance 2010-M-14 prohibiting video gaming;

WHEREAS, the City of St. Charles has determined the opportunity for video gaming will enhance the entertainment offers of licensees and enhance their income sheet, and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, a home rule municipality in exercise of its home rule powers, as follows:

SECTION ONE: That the recitals set forth hereinabove are incorporated herein by reference as substantive provisions.

SECTION TWO: That Ordinance 2010-M-14, entitled "Ordinance Prohibiting Video Gaming Within the Corporate Limits of the City of St. Charles" is hereby repealed in its entirety.

SECTION THREE: That Title 5 of the St. Charles Municipal Code is hereby amended to add 5.09 entitled "Video Gaming".

5.09 Video Gaming

5.09.010 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.

5.09.020 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 B, C or D 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 B, C or D liquor license, fraternal establishments and veterans' establishments has been issued a supplemental class V (video gaming) liquor license.

5.09.030 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.

5.09.040 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.

5.09.050 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.

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

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.

5.09.070 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.

5.09.080 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.

SECTION FOUR: That Title 5.08.090 of the City Code of the City of St. Charles, entitled "License Classifications", is hereby amended by adding the following additional language:

..."Class V (Video Gaming) which is a supplemental license only, which permits Video Gaming only in a Licensed Establishment, otherwise qualified to hold a Video Gaming License. Class V licenses shall only be issued to holders of class B, C or D liquor licenses, *licensed fraternal establishments and licensed veterans' establishments.*

A complete and accurate application to the City for the issuance of a Video Gaming License shall be deemed an application for the issuance of a class V supplemental license.

Class V licenses may only be issued to qualified Licensed Establishments in good standing which have continuously held a class B, C or D liquor license, *fraternal establishments and veterans' establishments* and have operated their business on a regular basis for a period of at least one (1) year prior to the date of application for a Class V license.

Class V licenses shall have the same hours of operation as provided for the underlying liquor license as set forth in Title 5.08.130."

SECTION FIVE: That Title 5.08.100 of the City Code of the City of St. Charles entitled "License Fees" is hereby amended by adding the following additional language:

Class License	Annual License Fee	Comments
V	$1,000 – Initial License $500 – Each Renewal License $100 – Per each video gaming terminal	Video Gaming

SECTION SIX: That this Ordinance shall be automatically repealed on April 30, 2018 unless reauthorized by an Ordinance enacted by the City Council.

SECTION SEVEN: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this _____ day of October, 2015.

PASSED by the City Council of the City of St. Charles, Illinois, this _____ day of October, 2015.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of October, 2015.

_____
Mayor

ATTEST:

_____
City Clerk

COUNCIL VOTE:
Ayes: _____
Nays: _____
Absent: ____