

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 18, ARTICLE IV, SECTIONS 97 AND 103,  
OF THE CITY’S MUNICIPAL CODE TO REVISE VIDEO GAMING FEES**

**WHEREAS**, the City of Peoria, Illinois, (“City”) is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the Illinois Video Gaming Act (“VGA”), 230 ILCS 40/1, *et seq.*, regulates the operation, licensing, and administration of video gaming; and

**WHEREAS**, Section 27 of the VGA authorizes the City to prohibit video gaming within the corporate limits of the City and implied within such authorization is the authority to limit, license and regulate video gaming within the corporate limits of the City;

**WHEREAS**, the City is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require;

**WHEREAS**, the corporate authorities of the City have determined that it is advisable, necessary and in the best interest of the City to regulate, consistent with the VGA, the location and operation of video gaming terminals within the City;

**WHEREAS**, Public Act 102-0689 amended Section 65 of the VGA to require video gaming fees be shared equally between terminal operators and licensed establishments; and

**WHEREAS**, the City Council has determined it is necessary and in the best interests of the City of Peoria and the health, safety, and welfare of its citizens to amend the City’s Municipal Code regarding the equal sharing of video gaming fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:**

**ARTICLE 1**

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**ARTICLE 2**

Chapter 18, Article IV, Sections 18-97 (License fees) and 18-103 (Video gaming terminal operator license requirement and fee) are hereby amended by removing the following stricken words and adding the following underlined words.

Sec. 18-97. - License fees.

~~The applicant for a license under this article shall pay the city treasurer, prior to filing the application, a fee of \$83.00 for each video gaming terminal per a pro-rated license year beginning January 1, 2019 and ending February 28, 2019. A fee of \$500.00 for each video gaming terminal per license year shall be paid to the city treasurer, and that amount shall be divided with \$250.00 paid by the video gaming terminal operator and \$250.00 paid by the video gaming terminal establishment, beginning March 1 and ending February 28, 2020, and annually thereafter. The fees for a video gaming terminal operator's license or a video gaming terminal establishment license shall be \$500.00 annually. The video gaming terminal registration fee shall be \$500 per terminal annually. The cost of these fees shall be shared equally between the terminal operator and the applicable licensed establishment.~~

If the license is denied, the license fee shall be refunded to the applicant and the video gaming terminal operator.

~~Sec. 18-103. Video gaming terminal operator license requirement and fee.~~

~~A video gaming terminal operator licensed in accordance with 230 ILCS 40/1 et seq. (The Illinois Video Gaming Act) who leases or otherwise provides for usage, video gaming terminals to a video gaming terminal licensee under this article shall apply for and obtain an operator's license from the city in a form proscribed by the finance director and pay the city treasurer, prior to leasing providing a video gaming terminal, a nonrefundable video gaming terminal operator's license fee of \$1,000.00 for each video gaming terminal provided to a licensee or use at an establishment licensed to engage in the business of video gaming within the city, beginning March 1, 2019. Any person, corporation, association or entity convicted of violating this section shall be fined not less than \$500.00 nor more than \$1,000.00 for each offense. Each day a violation occurs shall constitute a separate offense.~~

### **ARTICLE 3**

**REPEAL OF CONFLICTING PROVISIONS.** All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

### **ARTICLE 4**

**SEVERABILITY.** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

### **ARTICLE 6**

**EFFECTIVE DATE.** The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this \_\_\_\_\_day  
of \_\_\_\_\_2022.

APPROVED:

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

BY:

\_\_\_\_\_

Chief Deputy City Clerk

EXAMINED AND APPROVED:

\_\_\_\_\_

Corporation Counsel