

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE IV (OPERATION OF VIDEO GAMING TERMINALS) OF THE CODE OF THE CITY OF PEORIA

WHEREAS, the City of Peoria is a Home Rule Municipality as established in Article VII, Section 6 of the Constitution of the State of Illinois (Illinois Constitution); and,

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution provides that a Home Rule Municipality may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, Article VII, Section 6(m) of the Illinois Constitution provides that the powers and functions of Home Rule units of government shall be construed liberally; and,

WHEREAS, since 2013 the City of Peoria has imposed a licensing requirement on establishments utilizing video gaming terminals within the City; and,

WHEREAS, the City Council has determined that these additional regulations or necessary to promote video gaming terminal operations while protecting the interests of the City and its citizens.

NOW, THEREFORE, be it ordained by the corporate authorities of the City of Peoria as follows:

Section 1. Chapter 18, Article IV (Operation of Video Gaming Terminals) is hereby amended by adding the following underlined language and deleting the following struck through language:

OPERATION OF VIDEO GAMING TERMINALS

Sec. 18-96. - License required.

No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal as defined in the Video Gaming Act, 230 ILCS 40/1 et. seq., at any premises within the City of Peoria without first having obtained a license valid in that calendar year. The license provided for in this article shall permit a licensee to operate video gaming terminals. A separate license shall be required for each video gaming terminal. 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.

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 \$300.00 for each video gaming terminal per license year, beginning January 1, 2016. The applicant for a license under this article shall pay the city treasurer, prior to filing a fee of \$500.00 for each video gaming terminal per license year, beginning January 1, 2017.~~

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. The applicant for a license under this article shall pay the city treasurer, prior to filing the application, a fee of \$500.00 for each video gaming terminal per license year, beginning March 1 and ending February 28, 2020 and annually thereafter.

If the license is denied, the license fee shall be refunded to the applicant.

Sec. 18-98. - Application.

An application for a license required by this article shall be made in writing to the city comptroller and shall set forth the following:

- (1) The name of the individual, partnership, corporation, association or other entity applying for the license.
- (2) The residence, phone number and driver's license number of the applicant or partners; or, if a corporation, association or other entity, the residence, phone numbers and driver's license number of the principal officers;
- (3) The location for which the license is requested;
- (4) A true and accurate photocopy of the State of Illinois license granted to the applicant under the Video Gaming Act for the applicable premises; and
- (5) Whether the applicant, his or her partners or the principal officers of the corporation, association or other entity have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.

Sec. 18-99. - Issuance.

The city comptroller shall issue the license requested under this article unless he or she shall find:

- (1) That the applicant is under the age of 21.
- (2) That the applicant or any principal officer therein has held a license under this article or had an interest therein that was revoked for cause.
- (3) That the applicant or any principal officer therein has furnished false or misleading information on the application.
- (4) For a new applicant, each of the two years prior to applying for a license to operate video gaming terminals, the applicant's establishment in which the applicant is seeking

approval to operate video gaming terminals, has not generated at least 80 percent of its revenue from the sale of food or beverages. However, if an applicant currently operates an establishment in compliance with this Ordinance and wishes to operate another establishment similar to the initial establishment, the applicant will be exempt from the two year waiting period described above. Whether the new establishment is similar to the previously operated establishment is determined by the Liquor Commissioner in the Commissioner's sole discretion.

- (5) For an applicant who has been previously issued a license under this article, the applicant's establishment has not maintained at a minimum, 60 percent of total revenue annually from the sale of food or beverages (6) That the applicant has not provided the City Comptroller with a report or reports showing its gross annual sales totals and categories, including food and beverage sales.

The requirements related to minimum level of sales of food and beverages shall not apply to any fraternal, ~~or~~ veteran's establishment, or bowling alley that possesses a valid liquor license.

Sec. 18-100. - Posting.

Every license issued under this article shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

Sec. 18-101. - Revocation, suspension and fines.

- (a) Any license issued pursuant to this division may be revoked, suspended for a period not to exceed 30 days and/or imposed a fine not more than \$1,000.00 by the city manager or his or her designee if the Liquor Commissioner or his or her designee shall find after a hearing, Liquor Commissioner,
- (1) That the licensee has violated any of the provisions of this article, the laws of the state, or ordinances of the city at the licensed location.
 - (2) That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this division or any investigation into any such application.
 - (3) That the licensee has sales of food and beverages less than the levels required by section 18-99 of this Code.
 - (4) That the licensee has failed to annually provide the city comptroller with a report or reports showing its gross annual sales totals and categories, including food and beverages.
 - (5) That the licensee has failed to comply with the city comptroller's audit of the licensee's sales of food and beverages or failed to timely provide records requested by the city comptroller during an audit.
- (b) The licensee shall be responsible for the acts of his agents, servants and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this article shall be revoked or suspended, the city manager or his or her designee shall give at least ten days' written notice to the licensee setting

forth the alleged violations specifically. The licensee shall be given a reasonable chance to present evidence at such hearing and cross-examine witnesses.

Sec. 18-102. - Transfer prohibited.

A license issued pursuant to this article may not be transferred, sold or assigned to any other person, corporation, association or other entity; nor shall such license be transferred to any location other than that listed on the application.

Section 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.

Section 2. This ordinance shall be in full force and effect from _____, after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

EXAMINED AND APPROVED:

City Clerk

Corporation Counsel