

ORDINANCE NO: _____

AN ORDINANCE CONCERNING 2021 VIDEO GAMING LICENSE RENEWALS

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including regulating and licensing the retail sale and service of alcoholic liquors; and

WHEREAS, the City of Peoria issues licenses for the operation of video gaming terminals, as defined in the Video Gaming Act, 230 ILCS 40/1 et. seq.; and

WHEREAS, current video gaming licenses expire on February 28, 2021; and

WHEREAS, due to the COVID-19 pandemic and mitigation measures put into place by the State of Illinois, video gaming was suspended by the Illinois Gaming Board between March 16, 2020 and June 30, 2020 and again from November 19, 2020 to present, with other periods of enhanced Tier 3 mitigation measures limiting the hours of service, thereby severely restricting the licensees ability to conduct business; and

WHEREAS, it is the best interest of the health, safety and welfare of the community to assist those local video gaming license holders by extending their current license period and reducing the fees for renewals in 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

SECTION 1. **Definitions.** As used in this ordinance:

“2020 License Year” means the period beginning March 1, 2020 and continuing through April 30, 2021.

“2021 License Year” means the period beginning May 1, 2021 and continuing through February 28, 2022.

“COVID-19 Regulation” means the Restore Illinois Plan, any executive order of the Governor related to the COVID-19 pandemic, any order, guideline, regulation, or administrative rule of the Illinois Department of Public Health or any other State or federal agency, including but not limited to the Illinois Gaming Board, related to the COVID-19 pandemic, any order, guideline, regulation, or administrative rule of Peoria County Health Department related to the COVID-19 pandemic, or any executive order of the Mayor or City Manager of the City of Peoria related to the COVID-19 pandemic.

“Video Gaming Code” means Article IV (Operation of Video Gaming Terminals) of Chapter 18 (Licenses and Miscellaneous Business Regulations) of the Municipal Code City of Peoria, Illinois.

“Qualified Licensee” means any liquor licensee that in

- (1) In 2020, held a video gaming license pursuant to section 18-96 of the Video Gaming Code; and
- (2) Has not been found in any court or state or local administrative hearing or proceeding to have violated a COVID-19 Regulation.

Qualified Licensee expressly excludes video gaming terminal operators licenses issued pursuant to Section 18-103 of the Video Gaming Code.

SECTION 2. **License Year and Expiration.** Section 18-97 identifies a license year as “beginning March 1 and ending February 28, 2020 and annually thereafter.” For 2020 and 2021 the license years have the specific definitions as set forth herein. The 2020 license year is being extended by two months and will not expire until April 30, 2021. The 2021 license year will begin on May 1, 2021 and extend through February 28, 2022.

SECTION 3. **Fees.** The two month extension of the 2020 license year will not require any additional fees from the licensee. For each Qualified Licensee that applies for renewal of its license under Section 18-96, the fees for renewal will be 50% of the fees listed in Section 18-97.

SECTION 4. **Renewal. Late Fees.** Nothing in this ordinance relieves a licensee from the requirement to file an application for renewal of its license. No late fees for the filing of the 2021 License Year will be assessed until May 1.

SECTION 5. **Food and Beverage Sales Waiver.** Section 18-99(5) of the Video Gaming Code requires all applicants to have maintained at a minimum, 60% of total revenue annually from the sale of food or beverages. For the 2021 License Year only, this requirement is waived.

SECTION 6. **Compliance with Mitigation Measures.** If, after the license for the 2021 License Year is issued, the licensee is found in any court or state or local administrative hearing or proceeding to have violated a COVID-19 Regulation, then, within 30 days after the finding, the licensee shall, as a condition of its license, pay the City the full amount of the license fee for its license as set forth in section 18-97 of the Video Gaming Code.

If a finding that the licensee has violated a COVID-19 Regulation is later overturned on appeal, then, after all appeals have been exhausted, the City shall refund 50% of the amount paid for the license for the 2021 License Year so that the licensee's total cost for the license is no more than set forth in Section 3 of this Ordinance.

SECTION 7. **Publication.** The City Clerk is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 8. **Effective Date.** This ordinance takes effect immediately after its publication.

SECTION 9. **Authority.** This ordinance is adopted under the home-rule authority granted to the City of Peoria by Article 7, Section 6, of the Illinois Constitution, 1970.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this ____ day of _____ 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel