

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE IV, SECTION 18-99, OF THE CITY'S MUNICIPAL CODE TO REVISE VIDEO GAMING LICENSES

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; and

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 issuance of licenses for the operation of video gaming terminals within the City; 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 issuing of Video Gaming Licenses.

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

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: Chapter 18, Article IV, Section 18-99 (Issuance) is hereby amended by removing the following stricken words and adding the following underlined words.

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the applicant or any principal officer therein has held a license under this article or had an interest therein that was revoked for cause.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~~ in the six months 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 section and wishes to operate another establishment similar to the initial establishment, the applicant will be exempt from the ~~two-year~~ six month 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, veteran's establishment, or indoor entertainment facilities such as bowling alleys or axe throwing that possesses a valid liquor license.

SECTION 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.

SECTION 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.

SECTION 4. 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 THIS _____ day of _____, 20_____.

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED THIS ____ day of _____, 20_____.

Mayor

ATTEST: _____
Clerk

EXAMINED AND APPROVED:

Corporation Counsel