

Option 1:

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF PEORIA FOR A TEMPORARY MORATORIUM OF SITE APPROVAL OF ESTABLISHMENTS WHOSE PRIMARY PURPOSE IS TO OPERATE AS A VIDEO GAMBLING CAFÉ

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 of alcoholic liquors;

WHEREAS, the State of Illinois passed the Video Gaming Act, 230 ILCS 40/1 *et. seq.*, permitting limited use of video gaming machines at particular premises that are licensed to serve alcoholic beverages within the State; and

WHEREAS, the Video Gaming Act contains no specific statutory prohibition to a home-rule unit of government from regulating and licensing the retail sale and service of alcoholic beverages;

WHEREAS, the City Council of the City of Peoria finds that it has an interest in protecting its citizens from the proliferation of establishments that desire liquor site approvals and licenses for the primary purpose of operating as a video gambling café; and;

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

Section 1. Chapter 3 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

Section 3-101. Restrictions on site approval for the retail sale of alcoholic liquors.

(a) Subject to the provisions of Section 3-100(c), no additional site application for Class "A" or "~~B-4G-A~~" retail sale of alcoholic liquor for consumption on or off the premises of an establishment whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act or whose estimated net revenue from the sale of food, alcohol, and/or general merchandise will be less than 51% in any given month from the operation of the proposed establishment, shall be approved within the following described territory or district:

(1) ~~Within the corporate boundaries of the City of Peoria Commencing at the intersections of the extended centerline of Fayette Street and the Illinois River; thence up Fayette Street, as extended, along its centerline to its intersection with the centerline of Perry Avenue; thence southwesterly along the centerline of Perry Avenue to its intersection with the centerline of William Kumpf Boulevard; thence down the centerline of William Kumpf Boulevard, as extended, to its intersection with Jefferson Street, then southwesterly along the centerline of Jefferson Street ending at the intersection of South Street, to include properties on both sides of~~

~~South Street; thence southeasterly along South Street as extended to its intersection with the Illinois River and thence up the Illinois River to the point of commencement.~~

(2) This restriction shall expire on March 1, 2015 ~~January 1, 2014~~ unless extended by the City Council.

Section 2. This Ordinance shall be in full force and effect immediately upon after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this ___ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel