

ORDINANCE NO. 19-038

AN ORDINANCE AMENDING CHAPTER 112 ENTITLED "AMUSEMENTS", TO
INCLUDE A NEW SECTION 112.35 TO BE ENTITLED "VIDEO GAMING"
OF THE CITY ORDINANCES
OF THE CITY OF MONMOUTH, ILLINOIS

BE IT ORDAINED by the City Council of the City of Monmouth, Warren
County, Illinois, as follows:

SECTION 1:

Section 112.35 VIDEO GAMING

A. DEFINITIONS. For purposes of this Section, the following terms shall have the
meaning ascribed to them:

(1) **Licensed Establishment** . Licensed Establishment shall mean any licensed retail
establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for
consumption on the premises, whether the establishment operates on a nonprofit or for-
profit basis. The following classes of City of Monmouth liquor licenses are classified as
Licensed Establishments for purposes of this Section and are eligible for a Video Gaming
Terminal license if they meet the requirements of this Section: Classes I, II and III.

(2) **Terminal Operator** . Terminal Operator shall mean any person, firm, partnership,
corporation or association who owns, sells, leases, rents, or is otherwise responsible for
placing or distributing Video Gaming Terminals within the City of Monmouth.

(3) **Video Gaming Terminal** . Video Gaming Terminal shall mean any electronic
video game machine that, upon insertion of cash, electronic cards or voucher, or any
combination thereof, is available to play or simulate the play of a video game, including
but not limited to video poker, line up, and blackjack, as authorized by the Illinois
Gaming Board, utilizing a video display and microprocessors in which the player may
receive free games or credits that can be redeemed for cash. The term does not include a
machine or device that directly dispenses coins, cash, or tokens or is for amusement
purposes only.

B. LICENSE REQUIRED.

(1) No Video Gaming Terminal may be placed in any Licensed Establishment unless
the owner of the Licensed Establishment holds a valid license for video gaming from the
Illinois Gaming Board and has obtained a Video Gaming Terminal license from the City
pursuant to this Section. A Licensed Establishment may have no more terminals than
allowed by the State Gaming Board, provided it meets all rules and regulations for video
gaming licensing through the Board and the City. Video Gaming Terminals are not
permitted in any other establishment in the City.

(2) No person may act as a Terminal Operator of Video Gaming Terminals in the City unless said person holds a valid license for video gaming from the Illinois Gaming Board and has obtained a Terminal Operator license pursuant to this Section.

C. APPLICATION; INSPECTION.

A person desiring either license required by this Section shall apply to the City Clerk's office therefore; the license shall be issued by the City Clerk upon the certification of the building official and zoning administrator that the premises for which the license is applied or for which Video Gaming Terminals will be located complies with all building construction codes and the zoning and subdivision ordinances of the City of Monmouth, the fee has been paid, and it has been determined that the provisions of this Section are complied with or that adequate provision has been made to cause such compliance. A Terminal Operator must provide a complete listing of all Licensed Establishments within the City where Video Gaming Terminals are placed or distributed by said Terminal Operator as well as the number of terminals placed by said Terminal Operator at each such Licensed Establishment.

D. FEE; TERM, LATE PENALTY.

(1) A Licensed Establishment shall pay an annual fee of fifty dollars (\$50.00) per year for each Video Gaming Terminal located in the Licensed Establishment.

(2) Terminal Operators shall pay an annual fee of two hundred fifty dollars (\$250.00) per year for each Video Gaming Terminal located within the City.

(3) The term of each license shall be May 1 to April 30. A license issued pursuant to this Section is good only for the term in the license, and the City may, at any time, choose to prohibit video gaming within the City entirely upon expiration of the current license term. A license issued in accordance with this Section shall not vest any type of interest with the licensee other than for the term of the existing license. A license issued in accordance with this Section shall expire immediately upon the voluntary surrender or revocation of the licensee's video gaming license issued by the Illinois Gaming Board or the Licensed Establishment's state or local liquor license. No license shall be issued or renewed where the applicant owes a debt, fine, fee, or penalty to the City or has violated any City ordinance, including, but not limited to, the liquor code, sign code, or any other of the requirements of this Section. Any license issued mid-year, shall have its fee prorated on a monthly basis to the first day of the next succeeding month except in the first year this ordinance is enacted there shall be no proration of license fee.

(4) Any licensee licensed by any part of the Monmouth Code of Ordinances or other act of the City Council who fails to renew applicable licenses by the due date will be charged a reinstatement fee equal to the amount of the license or two hundred dollars (\$200.00), whichever is less. If a licensee does not renew its license within thirty (30) days after the renewal date, the license will be considered to be voluntarily surrendered and shall not be renewed.

E. TRANSFERABILITY; DISPLAY.

(1) No license issued pursuant to this Section shall be transferable from one person to another or from one premise to another. However, licenses shall be transferable from one Video Gaming Terminal to another. For licensees that are corporations, if the percentage of ownership of any shareholders in that corporation changes by more than fifty percent (50%) or if more than fifty percent (50%) of shares in the corporation are transferred to a new shareholder or shareholders, then the license is considered to be transferred, which is not permitted pursuant to this Section.

(2) A Video Gaming Terminal license shall consist of a display certificate describing the number of Video Gaming Terminals exhibited on the premises, the Licensed Establishment's name and address, and the Terminal Operator's name and address, and it must be signed by the City Clerk's office and under seal of the City of Monmouth.

(3) A Terminal Operator license shall consist of a display certificate listing the name of their business and address; the Terminal Operator's state license number and the number of terminals in licensed establishments where Video Gaming Terminals are exhibited on the premises in the City. The license must be signed by the City Clerk under the seal of the City.

(4) In the event the Video Gaming Terminals or number of terminals change after issuance of a license, but before renewal thereof, the license shall be considered to have been amended to a new license; provided, the licensee of the Licensed Establishment and the Terminal Operator notify the City Clerk's office in writing of the change within ten (10) days after the change in number of terminals has occurred and pay any additional fees required by an increase in the number of terminals. The act of operation without the notification required herein and payment of fees required herein shall constitute operation without holding a valid license.

(5) Each Video Gaming Terminal license issued pursuant to this Section shall be displayed at all times by a Licensed Establishment in a conspicuous place on the licensed premises and in an area accessible to business invitees during all hours of operation.

F. RESTRICTIONS ON LOCATIONS AND ADVERTISING.

Licensed Establishments, Terminal Operators, and Video Gaming Terminals shall be subject to the restrictions of the Video Gaming Act, 230 ILCS 40/1, et. seq.

Any advertising for video gaming by or for all existing Licensed Establishments shall be restricted pursuant to the Sign Ordinance (Chapter 152) for the City of Monmouth.

G. SUSPENSION; REVOCATION.

(1) The mayor may suspend or revoke or refuse to renew a license issued hereunder for cause. The mayor shall give written notice to the licensee of the cause of the suspension or revocation or refusal to renew and provide the licensee at least ten (10) days before such suspension or revocation or refusal to renew is to be effective to request a hearing by filing such request in writing with the mayor. If such a request is filed, the mayor shall schedule a hearing as soon as practicable, but in no case later than thirty (30) days after a request for hearing has been filed. Pending hearing, a licensee may continue to operate.

(2) The City shall have the burden of proof that cause exists at any hearing to suspend, revoke, or refuse to renew a license. The City Clerk shall render any decision in writing and give the licensee a copy thereof.

(3) Service of notices and decision required in this section shall be obtained by mailing same by certified mail.

H. PENALTY.

Any person violating the provisions of this Section shall be guilty of a petty offense and be punished as provided in Section 112.48 of the Monmouth Code of Ordinances.

SECTION 2:

In all other respects, Chapter 113 of the Monmouth Code of Ordinances previously enacted shall remain in full force and effect.

SECTION 3:

This ordinance shall be in full force and effect ten (10) days after this due publication in pamphlet form, passage and approval thereof.

PASSED this _____ day of _____, A.D., 2019.

APPROVED this _____ day of _____, A.D., 2019.

MAYOR

ATTEST:

CITY CLERK

Ayes: _____

Nays: _____

Absent or not voting: _____