

ORDINANCE NO. 2013-03

Synopsis: The following ordinance amends Title 3, Chapter 1 of the VILLAGE OF LODA, ILLINOIS CODE OF ORDINANCES to permit the limited use of video gaming terminals at particular liquor establishments pursuant to the Video Gaming Act as previously enacted by the State of Illinois. Among other things, the ordinance establishes licensing procedures and fees, regulations governing licensed operations, and provisions for violations of the ordinance.

**AN ORDINANCE REGULATING VIDEO GAMING IN THE VILLAGE OF
LODA, ILLINOIS**

WHEREAS, the State of Illinois passed the Video Gaming Act, 230 ILCS 40/1, et seq., permitting the limited use of video gaming terminals at particular establishments within the State; and

WHEREAS, the Board of Trustees has determined that licensing and regulating the operation of video gaming terminals in the Village is in the best interest of the Village and its citizens, and therefore deems it necessary and appropriate to enact this Ordinance pursuant to its home rule authority.

NOW THEREFORE, be it ordained by the Board of Trustees of the Village of Loda, County of Iroquois, State of Illinois, as follows:

Section 1. Title 3, Chapter 1, Section 3-4-2(c)(2) of the Village Code of Loda is hereby amended by inserting a new Section 3-4-2(c)(3) entitled "Licensed Video Gaming" to read as follows:

3-4-2(c)(3) Licensed Video Gaming

A. Licensed Video Gaming Exemption. The prohibitions of Title 3, Chapter 1, Section 3-4-2(c)(2) and any other chapter or sections of the Village Code of Loda that make reference to or govern gambling or gaming shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker and is being operated by a licensed establishment that has a valid Village video gaming establishment license and is in full compliance with this Section.

B. Definitions.

1. "Licensed establishment": any establishment that is both licensed to sell liquor at retail in the Village under Title 2, Chapter 2, Section 2-2-4 of the Village Code of Loda and licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises.

2. "Video gaming terminal": any electronic video gaming machine that, upon insertion of cash, is available to play or simulate the play of a video game including

but not limited to video poker, lineup and blackjack, 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 that directly dispenses coins, cash or tokens or is for amusement purposes only.

C. Video Gaming Establishment License.

In order for a licensed establishment to operate a video gaming terminal, the licensed establishment is required to obtain an annual video gaming establishment license by submitting a written application, on a form provided by the Village, to the Board of Trustees or to the party designated by the Board of Trustees. The burden is upon each applying establishment to demonstrate its suitability for licensure. All video gaming establishment licenses issued by the Village shall expire on the 30th day of April following the date of issue with an annual license fee of \$25.00 payable in full at the time the application is filed with the Village. A license shall be purely a personal privilege, good for a time period not to exceed one (1) year following the date of issuance, unless sooner revoked as provide by law and shall not constitute property nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or be subject to encumbrance.

D. Video Gaming Terminal Permit Sticker.

In order for a video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the Village for each video gaming terminal located on its premises by submitting a written application, on a form provided to the Village, to the Board of Directors or to the party designated by the Board of Trustees. Each video gaming terminal permit sticker issued by the Village shall expire on the 30th day of April following the date of issuance with an annual fee of \$25.00 payable in full at the time the application is filed with the Village.

E. Regulations Governing Licensed Establishments Operating Video Gaming Terminals.

The following regulations apply to all licensed establishments operating a video gaming terminal on its premises with a valid gaming establishment license and valid video gaming terminal permit stickers for each of its video gaming terminals:

1. A valid Village video gaming establishment license must be clearly displayed at all times.
2. A valid Village video gaming permit sticker shall be clearly displayed at all times on each video gaming terminal.
3. No more than five (5) video gaming terminals may be located on ay one licensed establishment's premises.
4. Other than having up to five (5) video gaming terminals with valid video gaming terminal permit stickers, a licensed establishment is prohibited from having,

- anywhere on its premises, an electronic video game that may be available to play or simulate the play of poker, lineup, blackjack, faro, roulette, craps, slots or any other card or dice game or other game of chance or that is otherwise akin to a gambling or gaming device under Section 3-4-2 (c) of the Village Code of Loda.
5. All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. The entrance to such area must, at all times, be within the view of at least one (1) employee who is at least twenty-one (21) years of age.
 6. No licensed establishment may cause or permit any person under the age of twenty-one (21) years of age to use, play or operate a video gaming terminal.
 7. No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to Section 2-2-4 of the Village Code of Loda.
 8. The licensed establishment must fully comply with the Illinois Video Gaming Act (230 ILCS 40/1, et. Seq.) and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
 9. The licensed establishment must fully comply with this Section and Section 2-2-4, and other provisions of the Village Code of Loda as well as federal and Illinois law and regulations.

F. Inspection of Premises.

Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Village Board of Trustees or its authorized agents at any time to ensure compliance with the Village Code. This includes licensed establishments applying for a video gaming establishment license and/or video gaming terminal permit sticker. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the Village Board of Trustees or its respective agents in the course of an inspection.

G. Revocation/Suspension of License and Permit Sticker. The Village Board or such committee appointed by the Village Board may revoke or suspend any video gaming establishment license and any video gaming terminal permit sticker issued by the Village if it determines that the licensed establishment has violated any of the provisions of this Section or Section 2-2-4 of Village Code. No license shall be so revoked or suspended except after a public hearing before the Board of Directors or such committee appointed by the Board of Directors, with a three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the Village or the State Liquor Commission or has its video gaming license revoked or suspended by the Illinois gaming board shall automatically and without any hearing before the Village authorities have its Village video gaming establishment license and all Village video gaming license terminal permit stickers revoked or suspend for the same period of time as its liquor license and/or Illinois Gaming Board gaming license, whichever the case may be.

H. Seizure of Unlawful Video Gaming Terminals. Every video gaming terminal that does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device and shall be subject to seizure and shall be turned over to the Illinois Gaming Board, in accordance with Board regulations and applicable law unless otherwise ordered by a Court of competent jurisdiction.

J. Penalty. Whoever violates any provisions of this Section shall be subject to a fine of not less than Five Hundred Dollars (\$500) for a first offense within any twelve (12) month period and a fine of not less than Seven Hundred Fifty (\$750) for each subsequent offense within any such 12 month period. Each day such violation continues is a separate offense. Said fine shall be in addition to any and all other remedies which may be available to the Village under the Village Code of Loda and shall be in addition to any other provision of federal or Illinois state law as well.

Section 2.

This Ordinance shall be in full force and effect from and after its passage, approval, filing and publication as provided by law.

Section 3. Any Section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED, ADOPTED and ENACTED this 13 day of March, 2013.

APPROVED:

Carol J. Cusereau
President of the Village of Loda, Illinois

Attest:

Sandra Galaker
Village Clerk



CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF IROQUOIS) SS
VILLAGE OF LODA)

I, the undersigned, Clerk of the Village of Loda, Iroquois County, Illinois, and the keeper of the records thereof, DO HEREBY CERTIFY that the attached and foregoing instrument is a full, complete, true and just copy of Ordinance No. 2013-03, as passed by the Village Board of said Village of Loda and approved by the President of said Village on the 13 day of March, 2013; that said Ordinance was passed by a two-thirds favorable vote of the corporate authorities, there being 4 votes in favor thereof and 0 votes against said Ordinance; and that the votes thereon were taken by "Ayes" and "Noes".

IN WITNESS WHEREOF, I have here unto set my hand and seal and have affixed the Corporate Seal of said Village of Loda, Iroquois County, Illinois, on the 13 day of March, 2013.

Sandra Galaker
Village Clerk

