



AGENDA SUPPLEMENT

**TO: Chairman Tim Howe
License and Administration Committee Members**

FROM: Kevin Timony, Village Administrator

ITEM: Review of Video Gaming Ordinance

Please see attached for your reference a copy of Chapter 122 of the Village Code pertaining to video gaming regulations. Also attached is a roster of the currently licensed video gaming establishments in Wauconda.

The License & Administration Committee is being asked to review the current code and regulations in consideration of the code's original intent and current implementation.

Please feel free to contact me if you have any questions or need any additional information.

Qualified organizations may request and be granted a waiver of the application fee and Manager's Fidelity Bond up to 3 times per calendar year.
(Ord. 2011-O-54, passed 10-4-2011)

§ 121.16 MAYOR/VILLAGE ADMINISTRATOR ISSUING AND REVOKING AUTHORITY.

The Village Administrator or the Mayor are hereby authorized and directed to issue licenses under this chapter on behalf of the corporate authority where the application for license is complete and conforms to the requirements of this chapter. The Village Administrator or the Mayor are hereby authorized to issue, suspend or revoke licenses issued under the provisions of this chapter on behalf of the corporate authority. Nothing in this section shall prohibit the Village Administrator or the Mayor from seeking the advice and concurrence of the corporate authority on the issuance of a raffle license whenever the Village Administrator or the Mayor deem it appropriate or necessary to seek such advice and concurrence prior to issuing any raffle license or suspending or revoking any issued raffle license.
(Ord. 2011-O-54, passed 10-4-2011)

§ 121.99 PENALTY.

Any raffle permit issued under this chapter shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this chapter. Any violation of this chapter shall be subject to a fine up to \$750. Each day that a violation hereof exists shall be considered a separate offense. Each raffle held in violation hereof shall be considered a separate offense.
(Ord. 2010-O-17, passed 3-16-2010)

CHAPTER 122: LICENSED VIDEO GAMING REGULATIONS

Section

- 122.01 Qualified exemption from gaming
- 122.02 Video gaming establishment license
- 122.03 Video gaming terminal permit sticker and fee
- 122.04 Regulations for operating video gaming terminals
- 122.05 Inspection of premises
- 122.06 Revocation/suspension of license and permit sticker
- 122.07 Seizure of unlawful video gaming terminals
- 122.08 Monetary penalty

§ 122.01 QUALIFIED EXEMPTION FROM GAMING.

(A) *Licensed video gaming exemption.* The prohibitions of this chapter and any other chapter or section of the Village Code that may reference or govern gambling or gaming shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker issued by the village and is being operated by a licensed video gaming establishment that has a valid village video gaming establishment license and is in full compliance with this chapter and the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq.

(B) *Definitions.* For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq.

LICENSED ESTABLISHMENT. Any establishment which:

(a) Holds a valid village license to sell liquor at retail for consumption on its premises under Chapter 119, titled Alcoholic Beverages, of this code; and

(b) Is licensed by the Illinois Gaming Board to offer video gaming terminals for play pursuant to the Act.

LICENSED VIDEO GAMING ESTABLISHMENT. Any establishment, including a licensed establishment, which is licensed by the Illinois Video Gaming Board to offer video gaming terminals for play pursuant to the Act.

VIDEO GAMING TERMINAL. Any electronic video game 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, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games, receipts or credits which can be redeemed for cash.

VIDEO GAMING TERMINAL does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.02 VIDEO GAMING ESTABLISHMENT LICENSE.

It shall be unlawful for a licensed video gaming establishment to operate any video gaming terminal, unless the licensed video gaming establishment obtains and maintains a valid video gaming terminal permit sticker from the village for each video gaming terminal to be operated on its premises. The burden is upon each applicant to demonstrate its suitability and qualifications for the permit sticker. All video gaming terminal stickers issued hereunder shall expire on April 30 after date of issue. A video gaming terminal sticker shall be purely a personal privilege, good for a time period not to exceed the sooner to occur of 1 year after issuance or April 30 following the date of issuance, unless sooner revoked as provided 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 subject to being encumbered by any interest other than the interest of the applicant.

(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.03 VIDEO GAMING TERMINAL PERMIT STICKER AND FEE.

In order for any video gaming terminal to be operated at a licensed video gaming establishment, the licensed video gaming 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 by the village, to the Liquor Commissioner or his designee. Each video gaming terminal permit sticker issued by the village shall expire April 30, next, after date of issue, with an annual fee of \$25 per video gaming terminal payable in full at the time the application is filed with the village.
(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.04 REGULATIONS FOR OPERATING VIDEO GAMING TERMINALS.

(A) The following regulations apply to all licensed video gaming establishments operating a video gaming terminal on its premises with valid video gaming terminal permit sticker for each video gaming terminal:

- (1) A valid state Gaming Board video gaming license must be clearly displayed at all times.
- (2) A valid village video gaming terminal permit sticker shall be clearly displayed at all times on each video gaming terminal on its premises whether operational or not.
- (3) No more than 5 video gaming terminals may be located on its premises.
- (4) Other than having up to 5 video gaming terminals with valid video gaming terminal permit stickers, a licensed video gaming establishment is prohibited from having, anywhere on its premises, an electronic video gaming machine which may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise similar to a gambling or gaming device under this code, even if solely for amusement purposes.
- (5) All video gaming terminals must be located in an area restricted to persons 21 years of age or older. The entrance to such area must, at all times, be within the view of at least 1 employee of the licensee who is at least 21 years of age.
- (6) No licensed video gaming establishment may cause, suffer or permit any person under the age of 21 years to use, play or operate a video gaming terminal.
- (7) No video gaming terminal located in a licensed establishment may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to Chapter 119: Alcoholic Beverages of this code.
- (8) Licensed video gaming establishments other than licensed establishments may operate video gaming terminals during the legal hours of operation of the establishment.
- (9) Licensed video gaming establishments must fully comply with the Act, as amended, and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- (10) Licensed establishments must fully comply with Chapter 119: Alcoholic Beverages of this code and all other provisions of the Village Code as well as any applicable federal and Illinois laws or regulations.

(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.05 INSPECTION OF PREMISES.

Every licensed video gaming establishment where a video gaming terminal is kept shall be subject to inspection by the Chief of Police or his/her authorized agents, at any time, to ensure compliance with the Village Code. This includes any establishment 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 Chief of Police or his/her respective agents in the course of an inspection.
(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.06 REVOCATION/SUSPENSION OF LICENSE AND PERMIT STICKER.

The Liquor Commissioner may revoke or suspend any video gaming terminal permit sticker issued by the village to a licensed video gaming establishment if the Liquor Commissioner determines that the licensed video gaming establishment has violated any of the provisions of this chapter, any other provision of the Village Code, or any other applicable state or federal statute. No video gaming terminal permit shall be revoked or suspended, except after a public hearing before the Liquor Commissioner, with a 3-day written notice to the licensed video gaming establishment, served upon the licensee or the licensee's manager. Notwithstanding the foregoing, any licensed establishment which has its liquor license forfeited, revoked, or suspended by the village or by the Illinois State Liquor Commission, or any licensed video gaming establishment that has its state video gaming license revoked or suspended by the Illinois Gaming Board, shall forthwith, without a hearing before the Liquor Commissioner, have all of its village video gaming terminal permit stickers revoked or suspended for the duration for which its liquor and/or Illinois Gaming Board gaming license is suspended, as the case may be.
(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.07 SEIZURE OF UNLAWFUL VIDEO GAMING TERMINALS.

Every video gaming terminal which does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device 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.
(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

§ 122.08 MONETARY PENALTY.

Whoever violates any provision of this chapter shall be punished by a fine of not less than \$500 for a first offense in any 12-month period, and a fine of not less than \$750 for a second offense and each subsequent offense in a 12-month period. This penalty may be enforced by issuance of a Notice of Violation for the fine amount, or by issuance of a Notice to Appear. Each day any violation continues shall constitute a separate offense. This monetary penalty shall be in addition to any and all other remedies which may be available to the village under any other provision of this code, or under Illinois or federal law.
(Ord. 2013-O-06, passed 4-2-2013; Am. Ord 2017-O-12, passed 4-18-2017)

Village of Wauconda
Video Gaming Establishment Licenses

Name/DBA	Street No.	Street Name	No. of Machines
American Legion	515	S Main St	5
Bonner Road Inn	722	Bonner Rd	4
Corner Pantry	620-C	W Liberty St	3
Cosmos	421	W Liberty St	5
Deacons	2100	N Rand Rd	5
Dock's Bar & Grill	313	E Liberty St	5
Dotty's Café	616	W Liberty St	5
Irene's Café	449	W Liberty St	5
JJ Twigs	1200	N Main St	5
Lucky Danny's	398-A	W Liberty St	5
Lucky Vine	451	W Liberty St	5
Wauconda Moose Lodge	200	S Maple Ave	5
Restaurante El Manatíal	461	W Liberty St	3
Three Amigas	450	W Liberty St	5
Uncle D's	380	W Liberty St	5
Wauconda Bowl	381	W Liberty St	5
Wauconda BP	512	W Liberty St	5
Wheatland Music	513	S Main St	4
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