

ORDINANCE NO. _____

Synopsis: Adoption of this ordinance would further regulate licensed video gaming. Among other things it would limit the number of video gaming establishments to nine (9) and the number of video gaming terminal permit stickers to forty (40) within the City of Washington.

**AN ORDINANCE AMENDING CHAPTER 136 ENTITLED “GAMBLING OFFENSES”
OF THE CITY OF WASHINGTON CODE OF ORDINANCES BY FURTHER
REGULATING LICENSED VIDEO GAMING**

WHEREAS, the City of Washington is a home rule government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Washington may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

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 City Council of the City of Washington has determined that further regulating of licensed video gaming is in the best interest of the City 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 CITY COUNCIL OF THE CITY OF WASHINGTON:

Section 1. That Chapter 136 of the City of Washington Code of Ordinances entitled “Gambling Offenses” is amended by adding §136.51 as follows:

**“§ 136.51 REQUIREMENTS FOR VIDEO GAMING ESTABLISHMENT
LICENSE AND TERMINAL PERMIT STICKERS**

Subject to the limitations and restrictions set forth in this chapter, and all other lawful limitations and restrictions, the Mayor of the city, or anyone designated by him may, from time to time, grant a Video Gaming Establishment License and Terminal Permit Sticker(s) to any licensed establishment within the city, subject to the following requirements;

- (A) For a new applicant, in each of the two full years prior to applying for a license to operate video gaming terminals, the applicant's establishment for which the applicant is seeking approval to operate video gaming terminals must show it has generated at least 80 percent of its revenue from the sale of food or beverages;
- (B) For an applicant who has been previously issued a license under this article, the applicant's establishment must show at a minimum, 60 percent of total revenue annually from the sale of food or beverages;
- (C) Each applicant must provide the City with a report or reports showing its gross annual sales totals and categories, including food and beverage sales. Any applicant who shall not include this report or reports shall be ineligible for a Video Gaming Establishment license;

- (D) Each applicant's licensed establishment must maintain customer seating outside the gaming area but within the premises at a rate of 10 seats for each permitted video gaming terminal and for each square foot of floor space in the gaming area, the licensed establishment must maintain 5 square feet of general use customer-accessible area outside the gaming area;
- (E) There shall be no more than nine (9) Video Gaming Establishment Licenses in the City in force at any one time;
- (F) There shall be no more than forty (40) Video Gaming Terminal Permit Stickers in the City in force at any one time;
- (G) The licensed establishment must operate continually with a bona fide full bar;
- (H) For an applicant whose establishment has been issued a Video Gaming Establishment license under § 136.50 prior to the adoption of this ordinance, the requirements (A)-(D) of this §136.51 shall have no effect, provided the establishment has no substantial change as compared with business operations prior to the adoption of this ordinance. For the purpose of ensuring compliance with this ordinance, the license-issuing authority may, prior to the consideration or issuance of a license, require the applicant to submit information regarding business operations, including planned operations. Any applicant who does not timely provide the required information shall be ineligible for the relief provided by this subsection (H);
- (I) For an applicant who has purchased an establishment subject to subsection (H) of this §136.51 and which becomes an operating licensed establishment and which obtains a City Video Gaming Establishment license within 1 year of that purchase, subsection (A) of this §136.51 shall have no effect, but said establishment must show continual compliance with subsection (B) quarterly during its first year of operation and annually thereafter as required by this Chapter, as amended from time to time;
- (J) For an applicant whose establishment has continuously held a City of Washington Class E liquor license that was issued prior to the adoption of this ordinance, the requirements (A)-(C) of this §136.51 shall have no effect.

Section 2. That § 136.50 of the City of Washington Code of Ordinances entitled "Licensed Video Gaming" is amended by deleting §136.50(E)(5) in its entirety and by substituting the following as § 136.50(E)(5):

"All video gaming terminals must be located in an area ("gaming 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."

Section 3. This Ordinance shall otherwise be in full force and effect from and after its passage and approval and publication as required by law.

Section 4. 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 AND APPROVED THIS _____ day of _____, 2017.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK

