

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 136 OF THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS
REGARDING THE REGULATION OF LICENSED VIDEO GAMING**

WHEREAS, the City of Washington, Illinois (the “City”) is a home rule municipality in accordance with the Constitution of the State of Illinois and as such, has the authority to create this Ordinance; and

WHEREAS, Section 136.01 of the Code of Ordinances of the City (the “Code”) prohibits “gambling for money or any other valuable thing, or any other device or game, or chance, hazard, or skill, either as bookmaker, dealer, keeper, player, or otherwise, for the purpose of gaming or gambling for money or other valuable thing”; and

WHEREAS, Sections 136.50 through 136.52 provide an exception to the prohibitions against gambling or gaming for video gaming terminals that have a valid video gaming terminal permit sticker, are being operated by an establishment that has a valid City video gaming establishment license, and is in full compliance with the terms and conditions thereof;

WHEREAS, effective as of December 17, 2021, the Governor of the State of Illinois signed into law Public Act 102-0689 that makes certain amendments to the Illinois Video Gaming Act (the “Act”) that purports to: (i) make the licensure, registration, and regulation of video gaming powers of the State; and accordingly (ii) limits the ability of the City, as a home rule municipality, to impose certain regulations on video gaming;

WHEREAS, the City Council desires to amend its regulations of video gaming to comport with the amendments to the Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That Section 136.50(D) of the Code be, and the same hereby is, amended as follows:

- (D) Video Gaming Terminal Establishment and Terminal Operator Permit Sticker.
- (1) In order for a video gaming terminal to be operated at a licensed establishment or licensed truck stop establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the City for each video gaming terminal located on its premises by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. Each video gaming terminal permit sticker issued by the City shall expire April 30, next, after date of issue, with an annual fee of ~~\$300.50~~.00 per video gaming terminal payable in full at the time the application is filed with the City.
- (2) In order for a video gaming terminal to be operated at a licensed establishment or licensed truck stop establishment, the licensed video game terminal operator is required to obtain an annual video gaming terminal operator permit sticker from the City for each video gaming terminal leased, delivered, or otherwise provided for usage within the City by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. Each video gaming terminal operator permit sticker issued by the City shall expire

April 30, next, after date of issue, with an annual fee of ~~\$300~~500.00 per video gaming terminal payable in full at the time the application is filed with the City.

- (3) In the event that a video gaming terminal currently licensed within the City is replaced, the Mayor or the party designated by him/her may, after verification of the destruction of the original, in-force video gaming terminal permit sticker or video gaming operator terminal permit sticker, issue a replacement sticker upon payment of not more than \$10.00 per video gaming terminal.

(4) The cost of any fees imposed under this Section 136.50(D) shall be shared equally between the applicable licensed establishment or licensed truck stop establishment and the licensed video gaming terminal operator.

Section 3: If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 4: That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

Section 5: This Ordinance shall be in full force and effect from and after its passage, approval, and notification as provided by law and shall take effect upon its passage as required by law.

PASSED AND APPROVED this ____ day of _____, 2022.

AYES: _____

NAYS: _____

Gary W. Manier, Mayor

ATTEST:

Valeri L. Brod, City Clerk