

ORDINANCE 2022-01

AN ORDINANCE AMENDING CHAPTER 22 “BUSINESSES,” BY ADDING A NEW ARTICLE VI. “VIDEO GAMING,” OF THE CITY OF SANDWICH MUNICIPAL CODE.

WHEREAS, the City of Sandwich (“City”) is authorized by the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.* (“Act”), to establish a fee for the operation of video game terminals (230 ILCS 40/65), and to prohibit video gaming in violation of City ordinances (230 ILCS 40/27). The Act and the rules of the Illinois Gaming Board (“Rules”) also establish other regulations regarding the installation, use, and operation of video gaming terminals; and

WHEREAS, the corporate authorities of the City find it to be in the best interests of City residents to regulate video gaming terminals in accordance with the Act, the Rules, and this ordinance.

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

Section 1. That Chapter 22, “BUSINESS,” be amended by adding a new article thereto as follows:

ARTICLE VI. - VIDEO GAMING

Sec. 22-95. - Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Business shall be defined as all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of organizations which are in the business of providing entertainment or recreation, together with all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, within the boundaries of this city.

License and Licensee shall be defined to include, respectively, the words "permit" or "permittee," or the holder for any use or period of time or any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

Premises shall be defined to mean all lands, structures, places, and also equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

Sec. 22-96. - Permitted

Video gaming, as defined by the Illinois Video Gaming Act, 230 Illinois Compiled Statutes 40/1 et seq., is permitted in the city subject to the provisions of this Article.

Sec. 22-97. - License Required; Application

Each person operating a video gaming terminal must obtain a license from the city clerk's office for each terminal to be operated in the city. Information about the location and operation of the video gaming terminals must be submitted with the application, along with a copy of the applicant's state video gaming license issued by the Illinois Gaming Board and payment of the video gaming terminal fee required by this Article.

Sec. 22-98. - Fees

An annual fee of \$75.00 is hereby imposed on each video gaming terminal operated within the city and shall be equally shared between the terminal operator and the licensed establishment pursuant to 230 ILCS 40/65. The annual fee must be paid at the time of application for a video gaming terminal license and annually thereafter.

Sec. 22-99. – Privilege

A video gaming terminal license is purely a personal privilege and does not constitute property, nor is it transferable.

Sec. 22-100. - Regulations

The following regulations apply to all premises operating video gaming terminals:

- (1) A valid state video gaming license must be clearly displayed at all times.
- (2) A valid city license covering each video gaming terminal on the premises must be clearly displayed at all times.
- (3) No more video gaming terminals may be located on the premises than allowed under the Video Gaming Act.
- (4) All video gaming terminals must be located in an area restricted to persons over 21 years of age. The entrance to the restricted area must be within the view of at least one employee of the establishment who is over 21 years of age. Any premises that allows persons under 21 years of age to enter the establishment must isolate video gaming terminals in a separate area inaccessible to minors

and comply with Illinois Gaming Board rules regarding placement of terminals.

(5) No city video gaming terminal licensee may cause or permit any person under the age of 21 years to use, play, or operate a video gaming terminal.

(6) Signage must be posted at the entrance to and inside of the designated gaming area in accordance with the regulations adopted by the Illinois Gaming Board.

(7) The city video gaming terminal licensee must fully comply with all applicable city ordinances, including the city's liquor control regulations, as well as any applicable federal and state laws and regulations.

(8) The city video gaming terminal licensee must fully comply with the Illinois Video Gaming Act, as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board.

(9) City video gaming terminal licensee must immediately notify the city clerk in the event the Illinois Gaming Board revokes or suspends the licensee's state video gaming license. The revocation, loss, or suspension of a valid state video gaming license shall automatically result in the revocation, loss, or suspension of the licensee's city video gaming terminal license for all terminals without any refund of any fee.

(10) An owner, manager, or employee over the age of 21 must be present during all hours of operation when video gaming terminals are available for use by the public.

Sec. 22-101. - Compliance

The city and its agents must be allowed unrestricted access to enter the licensed establishment to determine compliance with this Article and the Illinois Video Gaming Act.

Section 2: Each section, paragraph, sentence, clause, and provision of this ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof, other than the part effected by such decision.

Section 3: That except as to the amendments heretofore mentioned, all chapters and sections of the Municipal Code of Sandwich, Illinois shall remain in full force and effect.

Section 4: That this Ordinance shall, by authority of the City Council of the City of Sandwich, Illinois, be published in pamphlet form. From and after 10 days after said publication, this ordinance shall be in full force and effect.

PASSED BY THIS CITY COUNCIL of the City of Sandwich, Illinois, at a regular meeting thereof held on the 7th day of March, 2022, and approved by me as Mayor on the same day.

AYE: Aldermen Fritsch, Holcomb, Johnson, Killey, Kreinbrink, Littlebrant & Robinson
NAY: Alderman Whitecotton
ABSENT: None

Todd Latham, Mayor

ATTEST:

Denise Ii, City Clerk