



City of Edwardsville

Third Oldest City in Illinois

Department of Finance
Jeanne Wojcieszak, MPA, Director

January 3, 2021

Video Gaming Terminal Licensing

On November 3, 2020, the City of Edwardsville adopted Ordinance No. 6677-11-2020 to amend the Codified Ordinances of the City of Edwardsville to allow video gambling in the City pursuant to the Illinois Video Gaming Act and City Video Gambling and Liquor Regulations.

A supplementary Class V liquor license authorizes holders of an eligible Class D liquor license to have and operate video gambling terminals. Establishments must be in possession of a valid video gambling license issued by the Illinois Gaming Board, must be a minimum of 2,500 square feet, and may not be located within one hundred (100) feet of another premises subject to a Class V license. The annual fee for a Class V Liquor License is \$500.00. Applications for liquor licenses are approved by the City Council.

A Class V licensed establishment must then apply for and obtain a valid video gaming terminal license for each video gambling terminal to be operated on the premises. An annual fee of \$250.00 is imposed on each terminal. A reduced fee of \$100.00 per terminal is imposed for applications received after October 1 of the license year. No more than six (6) video gambling terminals may be located on the licensed premises. A site plan for the premises providing information about the location and operation of the video gambling terminals must be submitted with the application, along with a copy of the licensee's State video gambling license issued by the Illinois Gaming Board. The ordinance includes several regulations pertaining to the location of the terminals, screening for lights and sounds, signage, and video recording and monitoring equipment. Video gaming terminal licenses are approved by the Mayor.

The video gambling terminal operator must also apply for and obtain a valid video gaming terminal operator license from the City of Edwardsville. An annual fee of \$500.00 is imposed on each video gambling terminal provided to a licensee. Video gaming terminal operator licenses are also approved by the Mayor.

Applications for the Class V liquor license, the video gaming terminal license, and video gambling terminal operator license are attached. A copy of the adopted ordinance is also attached.

Please do not hesitate to reach out if more information is needed.

Sincerely,

Jeanne Wojcieszak
Director of Finance



**CITY OF EDWARDSVILLE
CLASS V LIQUOR LICENSE APPLICATION**

**DEPARTMENT OF FINANCE
118 HILLSBORO AVE
EDWARDSVILLE, IL 62025
618-692-7500**

1. APPLICANT (CORPORATE) NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

BUSINESS NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

TAX IDENTIFICATION NUMBER: _____

APPLICANT REPRESENTATIVE & TITLE: _____

HOME ADDRESS: _____

PHONE NUMBER: _____ DATE OF BIRTH: _____

EMAIL: _____

2. ANSWER THE FOLLOWING:

- A. Do you hold a current, valid video gambling license that has been issued by the Illinois Gaming Board? Yes _____ No _____
- B. Do you hold a current, City of Edwardsville Class D liquor license in good standing?
Yes _____ No _____
- C. Has your Class D license been suspended or revoked by the City or by the State of Illinois?
Yes _____ No _____
- D. Do you owe the City any outstanding sums of money?
Yes _____ No _____

3. LOCAL REGULATIONS: (Please Initial)

- A. Any denial, revocation or suspension of an Illinois video gambling license by the Illinois Gaming Board or a video gambling terminal license by the City shall constitute a revocation or suspension of a Class V license for the same period, provided however, that a Class V licensee subject to an automatic revocation or suspension of its Class V license due to such denial,

revocation or suspension of video gambling privileges shall constitute to enjoy the rights and privileges of is underlying Class D liquor license for the duration of such suspension or revocation. _____

- B. 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 Ordinance 5953-9-14. _____

ANNUAL FEES:

Class V Liquor License - \$500.00

Printed Name of Applicant

Date

Signature of Applicant

Date

STATE OF ILLINOIS)

COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 20____

Notary Public



**CITY OF EDWARDSVILLE
VIDEO GAMING TERMINAL LICENSE APPLICATION**

**DEPARTMENT OF FINANCE
118 HILLSBORO AVE
EDWARDSVILLE, IL 62025
618-692-7500**

Per Chapter 10, Article V., Section 10-202 of the Codified Ordinances of the City of Edwardsville, the following must be submitted with the Video Gaming Terminal (VGT) license application:

- A site plan for the premises providing information about the location and operation of the video gambling terminals
- A copy of the applicant's State of Illinois video gambling license issued by the Illinois Gaming Board
- Payment of Terminal Fees

1. APPLICANT (CORPORATE) NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

BUSINESS NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

TAX IDENTIFICATION NUMBER: _____

APPLICANT REPRESENTATIVE & TITLE: _____

HOME ADDRESS: _____

PHONE NUMBER: _____ DATE OF BIRTH: _____

EMAIL: _____

2. NAME OF OWNER(s) of Establishment (where VGT(s) will be located) – please use separate sheet if necessary

NAME OF OWNER	HOME ADDRESS	PHONE NUMBER	DATE OF BIRTH

3. NAME OF OWNER(s) OF REAL ESTATE (where VGT(s) will be located) – please use separate sheet if necessary

NAME OF OWNER	HOME ADDRESS	PHONE NUMBER	DATE OF BIRTH

4. NAME OF ILLINOIS GAMING BOARD (IGB) LICENSED TERMINAL OPERATOR:

TERMINAL OPERATOR CONTACT PERSON: _____

ADDRESS: _____

PHONE NUMBER: _____

IGB TERMINAL OPERATOR LICENSE #: _____

5. IGB ESTABLISHMENT LICENSE # (Please attach copy of license): _____

ISSUE DATE: _____ EXPIRATION DATE: _____

6. NUMBER OF IGB TAGGED VIDEO GAMING TERMINALS: _____

7. List all convictions from any jurisdiction of all those persons listed in Sections 1, 2 and 3 of this application. (Use separate sheet if necessary).

8. LOCAL REGULATIONS: (Please Initial)

- A. A valid State video gambling license must be clearly displayed at all times. _____
- B. A valid City Class V liquor license must be clearly displayed at all times. _____
- C. A valid City video gaming terminal license sticker shall be clearly displayed at all times on each video gaming terminal. _____
- D. No more than six (6) video gambling terminals may be located on the licenses premises.

- E. All video gambling terminals must be located in an area restricted to persons over 21 years of age. _____
- F. No licensed establishment or its employee or agent may permit any person under the age of 21 years to use, play, or operate a video gambling terminal. _____
- G. Signage must be posted at the entrance to, and inside of, the designated gambling area in accordance with the regulations adopted by the Illinois Gaming Board. _____
- H. The licensed establishment 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. _____
- I. The licensed establishment must fully comply with the Illinois Video Gaming Act as amended, and all rules, regulations, and restrictions, imposed by the Illinois Gaming Board. _____
- J. Licensed establishments must immediately notify the Mayor in the event the Illinois Gaming Board revokes or suspends the licensed establishment's video gaming license. _____
- K. An owner, manager, or employee over the age of 21 must be present during all hours of operation when video gambling terminals are available for use by the public. _____
- L. Video recording and monitoring equipment shall be installed and maintained as provided for in Chapter 10, Article V., Section 10-207 of the Codified Ordinances of the City of Edwardsville. _____
- M. The licensed establishment shall prevent access to video gambling terminals by persons who are visibly intoxicated. _____
- N. On-premises exterior signage by the licensee pertaining to video gambling shall be installed and maintained as provided for in Chapter 10, Article V., Section 10-207 of the Codified Ordinances of the City of Edwardsville. _____
- O. An owner or manager of a licensed video gambling location may not be a video gambling terminal manufacturer or distributor. _____
- P. A burglar alarm system shall be installed and maintained in the licenses premises per Chapter 10, Article V., Section 10-207 of the Codified Ordinances of the City of Edwardsville. _____
- Q. The licensed establishment shall participate in the Illinois Gaming Board Self-Exclusion Program and ensure they have safeguards for monitoring and identifying patrons in the Program at their establishments. _____
- R. 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 Ordinance 5953-9-14. _____

ANNUAL FEES:

\$250.00 – FOR EACH VIDEO GAMBLING TERMINAL

Printed Name of Applicant

Date

Signature of Applicant

Date

STATE OF ILLINOIS)

COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 20_____

Notary Public



**CITY OF EDWARDSVILLE
VIDEO GAMING TERMINAL OPERATOR LICENSE
APPLICATION**

**DEPARTMENT OF FINANCE
118 HILLSBORO AVE
EDWARDSVILLE, IL 62025
618-692-7500**

Per Chapter 10, Article V., Section 10-203 of the Codified Ordinances of the City of Edwardsville, an application must be submitted for each location a terminal operator intends to operate terminals.

1. TERMINAL OPERATOR INFORMATION:

BUSINESS NAME: _____

MAILING ADDRESS: _____

CONTACT PERSON: _____ CONTACT TITLE: _____

PHONE NUMBER: _____ EMAIL: _____

2. NAME OF OWNER(S) OF THE TERMINAL OPERATOR BUSINESS (use separate sheet if necessary):

NAME: _____ PHONE NUMBER: _____

NAME: _____ PHONE NUMBER: _____

NAME: _____ PHONE NUMBER: _____

3. ILLINOIS GAMING BOARD TERMINAL OPERATOR LICENSE NUMBER (attach copy of license)

ISSUE DATE: _____ EXPIRATION DATE: _____

4. NAME OF ESTABLISHMENT WHERE VIDEO GAMING TERMINAL(s) will be located:

5. NUMBER OF ILLINOIS GAMING BOARD TAGGED VIDEO GAMBLING TERMINAL(s)

MAKE AND MODEL	ID#	IGB VGT TAG#	CITY VGT STICKER #

6. List all convictions from any jurisdiction of all those persons listed in sections 1, 2 of this application. (Use separate sheet if necessary).

7. LOCAL REGULATIONS:

A. Is the terminal operator an Illinois resident or have they performed business continuously within Illinois for a period of thirty-six (36) prior to applying for a terminal operator license?

Yes _____ No _____

B. Is the terminal operate a video gambling terminal manufacturer or distributor?

Yes _____ No _____

ANNUAL FEES:

\$500.00 – For each video gambling terminal provided to a licensee

Printed Name of Applicant

Date

Signature of Applicant

Date

STATE OF ILLINOIS)

COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this _____ day of _____, 20____

Notary Public

**CITY OF EDWARDSVILLE
MADISON COUNTY, ILLINOIS**

ORDINANCE NO. 6677-11-2020

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, DIVISION 2 “Mechanical Amusement Devices” OF THE CODIFIED ORDINANCES OF EDWARDSVILLE, ILLINOIS TO ALLOW VIDEO GAMBLING IN THE CITY PURSUANT TO THE ILLINOIS VIDEO GAMING ACT AND CITY VIDEO GAMBLING AND LIQUOR REGULATIONS

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF EDWARDSVILLE
THIS 3rd DAY OF NOVEMBER, 2020**

Published in pamphlet form by
authority of the Mayor and City Council
of the City of Edwardsville, Madison
County, Illinois, this 4th day of
November, 2020.

ORDINANCE NO. 6677-11-2020

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, DIVISION 2
“Mechanical Amusement Devices” OF THE CODIFIED ORDINANCES OF
EDWARDSVILLE, ILLINOIS TO ALLOW VIDEO GAMBLING IN THE CITY
PURSUANT TO THE ILLINOIS VIDEO GAMING ACT AND
CITY VIDEO GAMBLING AND LIQUOR REGULATIONS**

WHEREAS, the City of Edwardsville is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, pursuant to its home rule authority, the City may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, in 2009, the Illinois General Assembly passed the Video Gaming Act (230 ILCS 40/1 et seq.) (the “Act”) permitting video gambling in certain licensed establishments, subject to certain conditions and criteria;

WHEREAS, the City presently prohibits video gambling pursuant to Section 27 of the Act (230 ILCS 40/27); and

WHEREAS, the City Council finds that by allowing restricted and licensed video gambling in the City for fraternal and not for profit clubs in accordance with regulations set forth herein, that the benefits of regulated video gambling to those residents and club owners outweighs the negative externalities, and that the potential revenue derived from video gambling and associated terminal fees will help with business rehabilitation and City finances; and

WHEREAS, Article IV of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1, et seq.) authorizes the corporate authorities of the City to license and regulate the sale of alcoholic liquor within the City, to determine the number, kind and classification of local liquor licenses, establish fees for such licenses, and to regulate establishments that sell and dispense alcoholic beverages; and

WHEREAS, the City Council finds and determines that limiting video gambling operations to eligible licensed establishments and applicants that have passed a background check and have obtained a liquor licenses in good standing and have been otherwise compliant with City ordinances will protect and promote the health, safety and welfare of City residents and visitors by ensuring that video gambling premises have demonstrated ability and willingness to comply with City regulations, and that such premises have independent, bona fide business purposes other than the mere operation of video gambling operations; and

WHEREAS, the City Council is concerned about the potential negative impacts that a congregation of video gambling establishments would have on the City, including without limitation, the potential for crime due to a concentrated area of video gambling operations,

adverse impacts on property values due to a concentrated area of video gambling operations, and visual blight stemming from a close concentration of video gambling operations; and

WHEREAS, the City Council finds it to be in the best interests of the City to regulate video gambling terminals in accordance with the Act, the rules of the Illinois Gaming Board ("Rules") and to establish other regulations regarding the installation, use, and operation of video gambling terminals pursuant to its home rule powers and authority to regulate the sale of alcoholic liquor and establish license classifications regarding the same.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, MADISON COUNTY, ILLINOIS, as follows:

SECTION 1: The recitals in this ordinance as set forth above are hereby incorporated into and made part of this ordinance.

SECTION 2: That Section 10-117 "Prohibition of Video Gaming" of the Codified Ordinances of Edwardsville, Illinois shall be repealed.

SECTION 3: That Chapter 10 ("Amusements and Entertainments") of the Codified Ordinances of the City of Edwardsville is hereby amended with the addition of Article V. ("Video Gambling"), which reads as follows:

Section 10-201 – Video Gambling Permitted.

- A. Video gambling, as defined by the Illinois Video Gaming Act (230 ILCS 40/1 et seq.), is permitted in the City subject to the provisions of this Article
- B. No video gambling terminals, activities or operations are permitted within the City, except pursuant to the issuance of a Class V liquor license to the holder of a Class D liquor license as set forth in Section 6-34. A supplementary Class V liquor license shall authorize holders of an eligible Class D liquor license to have and operate video gambling terminals upon the licensed premises upon receipt of a video gambling license issued by the Illinois Gambling Board in accordance with the provisions of the Illinois Video Gaming Act (230 ILCS 40/1 et seq.).
- C. No video gambling terminals, activities or operations are permitted within the City except pursuant to the issuance of a valid gambling terminal license for each video gambling terminal as set forth in this Article.

Section 10-202 - Video Gambling Terminal License Required: Application.

A Class V licensed establishment must apply for and obtain a valid gambling terminal license from the Mayor for each video gambling terminal to be operated on a licensed premises. A site plan for the premises providing information about the location and operation of the video gambling terminals must be submitted with the application, along with a copy of the licensee's State video gambling license issued by the Illinois Gaming Board, and payment of the gambling terminal fee required by this Article.

Section 10-203. - Video gambling terminal operator license requirement and fee.

A video gambling terminal operator licensed in accordance with 230 ILCS 40/1 et seq. (The Illinois Video Gaming Act) who leases or otherwise provides for usage, video gambling terminals to a video gambling terminal licensee under this article shall apply for and obtain an operator's license from the City in a form prescribed by the Finance Director and pay the City, prior to leasing or providing a video gambling terminal, a video gambling terminal operator's license fee of \$500.00 for each video gambling terminal provided to a licensee or use at an establishment licensed to engage in the business of video gambling within the City. Any person, corporation, association or entity convicted of violating this section shall be fined not less than \$250.00 nor more than \$750.00 for each offense. Each day a violation occurs shall constitute a separate offense.

Section 10-204. - Municipal Share of Video Gambling Revenue – Allocation of funds

The video gambling terminal income distributed to the City shall be allocated to the City's Community Redevelopment Fund.

Section 10-205 – Video Gambling Terminal Fees.

An annual fee of \$250.00 is hereby imposed on each video gambling terminal operated in a Class D liquor licensee within the City. The annual fee for each terminal must be paid at the time of submission of an application for a video gambling license, and annually thereafter. Following issuance, each video gambling terminal license shall terminate the following December 31. No prorations are allowed for partial year video gambling terminal applications other than a reduced \$100.00 (Class D) per terminal license fee shall be due if the application for a video gambling license is submitted after October 1 of the license year.

Section 10-206 - Privilege.

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

Section 10-207 - Regulations.

The following regulations apply to all licensed establishments operating a video gambling terminal on the licensed premises:

- (a) A valid State video gambling license must be clearly displayed at all times.
- (b) Valid City video gambling terminal license must be clearly displayed at all times.
- (c) No more than six (6) video gambling terminals may be located on the licensed premises.
- (d) All video gambling terminals must be located in an area restricted to persons over 21 years of age. No licensed establishment or its employee or agent may permit any person under the age of 21 years to be within the restricted area. Licensed establishments that admit individuals under the age of 21 must have the video gambling restricted area separated from the rest of the premises by opaque screening as tall as the height of the tallest video gambling terminal or, at a minimum of six feet tall. All lights and sounds from the video gambling terminals should be contained in the separated area. A minimum of 30 square feet is to be provided for each video gambling terminal in the

separated area. The entrance to the restricted area must be within the view of at least one (1) employee of the establishment who is over 21 years of age. Each underage person located within the restricted area constitutes a separate and distinct violation of this subsection.

(e) No licensed establishment or its employee or agent may permit any person under the age of 21 years to use, play, or operate a video gambling terminal. Each underage person playing a video gambling terminal constitutes a separate and distinct violation of this subsection.

(f) It is unlawful for any person under 21 years of age to play or operate a video gambling terminal. The fine for violating this subsection shall be \$750.00 per offense, imposed against the individual violating this subsection.

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

(h) The licensed establishment 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.

(i) The licensed establishment must fully comply with the Illinois Video Gaming Act as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board.

(j) Licensed establishments must immediately notify the Mayor in the event the Illinois Gaming Board revokes or suspends the licensed establishment's video gambling license. The revocation, loss, or suspension of a valid State video gambling license shall automatically result in the revocation, loss, or suspension of the City video gambling license for all video gambling terminals without any refund of any fee.

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

(l) Video recording and monitoring equipment shall be installed and maintained in good working order in the licensed premises pursuant to specifications as determined from time to time by the Chief of Police or his or her designee and shall continuously record the restricted area containing video gambling terminals during all hours of operation. Video recordings shall be stored and maintained for a period of at least sixty (60) days and must be accessible to the Chief of Police or his or her designee upon request at any time. A written notice that "video gambling operations are video recorded" shall be posted at the entrance to the restricted area. Licensees who have video gambling terminals shall record the operation and playing of all video gambling terminals, and all payouts/distributions of winnings from gambling activities.

(m) The licensed establishment shall prevent access to video gambling terminals by persons who are visibly intoxicated.

(n) On-premises exterior signage by the licensee pertaining to video gambling is limited to one single-faced sign or one double-faced sign not to exceed 2' x 3' placed in or on a window stating, in block lettering no larger than eight inches (8"), "VIDEO GAMBLING." Such sign shall not feature any flashing, blinking or intermittent lights. No dynamic display signs, exterior temporary promotional signs or flags promoting video gambling shall be allowed on the video gambling premises.

(o) Upon receipt of proof of the issuance of an Illinois video gambling license, the issuance of a Class V City liquor license, and payment of all appropriate fees, the City shall issue City of Edwardsville video gambling terminal stickers, which shall be affixed to each video gambling terminal in a conspicuous place and shall be clearly displayed at all times on each video gambling terminal. Video gambling stickers shall not be transferable. It is unlawful to operate a video gambling terminal in the City without a valid video gambling terminal sticker affixed thereon.

(p) Each licensed terminal operator must be an Illinois resident or have performed business continuously within Illinois for a period of thirty six (36) months prior to applying for a terminal operator license.

(q) A video gambling terminal operator may not be a video gambling terminal manufacturer or distributor. An owner or manager of a licensed video gambling location may not be a video gambling terminal manufacturer or distributor.

(r) A burglar alarm system shall be installed and maintained in good working order in the licensed premises. The burglar alarm system shall alert the licensed premise's alarm system monitor who will in turn promptly notify the Edwardsville Police Department in instances of unpermitted entry into the licensed premises.

(s) No building housing a video gambling terminal shall be located within 100 hundred (100) feet of another building housing a video gambling terminal. This distance separation requirement shall be measured to the nearest corner of the building or leased space housing the video gambling terminal to the nearest corner of the building or leased space housing another video gambling terminal. No license shall be issued if the City determines that this distance separation requirement is not met.

(t) All video gambling licensees shall participate in the Illinois Gaming Board Self-Exclusion Program and ensure that they have safeguards for monitoring and identifying patrons in the Program at their establishments.

Section 10-208 - Video Gambling Cafes.

Notwithstanding any provision to the contrary, video gambling cafes are not permitted in the City. The City intends that in the event any provision of the City Code conflicts with the prohibition on video gambling cafes, the more restrictive provision shall apply. A "video gambling cafe" is defined for purposes of this Section as an establishment whose primary or a major focus is video gambling, and the service of alcohol and food is secondary to the video gambling operation. The following factors may be considered when determining if a proposed or operating establishment is a video gambling cafe:

(a) the layout and design of the establishment;

(b) the preparation and variety of food and beverages offered;

(c) the creation and operation of a commercial kitchen on the premises where gambling is situated or a partnership with an establishment that operates a commercial kitchen;

(d) whether the number of video gaining machines relative to the customer seating capacity of the establishment is less than 10 customer seats to 1 machine;

(e) whether the square footage of space devoted to video gambling relative to the amount of space devoted to other activities is less than 4 square feet for non-gambling to 1 square feet for gambling;

- (f) the percentage of proposed or actual revenue derived from food and beverage sales as a percentage of total gross revenues for the establishment on an annual basis based on audited financial statements, corporate financial reports, tax return information, state liquor license reports, or any other form of information deemed acceptable by the City;
- (g) whether the establishment is proposed to be marketed as a gambling establishment or have a gambling theme;
- (h) the number of employees at the establishment and their proposed function; and
- (i) any other factors as deemed relevant by the Mayor

Section 10-209 - 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 10-210 - Penalties.

- A. It shall be unlawful for any person to violate any provision of this Article. Except as otherwise specifically provided herein, any person found liable at a hearing or following opportunity for a hearing of violating or opposing the enforcement of any provision of this Article, any provision of other City ordinances, or any applicable State or Federal law or regulation shall, upon entry of a finding of liability, be subject to the following penalties:
 - 1. First offense in 12-month period - 72-hour gambling terminal license suspension and \$1,000 fine;
 - 2. Second offense in 12-month period - 72-hour gambling terminal license suspension and \$1,500 fine;
 - 3. Third offense in 12-month period - Revocation of gambling terminal license and \$2,000 fine.A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. The foregoing penalties are in addition to any criminal or civil penalties which might be prosecuted by the City or others. In addition, any and all licenses issued to the licensee, including without limitation a Class V City liquor license, may be subject to suspension or revocation as provided by the City Code or by law.
- B. Notwithstanding the foregoing, no video gambling terminal license shall be revoked or suspended, however, until a hearing has been conducted by the Mayor or his designee with a 3 day written notice to the licensed establishment to the licensee or the licensee's manager of the licensed premises. No hearing will be required, however, to revoke or suspend a City video gambling terminal license for an establishment that has its State video gambling license revoked or suspended.
- C. The local liquor control commissioner may treat any violations of the provisions of this Article of this Code as a violation of the operator's City liquor license and proceed accordingly with respect to the enforcement authority over the operator's liquor license. In addition to all penalties authorized in this section, should the liquor license of the establishment be suspended or revoked, then, and in that event the video gambling license of the establishment shall likewise be suspended or revoked concurrently. In the event of a revocation or denial of any license or registration

under this section, such person shall not be issued any license provided for in this section for one calendar year following the revocation or any appeal thereof.

SECTION 4: That Chapter 6 (Alcoholic Beverages), Article II. (Alcoholic Liquor Control), Section 6-34 (Classification of licenses; fees; bonds) is hereby amended by adding the following:

Sec. 6-34. Classification of licenses; fees; bonds.

- (a) *Classes; fees.* The license required by section 6-30 is divided into classes as follows:
- (12) **Class V - Video Gambling:** Class V licenses shall be supplemental in nature and shall only be issued to the holder of a Class D license. A Class V license shall additionally authorize Class V licensees to operate video gambling terminals upon the licensed premises, subject to the following:
- In addition to any other eligibility criteria for a Class V liquor license set forth hereinabove or incorporated by reference, any applicant for a Class V license must at the time of initial application or renewal:
- (1) be the holder of a current, valid video gambling license that has been issued by the Illinois Gaming Board; and
 - (2) have a City of Edwardsville Class D liquor license in good standing; and
 - (3) not have had its Class D license suspended or revoked by the City or its liquor license suspended or revoked by the State of Illinois for a period of at least thirty-six (36) months; and
 - (4) not owe the City any outstanding sums of money; and
 - (5) that the premises must be a minimum of 2,500 square feet; and
 - (6) the premises subject to the application for a Class V license shall not be located within one hundred (100) feet of another premises subject to a Class V license. This distance separation requirement shall be measured to the nearest corners of the building or leased spaces housing the Class V licensees. No license shall be issued if the City determines that this distance separation requirement is not met.

All video gaming operations must be conducted pursuant to and in strict accordance with the Illinois Video Gaming Act 230 ILCS 40/1 et seq., all rules, regulations and restrictions imposed by the Illinois Gaming Board, all requirements of Article V ("Video Gambling") of Chapter 10 of the City Code, and the regulations of this Section of the City Code and its subparts; and

Video gambling terminals may only be operated during such times as the holder of the liquor license hereunder is authorized to serve or sell alcohol; and

Any denial, revocation or suspension of an Illinois video gambling license by the Illinois Gaming Board or of a video gambling terminal license by the City shall constitute a revocation or suspension of a Class V license for the same period, provided however, that a Class V licensee subject to an automatic revocation or suspension of its Class V license due to such denial, revocation or suspension of video gambling privileges shall continue to enjoy the rights and privileges of its underlying Class D liquor license for the duration of such suspension or revocation.

The annual fees for a Class V license shall be \$500.00.

SECTION 5: This Ordinance and the operation of video gambling in the City shall be reviewed by the City Council within 12 months of passage of this Ordinance to consider the effects of video gambling on the community and revenue generated for possible expansion of video gambling to other liquor licensed establishments in the City or repeal of this Ordinance.

SECTION 6: This ordinance and each of its terms shall be the effective legislative act without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Edwardsville that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, MADISON COUNTY, ILLINOIS this 3rd day of November, 2020, pursuant to a roll call vote as follows:

AYES: RISAVY, MORRISON, KRAUSE, LOUER AND BURNS

NAYS: FARRAR AND STACK

ABSENT:

ABSTENTION:

APPROVED BY THE MAYOR OF THE CITY OF EDWARDSVILLE, ILLINOIS, this 3rd day of November, 2020.

BY: 

Hal Patton, Mayor of the City of
Edwardsville, Madison County, Illinois

BY: 

Emily E. Bates, City Clerk of the City
of Edwardsville, Madison County, Illinois

PREPARED BY AND RETURN TO:

CITY OF EDWARDSVILLE
ATTN: CITY CLERK
118 HILLSBORO AVENUE
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