

CHAPTER 117 – VIDEO GAMING TERMINALS

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§117.01 VIDEO GAMING LICENSE REQUIRED

No person shall have or keep a video gaming terminal (“terminal”) or video gaming device (“device”), as defined by 230 ILCS 40/5, in any place of public resort unless the Village license fee is paid and a valid license is issued and maintained in force by the State of Illinois.

§117.02 PREMISES ON WHICH VIDEO GAMING TERMINALS ARE PERMITTED

Terminals or devices are only permitted on licensed retail establishments in the Village where the building is a minimum of 30,000 square feet in size and where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises as permitted under the Video Gaming Act, 230 ILCS 40/1 *et seq.*, the State Gaming Board Regulations and the rules and regulations contained in this Chapter.

Licensed fraternal establishments and veteran establishments in the Village as permitted under the Act, the State Gaming Board Regulations and the rules and regulations contained in this Chapter.

§117.03 PREMISES ON WHICH VIDEO GAMING TERMINALS ARE PROHIBITED

Video gaming cafés, as defined herein are prohibited. Terminals and devices are prohibited in truck stop establishments.

A Video Gaming Café is defined as:

An establishment whose primary or a major focus of the establishment is video gaming and the service of alcohol; food is secondary to the operation of video gaming.

The following factors may be considered when determining if the establishment is a video gaming café:

1. The layout and design of the establishment;
2. The preparation and variety of food and beverages offered;
3. The creation and operation of a commercial kitchen on the premise where gaming is situated;
4. The number of video gaming machines relative to the customer seating capacity of the establishment must be 10 customer seating to one machine;
5. The square footage of space devoted to video gaming relative to the amount of space devoted to other activities must be 4 for non-gaming to 1 gaming;
6. The source of proposed or actual revenue derived from the establishment;
7. The number of employees at the establishment and their proposed function; and
8. Any other factors as determined as relevant by the Local Liquor Control Commissioner

§117.04 ANNUAL LICENSE FEE

The annual municipal license fee of \$250 is payable to the Village of Deer Park. This fee shall be shared by the video gaming terminal operator and the establishment housing the video gaming terminal, each paying 50% of the per terminal license fee. The annual fee shall be due and payable prior to the first day of January of each year. All issued licenses shall expire on the 31st day of December of that year. This fee is not in lieu of any fee or payment payable to the State or the Illinois Gaming Board.

§117.05 ISSUANCE

The applicant must obtain proper state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Chapter. Upon approval of the application and payment of the license fee, the Village shall issue a certificate bearing the notation "Village of Deer Park Video Gaming License for 20__." One license shall be issued for each establishment and list the number of video gaming terminals licensed for said establishment and it shall be affixed in a conspicuous place. The total number of video gaming terminals per establishment may not exceed the amount authorized by the Act.

There shall be no more than one (1) video gaming license issued within the Village at any one time.

§117.06 OPERATION OF VIDEO GAMING TERMINALS

All such video gaming devices or terminals shall at all times be kept, placed, operated and monitored pursuant to State laws and applicable regulations including, but not limited to:

- (A) Prohibiting the gaming area to persons over 21 years of age and to restrict access to individuals who are visibly intoxicated;
- (B) Video gaming terminals shall be placed in an area restricted to individuals over the age of 21. If individuals under the age of 21 are allowed in any portion of the licensed premises, the establishment shall limit visibility of video gaming terminals from outside the room in which they are located;
- (C) The operation of video gaming devices or terminals shall only be allowed during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment. Upon the suspension or revocation of a licensee's liquor license, the licensee's video gaming license shall automatically be suspended (or revoked in the event of a liquor license revocation) without the requirement of any further action by the Village. Licensee's gaming license shall be suspended for the same period of time as the suspension or revocation of the licensee's liquor license;
- (D) The video gaming area shall be physically monitored by an employee over 21 years of age at all times during the legal hours of operation; and
- (E) Providing for camera surveillance of the video gaming area that meets the specifications of the Village as specified in license application, with equipment that has the ability to record and may be accessed by the Village or its law enforcement provider upon request to investigate a suspected violation of this Chapter, any law or administrative code, or any unlawful activity.

§117.07 SIGNAGE

Required signage pursuant to State laws and regulations shall be posted at all times in the establishment's video gaming terminal area and should further include signage prohibiting the video gaming terminal area to persons under 21 years of age.

§117.08 RESPONSIBLE GAMING POLICY

Licensees are required to submit their establishment's responsible gaming policy, which outlines all employee education and training programs, self-exclusion policies, and procedures to promote responsible gaming with their license application. If standardized training for responsible gaming becomes available at the future date, it shall be required as part of the video gaming license application.

§117.09 INSPECTION

The Village reserves the right to inspect the premises for compliance with this Chapter and all other applicable ordinances and statutes.

§117.10 TERMINAL OPERATORS

It shall be unlawful for any person, firm or corporation or other entity to engage in the business of video gaming terminal operation, pursuant to the Illinois Video Gaming Act, without first having secured a license from the Village as provided in this Chapter.

- (A) **Application:** Terminal operator licenses shall be effective from January 1 to December 31 of the same year. The annual fee for a terminal operator license shall be \$250. The fee is nonrefundable and shall be applicable irrespective of when an applicant submits an application for a terminal operator license.

There shall be only one terminal operator license that may be issued by the Village. Applications for such license shall be made to the Clerk on forms and in a manner prescribed by the Clerk and include an executed Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments (PTAX-1002-21). The terminal operator licenses shall be issued only upon the order of the Administrator.

The Administrator shall have the right to deny a terminal operator license to an applicant in the absence of reasonable proof necessary to evidence the applicant's ability to comply with, or past compliance with, the provisions of this Chapter or any other code provision or ordinance of the Village.

A terminal operator licensee shall provide the Village, within 14 business days of the Village's request, with copies of records pertaining to their accounts within the corporate limits of the Village

- (B) **Insurance Prerequisites:** No license which has been otherwise approved shall be issued until the terminal operator has filed with the Administrator a certificate or other evidence that the terminal operator carries insurance of the following types of at least the limits specified below:

- i. Workers' Compensation Insurance as prescribed by the laws of the State.
- ii. Employers' Liability Insurance, with limits of not less than \$1,000,000.00 per occurrence.
- iii. Comprehensive General Liability Insurance, with limits of not less than \$1,000,000.00 for property damages; \$1,000,000.00 for bodily injury or death of any one person, and \$2,000,000.00 coverage per occurrence.

The licensee shall include the Village, its officers, employees, and agents as additional named insured on any of the foregoing policies.

- (C) Assignment: Any license issued under this Code shall not be assignable or transferable by the licensee or by operation of law or otherwise. Nor may the licensee sublet or contract out any part of the work to be performed by the terminal operator.

§117.11 PENALTY; REVOCATION

In addition to the penalty imposed in this Code, the President and Board of Trustees may revoke license for any violation of this Chapter or of any ordinance pertaining to the conduct of such business.