

CHAPTER 54.1

- VIDEO GAMING LICENSE-

(Adopted, Ordinance No. 2016-80, November 21, 2016)

1. DEFINITIONS. Whenever used herein, unless context otherwise requires, the following words, terms or phrases shall have the meaning ascribed to them in this section:

(a). Video Gaming Terminal shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5 et.seq. and any successor statute.

(b). Establishment shall mean any business licensed by the State of Illinois to have or operate a video gaming device in the City of Decatur and shall include any “licensed establishment,” “licensed fraternal establishment,” “licensed veterans establishment,” and “licensed truck stop establishment” as those terms are defined in the State of Illinois Video Gaming Act, 230 ILCS 40/5 et.seq. and any successor statute.

(c). Distributor shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5 et.seq. and any successor statute.

(d). Terminal Operator shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5 et.seq. and any successor statute.

2. LICENSE REQUIRED. No establishment shall have on its premises any video gaming terminal without first obtaining a video gaming license and paying the appropriate fee.

3. LICENSE APPLICATION REQUIREMENTS. Application shall be made as required to the Finance Department and shall state the following:

(a). The legal name of the establishment;

(b). The business name of the establishment;

Revised 8/2018

- (c). The address of the establishment where the video gaming terminals are to be located;
- (d). The business office address of the establishment if different from the address of the establishment;
- (e). A phone number for the establishment;
- (f). An e-mail address for the establishment, if any;
- (g). The name and address of every person owning more than a five percent (5%) share of the establishment;
- (h). The name, address, phone number and e-mail address (if any) of any terminal operator or distributor owning, servicing or maintaining a video gaming terminal;
- (i). A copy of the establishment's State of Illinois Video Gaming License;
- (j). A statement as to the number of video gaming terminals which the establishment will have on its premises;
- (k). A statement that the establishment is not in arrears in any tax, fee or bill due to the City of Decatur or State of Illinois;
- (l). A statement that the establishment agrees to abide by all State and Federal laws and any local ordinance;
- (m). A statement that no owner with more than a five percent (5%) interest or manager of the establishment has ever been convicted of a felony, a gambling offense, or a crime of moral turpitude. In the event that an establishment cannot provide such statement, the establishment may apply for a Certificate of Rehabilitation from the City Manager indicating that the individual who would disqualify the establishment from obtaining the Video Gaming License has been rehabilitated and is no longer a threat to violate the law. The City Manager may consider the nature of the offense, the length of time since the offense, the length of time since release from

custody, and other factors to determine if the individual has rehabilitated himself such that he is no longer likely to commit another offense.

4. VIDEO GAMING LICENSE FEES. The fee for a Video Gaming License shall be Five Hundred Dollars (\$500.00) per video gaming terminal per year. Video Gaming Licenses shall be issued by the Finance Department and shall be for a twelve-month period commencing on the first day of January of each year. There shall be no pro-ration of any fee except for new licensees. (Amended, Ordinance No. 2018-37, August 20, 2018)

5. NUMBER OF VIDEO GAMING TERMINALS. No establishment shall have on its premises more video gaming terminals than are permitted by the Video Gaming License.

6. UNLAWFUL ACTIVITY. No establishment shall permit the use of a video gaming terminal in any manner not authorized by State law including, but not limited to, improper location of terminals, lack of required oversight, payouts in excess of those provided by law, side bets, underage use, and other illegal gambling activities.

7. EMPLOYER RESPONSIBILITY. Any action by an employee of an establishment in violation of the provisions of this Ordinance shall be considered a violation committed by the establishment.

8. LICENSE REVOCATION. Any Video Gaming License may be revoked, after notice and hearing by the City Manager, or his designee, for any of the following reasons;

- (a). Failure to pay the Video Gaming License fee;
- (b). Violation of any law occurring on the establishment's premises committed by the establishment or an employee of the establishment;
- (c). Violation of any law or State regulation regarding video gaming or video gaming terminals;

(d). Violation of any law occurring on the establishment's premises which the establishment did not take adequate means to prevent, or did not respond in an appropriate manner after it became aware of such violation;

(e). Failure to pay any tax, fee, or bill due to the City of Decatur; or

(f). Failure to provide current information regarding the ownership or location of the business.

The rules of evidence shall not apply at the hearing and hearsay will be permitted. At the hearing, the City Manager, or his designee, shall determine by a preponderance of the evidence whether a lawful reason exists to revoke the license. The City Manager, or his designee, after determining that a lawful reason exists to revoke the license, shall also determine whether that lawful reason merits the sanction of a revocation of the license.

9. INSPECTIONS. The holder of a video gaming license is hereby required to make available for inspection by police officers of the City any part of the premises.

10. PENALTY. Any person, firm or corporation who shall violate any provision of this Chapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor shall more than Five Hundred Dollars (\$500.00) for each offense, and each day of a continuing violation be deemed a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another.