

**VILLAGE OF BELLEVUE, ILLINOIS**

**ORDINANCE NO. 4669**

**AN ORDINANCE ADDING VIDEO GAMING REGULATIONS**

**RECITALS**

**WHEREAS**, under and pursuant to the Video Gaming Act (230 ILCS 40/1 *et seq.*), the Illinois General Assembly legalized video gaming in the State of Illinois under certain terms and conditions;

**WHEREAS**, 65 ILCS 5/11-55.1 authorizes municipalities to regulate and control coin-operated amusement devices; and

**WHEREAS**, the Village President and Village Board find that it is in the best interests of the Village to allow video gaming within the Village, thereby allowing the Village to receive its portion of any State revenues distributed pursuant to taxed revenues received from the video gaming devices, and that it is the best interests of the Village to require the registration of the video gaming devices operating within the Village.

**AGREEMENT**

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS:**

**Section 1 - Licensed Video Gaming Exemption.** The prohibitions of this Ordinance and any other Ordinance or section of the Village Code that may reference or govern gambling or gaming shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker and is being operated by a licensed establishment that has a valid Village video gaming establishment license and is in full compliance with this Ordinance.

**Section 2 – Definitions.**

(1) Licensed establishment: any establishment that is both licensed to sell liquor at retail in the Village under a Class A or E license pursuant to Ordinance No. 446 of the Village Code and licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises.

(2) Video gaming terminal: any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free

games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

**Section 3 - Video Gaming Establishment License.** In order for a licensed establishment to operate a video gaming terminal, the licensed establishment is required to obtain an annual video gaming establishment license from the Village by submitting a written application, on a form provided by the Village, to the Mayor or the party designated by him. The burden is upon each applying licensed establishment to demonstrate its suitability for licensure. All video gaming establishment licenses issued by the Village shall expire April 30, next, after date of issue, with an annual license fee of two hundred fifty dollars (\$250.00) per licensed establishment for the first year and an annual license fee of five hundred dollars (\$500.00) for every year thereafter payable in full at the time the application is filed with the Village. A license shall be purely a privilege, good for a time period not to exceed one (1) year after issuance, unless sooner revoked as provided by law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered.

**Section 4 - Video Gaming Terminal Permit Sticker.** In order for a video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the Village for each video gaming terminal located on its premises by submitting a written application, on a form provided by the Village, to the Mayor or the party designated by him. Each video gaming terminal permit sticker issued by the Village shall expire April 30, next, after date of issue, with an annual fee of twenty five dollars (\$25.00) per video gaming terminal payable in full at the time the application is filed with the Village.

**Section 5 - Regulations Governing Licensed Establishments Operating Video Gaming Terminals.** The following regulations apply to all licensed establishments operating a video gaming terminal on its premises with a valid gaming establishment license and valid video gaming terminal permit stickers for each of its video gaming terminals:

(1) A valid Village video gaming establishment license must be clearly displayed at all times.

(2) A valid Village video gaming terminal permit sticker shall be clearly displayed at all times on each video gaming terminal.



(3) No more than five (5) video gaming terminals may be located on the licensed establishment's premises.

(4) Other than having up to five (5) video gaming terminals with valid video gaming terminal permit stickers, a licensed establishment is prohibited from having, anywhere on its premises, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device under Chapter 136 of the Village Code, even if for amusement purposes.

(5) All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. The entrance to the area must, at all times, be within the view of at least one (1) employee who is at least twenty-one (21) years of age.

(6) No licensed establishment may cause or permit any person under the age of twenty-one (21) years to use, play or operate a video gaming terminal.

(7) No video gaming terminal may be played except during legal hours of operation allowed for the alcoholic beverage consumption at the licensed establishment per Ordinance No. 446.

(8) The licensed establishment must fully comply with the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

(9) The licensed establishment must fully comply with Ordinance No. of the Village Code and all other provisions of the Village Code as well as federal and Illinois law and regulations.

**Section 6 - Inspection of Premises.** Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Chief of Police or his/her authorized agents, at any time, to ensure compliance with the Village Code. This includes licensed establishments applying for a video gaming establishment license and/or video gaming terminal permit sticker. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the Chief of Police or his/her respective agents in the course of an inspection.

**Section 7 - Revocation/Suspension of License and Permit Sticker.** The Village Board may revoke or suspend any video gaming establishment license and any video gaming terminal permit sticker issued by the Village if Village Board determines that the licensed establishment has violated

any of the provisions of this Ordinance or Ordinance 446. No license shall be so revoked or suspended, except after a public hearing before the Village Board, with a three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the Village or by the Illinois State Liquor Commission, or has its video gaming license revoked or suspended by the Illinois Gaming Board, shall automatically, without a hearing before the Village Board, have its Village video gaming establishment license and all Village video gaming terminal permit stickers revoked or suspended for the same time frame as its liquor and/or Illinois Gaming Board gaming license is suspended, whichever the case may.

**Section 8 - Monetary Penalty.** Whoever violates this Ordinance shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) for a first offense in any 12 month period, and a fine of not less than Seven Hundred Fifty Dollars (\$750.00) for a second offense and each subsequent offense in a 12 month period. This penalty may be enforced by issuance of a "Notice of Violation" for the fine amount, or by issuance of a "Notice to Appear." Each day any violation continues shall constitute a separate offense. This monetary penalty shall be in addition to any and all other remedies which may be available to the Village or any other provision of the Village Code, or federal or Illinois law.

**Section 9 – Repeal.** All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any conflict or inconsistency.

**Section 10 – Severability.** The provisions and sections of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

**Section 11 – Effective Date.** This ordinance shall be in full force and effect from its passage, approval and publication in pamphlet form as is authorized to be done by the President and Trustees.

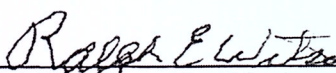
PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF OCTOBER 2013


6 AYES

VILLAGE OF BELLEVUE

0 NAYS

0 ABSENT

  
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Ralph E. Wilson, President

Attest:   
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Sandra Cooper, Village Clerk