

VILLAGE OF GREENUP,  
CUMBERLAND COUNTY, ILLINOIS

ORDINANCE NO. 690

An Ordinance Amending Section 5.33.070 Of The Village Code With  
Respect To the Number of Eligible Video Gaming Licenses

PASSED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE VILLAGE OF GREENUP

THIS 1<sup>st</sup> DAY OF NOVEMBER 2021.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP,  
CUMBERLAND COUNTY, ILLINOIS  
THIS 3<sup>rd</sup> DAY OF NOVEMBER 2021.

ORDINANCE NO. 690

An Ordinance Amending Section 5.33.070 Of The Village Code With  
Respect To the Number of Eligible Video Gaming Licenses

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS, THAT:

WHEREAS, the Village of Greenup, Illinois is a duly organized and existing municipal corporation organized and operating under the constitution and laws of the State of Illinois; and

WHEREAS, the Village derives its rights, power and authority from the various sections of the Municipal Code and the Village Code; and

WHEREAS, the Village of Greenup, Cumberland County, Illinois, currently regulates its video gaming licenses by and through Section 5.33.070 of the Village Code;

WHEREAS, the Village Board has also determined it is in the best interest of the Village to revise the Section 5.33.070 of the Village Code with respect to the number of video gaming licenses allowed;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS, THAT:

SECTION ONE: The recitals set forth hereinabove are hereby incorporated as findings as if said recitals were fully set forth within this Section One.

SECTION TWO: That Section 5.33.070 of the Village Code, Video Gaming Regulation, is hereby amended, with additions in bold, underline text, and deletions with strikethrough, to read as follows:

5.33.070 Eligible Licenses

The number of permits issued under this chapter shall be limited to ~~seven~~ ten. Each permit holder shall be entitled to operate the maximum number of terminals as authorized by the state of Illinois.

SECTION THREE: All Ordinances and Resolutions, or parts thereof, in conflict herewith, are hereby repealed.

SECTION FOUR: If any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Village Board declares hereby that they would have passed the remaining parts of this Ordinance if they had known that such part or parts thereof would be declared unconstitutional.

SECTION FIVE: The Village Clerk of the Village of Greenup is directed hereby to publish this

Ordinance in pamphlet form.


**SECTION SIX:** This Ordinance shall be in full force and effect from and after its passage, approval in accordance with the manner prescribed by law.

Placed on file this 1<sup>st</sup> day of November 2021

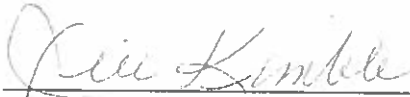
Alene Blade	<u>X</u>
April Harris	<u>X</u>
Max McCullough	<u>X</u>
Sherry Parker	<u>X</u>
Justin Roley	<u>  </u>
Tony Wright	<u>X</u>

AYES:	<u>6</u>
NAYS:	<u>1</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

APPROVED THIS 1<sup>st</sup> DAY OF November 2021.

  
\_\_\_\_\_  
Thomas A. Bauguss  
Mayor/President of Village Board

ATTEST:

  
\_\_\_\_\_  
Jill Kimble, Village Clerk

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF CUMBERLAND    )

CERTIFICATE

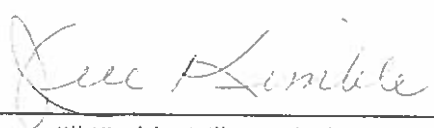
I, Jill Kimble, certify that I am the duly elected and acting Municipal Clerk of the Village of Greenup, Cumberland County, Illinois.

I further certify that on November 1st, 2021, the corporate authorities of such municipality passed and approved Ordinance No. 690 entitled "An Ordinance Amending Section 5.33.070 Of The Village Code With Respect To the Number of Eligible Video Gaming Licenses" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 690 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on November 3rd 2021, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Greenup, Illinois this 3rd day of November 2021.

(SEAL)

  
\_\_\_\_\_  
Jill Kimble, Village Clerk

## VIDEO GAMING REGULATIONS

### **DEFINITIONS**

Unless the context otherwise requires, all words and phrases used in this chapter shall be given the same definition as in the Illinois Gaming Act (230 ILCS 40/1 et deq.)

*"ACT"* means the Video Gaming Act (230 ILCS 40).

*"BOARD"* means the Illinois Gaming Board.

*"BUSINESS ENTITY" OR "BUSINESS"* means a partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

*"CONVENIENCE STORE"* means a retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

*"FRATERNAL ORGANIZATION"* means an organization or institution organized and conducted on a non-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501 (c)(8) or (c)(10) of the Internal Revenue code (26 USC 501 (c)(8) or (c)(10)).

*"LICENSE"* means authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

*"LICENSED ESTABLISHMENT"* means any license retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 (230 ILCS 5) or a riverboat or casino licensed under the Illinois Gaming Act. (230 ILCS 10).

*"LICENSED FRATERNAL ESTABLISHMENT"* means the location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

*"LICENSED LARGE TRUCK STOP ESTABLISHMENT"* means a facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs; (i) that is at least a 3-acre facility with a convenience store; (ii) with separate diesel islands for fueling commercial motor vehicles; (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month; and (iv) with parking spaces for commercial motor vehicles.



*“Commercial motor vehicles”* has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this definition may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

*“LICENSED TRUCK STOP ESTABLISHMENT”* means a facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. *“Commercial motor vehicles”* has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code (625 ILCS 5/18b-101). The 10,000- gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

*“LICENSED VETERAN’S ESTABLISHMENT”* means the location licensed under the Act where a qualified veteran’s organization that derives its charter from a national veteran’s organization regularly meets.

*“LICENSED VIDEO GAMING LOCATION”* means a licensed establishment, licensed fraternal establishment, licensed veteran’s establishment, or licensed truck stop establishment, all is defined in Section 5 of the Act and this Part.

*“LIQUOR LICENSE”* means a license issued by a governmental body authorizing the holder to sell and offer for sales at retail alcoholic liquor for use or consumption.

*“VETERAN’S ORGANIZATION”* means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501 (c)(19) of the Internal Revenue Code (26 USC 501 (c)(19)).

### **INSPECTION OF PREMISES**

Every place where a video gaming terminal is kept shall be subject to inspection by the Village President or authorized law enforcing officer or other village employee designated by the Village President to enter, at any time, upon the premises licensed hereunder to determine whether any provisions of the state law, Village ordinance, or any rules or regulations adopted by the village or by the state’s video gaming act have been or are being, violated, and at such time examine the premises of the licensee in connection therewith;

### **PERMIT REQUIRED**

1. The operator of any video gaming terminal within the city limits of the Village of Greenup shall first obtain a permit for such device issued by the Village.
2. It shall be unlawful for any person to install, keep, maintain, use or permit the installation, keeping, maintenance or use of a video gaming terminal upon his/her, or





its premises unless they possess a valid permit issued by the Village of Greenup under the terms herein.

3. It shall be unlawful for any person to deliver a video gaming terminal or terminals within the city limits of the Village of Greenup for use by any other person for gain or profit from the operation thereof unless a license therefor has been issued by the Village of Greenup and the license fee has been paid for the current year.

### **APPLICATION**

Applications for a video gaming terminal permit shall be made to the Village President in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a club, corporation or other entity duly authorized by the State of Illinois to operate video gaming machines, verified by oath or affidavit and shall contain the following information and statements:

1. The name, address, age and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located.
2. Prior convictions of the owner of the video gaming terminal and the owner of the establishment, if any.
3. The place where the video gaming terminal is to be displayed or operated and the business conducted at that place.
4. A description of the video gaming terminal to be covered by the permit.
5. Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment.

### **FEE**

The annual fee for the permit required by this ordinance shall be an annual fee of \$25.00 per video gaming terminal or the maximum amount allowable under the Video Gaming Act of the time the annual fee is due, whichever is greater.

### **EXPIRATION**

Permits issued pursuant to this division shall terminate on the 30<sup>th</sup> day of April the next following issuance.

### **CLASSIFICATION OF LICENSE**

#### **CLASS "A" – LICENSED ESTABLISHMENT –**

Retail establishment licensed under the act where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises.



**CLASS "B" – FRATERNAL ESTABLISHMENT –**

The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

**CLASS "C" – LARGE TRUCK STOP ESTABLISHMENT –**

A facility location licensed under the Act that is within 3 road miles from a freeway interchange, that is a least a 3-acre facility with a convenience store and sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month.

**CLASS "D" – TRUCK STOP ESTABLISHMENT –**

A facility licensed under the Act that is at least a 3-acre facility with a convenience store and that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month.

**"CLASS E" – VETERANS ESTABLISHMENT –**

The location licensed under the Act where a qualified veteran's organization that derives its charter from a national veteran's organization regularly meets.

**NUMBER OF TERMINALS**

A license establishment, licensed truck stop establishment, licensed veteran's establishment, or licensed fraternal establishment may operate up to 6 video gaming terminals on its premises at any time or in accordance to the Act. A licensed large Truck Stop establishment may operate up to 10 video gaming terminals on its premises at any time or in accordance to the Act.

**DISPLAY OF LICENSE**

The license required by this chapter shall be prominently displayed next to the video gaming terminal.

**REVOCACTION; HEARING**

- (a) *Authority to Revoke* – The Village President may revoke any license issued pursuant to this chapter for any violation of any provision of this chapter or for any violation of any State law pertaining to video gaming or gambling, or any cause listed in this section, and such revocation shall be in addition to any fine or penalty imposed for the violation.
- (b) *Hearing* – The Village President shall call a hearing for the purpose of determining whether the license should be revoked.
- (c) *Notice of Hearing* – Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent to the licensee by certified mail at his or her last know address or personally served at least five days prior to the date of the hearing.



- (d) *Hearing Procedures* – At the hearing, the City Attorney shall represent the complaint and shall represent the city. The licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The Village President shall preside and shall render the decision.
- (e) *Causes for Revocation* – Licenses issued under this chapter, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in subsections (c) and (d) of this section for any of the following causes:
- (1) Any fraud, misrepresentation or false statement contained in the application for the license.
  - (2) Any violation by the licensee of ordinance provisions or State law relating to the license, the subject matter of the license, or the premises occupied.
  - (3) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
  - (4) Failure of the licensee to pay any fine or penalty owing to the City.
  - (5) Refusal to permit an inspection or investigation or any interference with a duly authorized City officer or employee or Village President while in the performance of his or her duties in making such inspection, as provided in this chapter.

#### **APPEAL PROCEDURE**

- (a) *Right to Appeal* – Any applicant aggrieved by the refusal of the City to issue a license or by the revocation of a license shall have the right to appeal the City decisions to the City Council. Such appeal shall be taken by filing with the City Clerk within five days of the action of the City, which is being appealed, a written statement under oath, setting forth specifically the grounds for appeal.
- (b) *City Council Consideration* – The City Council shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his or her appeal orally or in writing. The City Council shall act on the appeal within seven days of the hearing and shall either uphold the action of the City or shall direct the issuance of a license which the City has denied or the re-issuance of a license which the City has revoked.

#### **ELIGIBLE LICENSES**

The number of permits issued under this chapter shall be limited to 10. Each permit holder shall be entitled to operate the maximum number of terminals authorized by the State of Illinois.

