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 thar 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 30th 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 ESTABLISHENT** –

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.

**REVOCATION; 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 of 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.