

## **VIDEO GAMING TERMINALS**

### **3-31-1: LICENSE REQUIRED:**

No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal as defined in the video gaming act, 230 Illinois Compiled Statutes 40/1 et seq., at any premises within the village of Oswego without first having obtained a license valid in that calendar year. The license provided for in this chapter shall permit a licensee to operate video gaming terminals. A separate license shall be required for each video gaming terminal. Any person, corporation, association or entity convicted of violating this section shall be guilty of a class IV offense. No license shall be issued unless the applicant holds a valid class A, C, D, E or G retail liquor license, as defined by chapter 7 of this title. (Ord. 13-25, 5-7-2013)

### **3-31-2: LICENSE FEES:**

The applicant for a license under this chapter shall pay the village clerk, prior to filing the application, a nonrefundable fee of two hundred fifty dollars (\$250.00) for the first video gaming terminal and fifty dollars (\$50.00) for each additional video gaming terminal per license year. (Ord. 13-25, 5-7-2013)

### **3-31-3: APPLICATION:**

An application for a license required by this chapter shall be made in writing to the village clerk and shall set forth the following:

- (A) The name of the individual, partnership, corporation, association or other entity applying for the license;
- (B) The residence, phone number and driver's license number of the applicant or of each partner; or, if a corporation, association or other entity, the residence, phone number and driver's license number of each principal officer;
- (C) The location for which the license is requested;
- (D) A true and accurate photocopy of the state of Illinois license granted to the applicant under the video gaming act for the applicable premises; and
- (E) Whether the applicant, his or her partners or the principal officers of the corporation, association or other entity have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction. (Ord. 13-25, 5-7-2013)

### **3-31-4: ISSUANCE:**

The village clerk shall issue the license requested under this chapter unless he or she shall find:

- (A) That the applicant is under the age of twenty one (21).
- (B) That the applicant or any principal officer therein has held a license under this chapter or had an interest therein that was revoked for cause.

- (C) That the applicant or any principal officer therein has furnished false or misleading information on the application.
- (D) That the applicant or any principal officer has ever been convicted of a felony. (Ord. 13-25, 5-7-2013)

**3-31-5: POSTING:**

Every license issued under this chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued. (Ord. 13-25, 5-7-2013)

**3-31-6: REVOCATION, SUSPENSION AND FINES:**

- (A) Any license issued pursuant to this chapter may be revoked or suspended for a period not to exceed thirty (30) days and/or the licensee be subjected to a fine of not more than one thousand dollars (\$1,000.00) per offense by the village president or his or her designee if the village president or his or her designee determines:
  - 1. That the licensee has violated any of the provisions of this chapter, the laws of the state, or ordinances of the village at the licensed location.
  - 2. That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this chapter or any investigation into any such application.
- (B) The licensee shall be responsible for the acts of his agents, servants and employees in the operation of any licensed establishment.
- (C) If the licensee desires a hearing on the possible revocation, suspension or fine for alleged violations, a request must be made within five (5) days of receipt of notice of revocation, suspension or fine.
- (D) Prior to holding a hearing concerning the question of whether a license issued pursuant to this chapter shall be revoked or suspended, the village president or his or her designee shall give at least ten (10) days' written notice to the licensee setting forth the alleged violations specifically. The licensee shall be given a reasonable chance to present evidence at such hearing and cross examine witnesses. (Ord. 13-25, 5-7-2013)

**3-31-7: TRANSFER PROHIBITED:**

A license issued pursuant to this chapter may not be transferred, sold or assigned to any other person, corporation, association or entity; nor shall such license be transferred to any location other than that listed on the application. (Ord. 13-25, 5-7-2013)

**3-31-8: RESTRICTIONS ON OPERATION:**

- (A) Every licensee shall strictly comply with all of the conditions, rules and regulations imposed by the state, and by the village, and specifically shall comply with the following: (Ord. 13-81, 12-17-2013)

1. Each and every video gaming terminal shall be licensed by the state before placement or operation, and the license for each and every terminal shall be maintained within the licensed premises where the video gaming terminal is operated.
2. No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment.
3. No licensee shall cause or permit any person under the age of twenty one (21) years to use or play a video gaming terminal. (Ord. 13-25, 5-7-2013)
4. Video gaming terminals located within any licensed establishment must be within an area of the establishment that is restricted to persons twenty one (21) years of age and over, separated from other areas by a barrier of at least thirty six inches (36") in height, the entrance to which restricted area is within the view at all times of at least one employee of said establishment, which employee must likewise be twenty one (21) years of age or over. The physical barrier may consist of a partition, gate, rope, railing or other means of separation. (Ord. 13-81, 12-17-2013)

**3-31-9: NUMBER OF LICENSED ESTABLISHMENTS:**

- (A) There shall be no more than ten (10) locations in the village at any time where licenses are issued.
- (B) Upon the alienation, sale, transfer, assignment or donation of the business that underlines the license to any third party or person other than the licensee, the video gaming license shall automatically become void and the number of available licenses as authorized by the corporate authorities shall automatically and immediately be reduced by one. (Ord. 13-25, 5-7-2013)

**3-31-10: LICENSES PER ESTABLISHMENT:**

A licensed establishment, licensed truck stop establishment, licensed veteran establishment, or licensed fraternal establishment may operate up to five (5) video gaming terminals on its premises at any time. (Ord. 13-25, 5-7-2013)

**3-31-11: PENALTY:**

Any person found liable/guilty by a preponderance of the evidence of a violation of any paragraph of this chapter in an administrative/judicial hearing shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. (Ord. 13-25, 5-7-2013)