

ORDINANCE NO. 19- 766

**AN ORDINANCE AMENDING ORDINANCE 16-720 REGULATING VIDEO GAMING  
IN THE VILLAGE OF BETHANY**

**WHEREAS**, the Village of Bethany previously passed Ordinance 16-720 regulating video gaming in the Village of Bethany; and

**WHEREAS**, it has been determined after reviewing pertinent meeting minute notes of February 11, 2016, that terms intended to be included in the original ordinance were omitted; and

**WHEREAS**, the Village Board of Trustees has determined that licensing and regulating the operation of video gaming terminals in the Village is in the best interest of the Village and its citizens, and therefore deems it necessary and appropriate to amend this Ordinance pursuant to its authority.

**NOW, THEREFORE**, be it ordained by the Village of Bethany, Moultrie County, Illinois, that Ordinance 16-720 be amended to state as follows:

**Section 1. Licensed Video Gaming**

**A. Licensed Video Gaming Exemption.** The prohibitions of any other ordinance 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.

**B. Definitions.**

1. "Licensed establishment": Any establishment that is both licensed to sell liquor at retail for on-premises consumption pursuant to the Village Liquor Control Ordinance 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.

**C. 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 President or the party designated by him/her. 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 May 31, next, after date of issue, with an annual license fee of twenty-five dollars (\$25.00) payable in full at the time the application is filed with the Village. A license shall be purely a personal privilege, good for a time period not to exceed one (1) years 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. Annual license fees are subject to change without amendment to this Ordinance.

**D. Video Gaming Terminal Permit Sicker.** 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 President or the party designated by him/her. Each video gaming terminal permit sticker issued by the Village shall expire May 31, 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 City. Annual permit fees are subject to change without amendment to this Ordinance.

**E. 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. Subject to modification with written permission from the Village Board of Trustees, 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, even if solely 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 such 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 the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment.
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 all other provisions of the Village Ordinance, as well as federal and Illinois law and regulations.
10. No signage advertising the presence of video gaming terminals shall be visible from any public street.

**F. 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 Ordinances. 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.

**G. Revocation/Suspension of License and Permit Sticker.** The Village may revoke or suspend any video gaming establishment license and any video gaming terminal permit sticker issued by the Village if it determines that the licensed establishment has violated any of the provisions of this Ordinance. 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 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 be.

- H. Seizure of Unlawful Video Gaming Terminals.** Every video gaming terminal that does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device subject to seizure and shall be turned over to the Illinois Gaming Board, in accordance with Board regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.
  
- I. Monetary Penalty.** Whoever violates any provision of this Ordinance shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) for a first offense in any twelve (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 twelve (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 Village Ordinances or federal or Illinois law.

**Section 2.** This Ordinance shall be in full force and effect from and after its passage, approval, filing and publication in pamphlet form, as provided by law.

**Section 3.** Any Section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions, which shall remain in full force and effect thereafter.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
President

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Village Clerk