
Sec. 10-10. Video gaming.

A. *Definitions.* The definitions for this section are those definitions set forth in the Illinois Video Gaming Act (230 ILCS 40/1) and any amendments thereto, which definitions are herein incorporated into this section by reference. The following definitions contained are listed for convenience purposes and are germane to this section. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Combined automobile service station convenience store video gaming establishment means a video gaming establishment located in a business that is a convenience store and automobile service station that is a combined business only.

Licensed establishment means any retail establishment licensed by the Village 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 or a riverboat licensed under the Riverboat Gambling Act, unless waived by the Illinois Gaming Board.

Minor means a person under the age of 21 years.

Terminal operator means any individual, partnership, corporation, or limited liability company that is licensed under the Illinois Gaming Act that owns, services, and maintains video gaming terminals for placement in licensed establishments.

Video Gaming Act (230 ILCS 40/1) means the Illinois Video Gaming Act (230 ILCS 40/1) as it may be amended from time to time.

Video gaming cafe means a video gaming establishment whose primary or major focus is video gaming, and the service of alcohol and food is incidental to the video gaming operation.

Video gaming establishment means any retail business located within the Village of Norridge that has each and every one of the following licenses:

- (1) A valid Class A, or a Class D, or a Class F, or a Class G, or a Class GPD liquor license issued by the Village of Norridge and a valid retail liquor license from the State of Illinois; and
- (2) A valid Class AV, DV, FV, GV or GPDV liquor license issued by the Village of Norridge; and
- (3) A valid licensed establishment license issued by the Illinois Gaming Board pursuant to the Video Gaming Act 230 ILCS/1 et seq.; and
- (4) A valid video gaming license issued by the Village of Norridge.

Video gaming terminal means any electronic video gaming machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up and blackjack, as authorized by the Illinois Gaming Board 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.

B. *Local video gaming commissioner.* The village president who is the local liquor control commissioner shall be the local video gaming commissioner and shall perform all duties not preempted by the Video Gaming Act which are necessary to enforce the provisions of this section.

C. *License and permits required.* It shall be unlawful for any licensed establishment to display, operate or otherwise permit the use and operation of any video gaming terminal without having first obtained a license

from the village. It shall be a prerequisite to any such video gaming terminal license issued by the village that such applicant have in place the following licenses and permits:

1. A current, valid license from the Illinois Gaming Board to operate as a licensed establishment; and
2. A current, valid State of Illinois liquor license issued by the Illinois Liquor Commission; and
3. A current, valid village liquor license for service of alcoholic liquor on the premises issued by the local liquor control commissioner.
4. A current, valid village issued business license and certificate of occupancy for the premises of the licensed establishment.

Any person who does not meet the requirements for a liquor license or is convicted of any gambling offense shall not be issued any license under this section.

- D. *Application for license; registration fee.* All applications for a video gaming establishment license shall be made in writing to the local video gaming commissioner or his designee. All initial applications shall be accompanied by a non-refundable registration fee in an amount set forth in chapter 38-10 of the Code, which fee shall be utilized in the normal processing and investigation of the license application and shall not be applied toward any other licensing or registration fee.

The applications shall be made on forms approved by the local video gaming commissioner and shall contain as a minimum, the following information:

1. A true and accurate copy of a current, valid State of Illinois license granted to the applicant under the Video Gaming Act for the applicable premises; and
 2. The residence, phone number and driver's license number of the applicant or partners; or, if a corporation, association or other entity, the residence, phone numbers and driver's license numbers of the principal officers; and
 3. A copy of a current, valid Illinois liquor license for the licensed premises; and
 4. A copy of a current, valid village liquor license for the licensed premises; and
 5. A copy of a current, valid village issued business license and certificate of occupancy for the premises of the licensed establishment; and
 6. The number and type of video gaming terminals to be operated; and
 7. Whether the applicant, his or her partners, or the principal officers of the corporation, association or other entity seeking the licenses have applied for any type of license in Illinois or any other jurisdiction and whether any such license has been issued or denied; and
 8. Whether the applicant, his or her partners, or the principal officers of the corporation, association or other entity seeking the licenses have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses and if the conviction of the ordinance violation was within three years of the date of application hereunder) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.
- E. *License fee.* Village licenses and registration fees are required as follows:
1. Any person who owns or leases a video gaming terminal for use in the village shall obtain a video gaming terminal operator's license. The fee for a video gaming terminal operator's license shall be as set forth in chapter 38-10 of the Code.
 2. Any person who owns any place of business in the village in which a video gaming terminal is located shall obtain a video gaming terminal establishment license. The fee for a video gaming terminal establishment license shall be as set forth in chapter 38-10 of the Code.

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3. Any person located in the village who manufactures, distributes or supplies video gaming terminals who does not have a video gaming distributor's license shall obtain a video gaming distributor's license. The fee for a video gaming terminal distributor's license shall be as set forth in chapter 38-10 of the Code.
 4. No person shall allow the placement or use of any video gaming terminal unless the terminal has been registered with the village and the required per terminal registration fee paid. The video gaming terminal annual registration fee shall be as set forth in chapter 38-10 of the Code.

All license and registration fees required by this subsection shall be as set forth in chapter 38-10 of the Code. All license fees imposed hereunder shall be due and payable on or before April 28 of each year unless for a prorated license term. Subject to the terms and provisions of this subsection all licenses hereunder shall issue for a period of one year which shall begin on May 1 of the year for which such license is issued and terminate on April 30 of the next year unless such license is effective on or after November 1 of any given year. In that event the license issued shall be for a period of six months or less (depending on the issuance date) and shall terminate on April 30. No license shall be issued at the yearly rate of license fees except for the full license year; provided, however, that when such license is issued on or after November 1, the license fee shall be one-half of the yearly license fee for the unexpired term of the license year. Fees for prorated license terms are due and payable upon issuance of such license.

- F. *License duration and termination.* All licenses shall terminate on April 30 of each year unless timely renewed for the subsequent year prior thereto.
- G. *License restrictions; requirements.* Video gaming terminals, as authorized by the State of Illinois pursuant to the Video Gaming Act are permitted within licensed establishments, provided however that:
 1. *Licensing requirements.* No licensed establishment shall be permitted to operate any video gaming terminal in the village unless said establishment also has obtained all licenses and registrations required herein, and paid such fees to the village in the amount established by the village and as set forth in chapter 38 of the Village Code.
 2. *Compliance with laws and ordinances.* Every licensee shall strictly comply with all of the conditions, rules and regulations imposed by the state and the Village. and specifically shall comply with the following:
 - a. *Current, valid license and permits.* No video gaming terminal may be played unless all state and Village licenses and registrations required herein, including but not limited to, all state and village licenses required by the Video Gaming Act and any amendments thereto, and any village business licenses or occupancy certificates, are current and valid.
 - b. *Legal hours of operation.* 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.
 - c. *Play by minors prohibited.* No licensee shall cause or permit any person under the age of 21 years to use or play a video gaming terminal.
 - d. *Locations of terminals: minors prohibited.* All video gaming terminals shall be located in a segregated area of the licensed establishment which shall not be accessible to minors. Applicants shall submit a site plan clearly indicating the proposed location of all video gaming terminals and the type of barrier to be utilized to segregate the area, provided however, that such barrier shall not obstruct the view of the video gaming area which shall be visible to at least one employee of the licensed establishment at all times which employee must likewise be 21 years of age or over. The site plan must be approved by the local video gaming commissioner or his/her designated agent. The local video gaming commissioner, may require a mandatory identification process for all individuals entering the segregated area designated for video gaming terminals and such other requirements as are deemed necessary to ensure compliance with this section.

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- e. *Indebtedness to village.* No license required by this article shall be issued by the village to any owner of a licensed establishment, or proposed owner of the proposed licensed establishment or the legal entity comprising the proposed licensed establishment if such owner or legal entity is indebted to the village during the 12-month period prior to submitting an application or a renewal application for a license pursuant to Chapter 6 or section 10-10 of this Code.
3. *Limitation on the number of video gaming licenses.*
- a. *Limitation on licenses.* No more than a total of 12 video gaming establishments as allowed by the Illinois Video Gaming Act (230 ILCS 40/1), and qualifying for a AV, DV, FV, GV or GPDV liquor license under section 6-43 of this Code, shall be permitted to operate within the village at one time. Of this total number of such establishments having AV, DV, FV, GV and GPDV licenses no more than four video gaming cafes (as defined in section 10-10 of this Code) and no more than one (1) GV video gaming license shall be issued to a combined automobile service station convenience store video gaming establishment, and no more than zero GPDV video gaming licenses shall be issued to a combined automobile service station convenience store video gaming establishment located in the village planned unit development overlay district at any given time.
- b. *Determination of whether a business is a video gaming cafe.* A video gaming cafe is an establishment whose primary or major focus is video gaming and the sale and service of alcohol and food is incidental to the operation of video gaming. When determining whether an establishment is a video gaming cafe, the village may consider the following factors:
- (1) The expected revenue of the video gaming establishment, and if at least 60 percent of the establishment's gross revenue on an annual basis is exclusively from video gaming activities, which can be certified by requests from the village for business records, then the Village may deem the establishment a video gaming cafe.
 - (2) Less than 60 percent of a video gaming establishment's revenue is from food or beverage and more than ten percent of its space is dedicated to video gaming.
 - (3) The creation and operation or lack thereof of a commercial kitchen on the premises where gaming is situated or proposed to be situated.
 - (4) Any other factors as determined relevant by the local liquor commissioner/local video gaming commissioner and the corporate authorities.
- c. *Continuation of licenses.* Those license holders of video gaming establishment licenses currently holding valid liquor licenses required by section 6-43 of this Code and valid video gaming licenses under section 10-10 of this Code as of the passage of the amendatory ordinance to this section may continue to renew and retain their liquor and video gaming establishment licenses as long as the license holders are in compliance with all state and village laws and ordinances and there is no lapse in the validity of such licenses.
- d. *Automatic repeal of license.* In the event that a video gaming establishment operator relinquishes, abandons, or does not renew its video gaming license or its liquor license for a video gaming establishment, that video gaming license will be automatically repealed and is not available for issuance or reissuance.
- e. *Creation of licenses.* If the number of operational video gaming establishments falls below 12 the village board may enact legislation creating a license for a new video gaming establishment. In that event, the liquor commissioner/video gaming commissioner, upon application of a fully qualified operator of a proposed video gaming establishment, may issue such license.

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- f. *Licenses in planned unit development overlay district.* Notwithstanding the foregoing limitations in this subsection G.3, the corporate authorities of the village, in their sole discretion, may create a video gaming license for a combined automobile service station convenience store video gaming establishment that is located in the planned unit development overlay district and permitted by village ordinances.
4. *Alarm service.* All licensed establishments shall be equipped with a burglar alarm system which shall alert the licensed establishment's alarm system monitor who will in turn notify the village police department in instances of unpermitted entry into the licensed establishment. Alarm systems operating within the village shall have an alarm permit issued by the Village and such system shall be approved by the chief of police.
5. *Video camera surveillance.* Each licensed establishment shall be required to install, operate and maintain a video camera surveillance system capable of recording clear and unobstructed photographic representations of the segregated area of the establishment where the terminals are located and shall retain the video recordings produced therefrom for a minimum of 30 days. Said video recordings shall be subject to inspections by the village police department upon request therefor.
- H. *Transfer prohibited.* A license or registration issued pursuant to this section may not be transferred, sold or assigned to any other person, corporation, association or other entity; nor shall such license be transferred to any location other than that listed on the application.
- I. *License voided on alienation.* Upon the alienation, sale, transfer, assignment or donation of the business that holds a license under this section to any third party or person other than the licensee, the video gaming license shall automatically become void.
- J. *Illegal video gaming terminals prohibited; inspections.* No license shall be issued for any video gaming terminal, or for any establishment which is in violation of state law or village ordinances. All video gaming terminals and licensed establishments where such terminals are located shall be available for inspection by the proper village authorities for the purpose of ascertaining and declaring whether such laws and ordinances are complied with.
- K. *Hours of operation.* A video gaming license shall be in full force and effect during the hours of operation of the licensed establishment wherein the video gaming terminals are located.
- L. *Posting.* Every license issued under this section 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 licensed establishment premises.
- M. *Penalty.* The following penalties shall be imposed for any person violating this section:
First offense—72-hour suspension of license and a \$1,000.00 fine.
Second offense—72-hour suspension of license and a \$1,500.00 fine.
Third offense—Revocation of license and a \$2,000.00 fine.
A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. The foregoing licensing penalties are in addition to any criminal or civil penalties which might be prosecuted by the village or others. Any fines set forth in this section shall be assessed regardless of whether the violator is convicted or placed on supervision by a court.
- N. *Liquor license and video gaming license violations.* Each video gaming licensed establishment licensee, by statute and/or ordinance, has a liquor license in the village as well. The local liquor commissioner may treat any violations of the provisions of this section as a violation of the liquor license and proceed accordingly with respect to the enforcement provisions set forth in chapter 6 of the Code including the authority to fine, suspend or revoke a license as established in chapter 6, section 6-53 of the Code. In addition to all penalties authorized in this section, should the liquor license of the establishment be suspended or revoked, then, and

in that event, the video gaming license of the establishment shall likewise be suspended or revoked concurrently.

In the event of a revocation or denial of any license or registration under this section, such person shall not be issued any license provided for in this section for one calendar year following the revocation or any appeal thereof.

- O. *Suspension or revocation.* Any license or registration issued pursuant to this section may be suspended or revoked during the life of such license or registration by the local video gaming commissioner for any violation of any of the provisions of the Village Code, or any applicable laws, rules or regulations of the State of Illinois related to the Video Gaming Act including, but not limited to, the following:
1. When any license or permit required herein is suspended or revoked by the State of Illinois, or any of its agencies, or the village. Any such suspension or revocation is grounds for immediate suspension or revocation of any license or registration granted by this section and such suspension or revocation shall continue until the revoked license or permit is restored by the issuing jurisdiction.
 2. Any fraud, misrepresentation or false statement contained in the application for any license or registration.
 3. Any violation by the licensee of any ordinance or state statutory provisions relating to the license, the subject matter of the license, or the licensed establishment.
 4. Conviction of the licensee or manager of the licensed premises of: any offense described in this section; chapter 6, section 84 (illegal gambling); or chapter 62, section 181 (illegal gambling), as applicable.
 5. Failure of the licensee to pay any amount, fine or penalty owing to the village other than required by this section or chapter 6 of the Code.
 6. The occurrence of two or more disturbances at the premises occupied within a 90-day period, or two or more incidents involving injury or bodily harm to patrons, bystanders or police officers within a 90-day period, provided that the local video gaming commissioner finds, upon the recommendation of the police chief, that as a result of the disturbances or incidents involving injury or bodily harm a public nuisance exists therein or threat endangering the health, safety and welfare of the citizens of the village. This paragraph shall not apply to a distributor.

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances.
 7. Hearing.
 - a. Notice of the hearing for revocation of a license or fine imposition 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 by certified mail, return receipt requested, to the licensee at the last known address at least 20 days prior to the date set for hearing.
 - b. Licensees receiving a suspension shall provide written notice to the local video gaming commissioner within 14 days of the date of the suspension notice if the licensee wishes to have a hearing to contest the suspension. The local video gaming commissioner (or the local adjudicator if so designated by the local video gaming commissioner) shall hold a hearing regarding said suspension within 21 days of said hearing request. During the interim, the suspended licensee shall be entitled to remain in operation unless the local video gaming commissioner makes a specific finding in the suspension notice that safety considerations require the licensee to remain closed until the hearing.

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- c. At the hearing the parties shall be represented by counsel. A verbatim transcript shall be made. The licensee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The local video gaming commissioner (or the local adjudicator if so designated by the local video gaming commissioner) shall preside and shall render the decision within five business days of the hearing's conclusion, which decision shall be final.
 - d. All appeals from the decision of the local video gaming commissioner (or the local adjudicator if so designated by the local video gaming commissioner) shall be to the Circuit Court of Cook County.

(Ord. No. 1828-15, § 4, 4-22-2015; Ord. No. 1843-16, §§ 2, 4, 2-10-2016; Ord. No. 2063-22 , § 2, 2-23-2022)