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PATRICK POWERS

MEMORANDUM

TO: Village Administrator
FROM: Mo Khan, Village Planner
THROUGH: Vijay Gadde, Community Development Director
DATE: March 1, 2023
SUBJECT: Text Amendment to Sections §119.03 & §119.05 of the Itasca Municipal Code regarding Video Gaming License Fees and General Provisions

RECOMMENDED MOTION: Move to approve the Text Amendment to Sections 119.03 & 119.05 of the Itasca Municipal Code regarding Video Gaming License Fee and General Provisions.

INTRODUCTION

In 2013, the Village Board approved Ord. 1669-13 permitting Video Gaming Terminals in the Village, pursuant to certain restrictions and regulations.

As a non-home rule community, the Village is limited in its authority to regulate, restrict, and/or exceed the provisions of the Video Gaming Act. Due to amendments in the Video Gaming Act by the State, the Village's Municipal Code is no longer consistent with the Act.

DISCUSSION

The Illinois Generally Assembly passed amendments to the Video Gaming Acts in October 2021. Section 90(b) states "no non-home rule unit may license, register or otherwise regulate video gaming terminals."

It should be noted that the non-home rule communities can still license, register, or otherwise regulate video gaming terminals per the authority or power given by the Video Gaming Act. For example, Section 65 was amended and allows non-home rule communities to charge a fee of up to \$250 per video gaming terminal per year, whereas previously it was limited to \$25 per terminal. The following is a summary of the proposed amendments.

1. Section 119.03 of the Municipal Code has also been amended to increase the yearly license fee to \$250.
2. Section 119.05 Of the Municipal Code has been amended to state that all video gaming terminal and premises that have video gaming terminals must be in compliance with the Video Gaming Act and regulations and restrictions set forth by the State Gaming Board.

STAFF RECOMMENDATION

Staff recommends the item be forwarded to the Village Board on March 7, 2023, for consideration and approval.

AFTER ACTION STEPS

If the text amendments are approved by the Village Board, staff will work to codify the amendments.

ATTACHMENTS

1. Exhibit A: Red-Line Version
2. Exhibit B: Clean Version

§ 119.03 LICENSE; FEE.

- (A) Any establishment within the village which holds a liquor license and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board shall, upon application and fee payment to the village, be issued a video gaming sticker(s) from the village. The video gaming sticker shall serve as a license from the village.
- (B) The fee to operate a video gaming terminal in the village shall be \$250 per video gaming terminal.
- (C) The fee for each video gaming terminal shall be paid annually and shall be due at the same time as all fees related to liquor license renewal.

§ 119.05 GENERAL PROVISIONS.

- ~~(A) Video gaming terminals shall not be operated on any premise that is either located within 1,000 feet of a horse racing or riverboat gambling facility or located within 100 feet of a school or a place of worship. These distances shall be determined by measuring the distance from a proposed or existing video gaming terminal establishment to a preexisting facility by drawing a straight line between the closest part of any building used for the proposed or existing video gaming terminal and the closest part of any building used for the facility. When located within a subsection of property (e.g., a shopping center), measurement shall be from the boundaries of the establishment's leased building premises.~~
- ~~(B) There shall not be more than five video gaming terminals on any premises licensed to sell liquor.~~
- ~~(C) Video gaming terminals shall be located in an area that is restricted to persons over the age of 21. It shall be unlawful for any person under the age of 21 to play or operate a video gaming terminal.~~
- ~~(D)~~(A) Video gaming terminals shall only be operated during the legal hours of operation provided for alcoholic liquor sales under [Chapter 112](#) of this code.
- (B) Every establishment operating video gaming terminals shall comply with all provisions of the Video Gaming Act (ILCS Ch. 230, Act 40, §§ 1 et seq.), and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- ~~(E)~~(C) Any amendments to the Video Gaming Act, ILCS Ch. 230, Act 40, § 1 et seq, or the regulations imposed by the Illinois Gaming Board, that become effective after the effective date of this subchapter will be incorporated into this subchapter by reference and will be applicable to any video gaming operator or establishment which is licensed to operate video gaming terminal(s) within the village boundaries.

§ 119.03 LICENSE; FEE.

- (A) Any establishment within the village which holds a liquor license and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board shall, upon application and fee payment to the village, be issued a video gaming sticker(s) from the village. The video gaming sticker shall serve as a license from the village.
- (B) The fee to operate a video gaming terminal in the village shall be \$250 per video gaming terminal.
- (C) The fee for each video gaming terminal shall be paid annually and shall be due at the same time as all fees related to liquor license renewal.

§ 119.05 GENERAL PROVISIONS.

- (A) Video gaming terminals shall only be operated during the legal hours of operation provided for alcoholic liquor sales under Chapter 112 of this code.
- (B) Every establishment operating video gaming terminals shall comply with all provisions of the Video Gaming Act (ILCS Ch. 230, Act 40, §§ 1 et seq.), and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- (C) Any amendments to the Video Gaming Act, ILCS Ch. 230, Act 40, § 1 et seq, or the regulations imposed by the Illinois Gaming Board, that become effective after the effective date of this subchapter will be incorporated into this subchapter by reference and will be applicable to any video gaming operator or establishment which is licensed to operate video gaming terminal(s) within the village boundaries.

ORDINANCE NO. 2059-23

**AN ORDINANCE AMENDING CHAPTER 119, "VIDEO GAMING"
OF THE ITASCA VILLAGE CODE**

WHEREAS, the Village of Itasca wishes to amend § 119.03 and § 119.05 of the Village Code to increase the fees for video gaming terminals and to bring the regulations in line with the state statute.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: Chapter 119, Section 03 is hereby amended as follows:

§ 119.03 LICENSE; FEE.

- (A) Any establishment within the village which holds a liquor license and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board shall, upon application and fee payment to the village, be issued a video gaming sticker(s) from the village. The video gaming sticker shall serve as a license from the village.
- (B) The fee to operate a video gaming terminal in the village shall be \$250 per video gaming terminal.
- (C) The fee for each video gaming terminal shall be paid annually and shall be due at the same time as all fees related to liquor license renewal.

SECTION TWO: Chapter 119, Section 05 is hereby amended as follows:

§ 119.05 GENERAL PROVISIONS.

- (A) Video gaming terminals shall only be operated during the legal hours of operation provided for alcoholic liquor sales under Chapter 112 of this code.
- (B) Every establishment operating video gaming terminals shall comply with all provisions of the Video Gaming Act (ILCS Ch. 230, Act 40, §§ 1 et seq.), and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- (C) Any amendments to the Video Gaming Act, ILCS Ch. 230, Act 40, § 1 et seq, or the regulations imposed by the Illinois Gaming Board, that become effective after the effective date of this subchapter will be incorporated into this subchapter by reference and will be applicable to any video gaming operator or

establishment which is licensed to operate video gaming terminal(s) within the village boundaries.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 21ST day of March, 2023.

APPROVED:

Village President Jeffery J. Pruyn

ATTEST:

Village Clerk Jody Conidi