



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-079
DATE OF PASSAGE November 14, 2023

An Ordinance Amending Chapter 8 - Article 8-IV, Division 8-IV-5 Pertaining to Video Gaming.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, there are reports of numerous unlicensed and unregulated video gaming machines in operation within the City of Aurora; and

WHEREAS, while there exists legislation at the State and local levels regulating video gaming machines, business owners have found a loophole in this legislation wherein they feel they can operate video gaming machines in their businesses under the guise of amusement devices; and

WHEREAS, it is in the best interest of public health, safety and welfare of the City of Aurora residents to prohibit the use of unregulated video gambling devices; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 8 - Article 8-IV, Division 8-IV-5 of the Code of Ordinance shall be and hereby are amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon passage and approval.

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

ORDINANCE NO. 023-079
DATE OF PASSAGE November 14, 2023

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

ORDINANCE NO. 023-079

LEGISTAR NO. 23-0801

PASSED AND APPROVED ON November 14, 2023

AYES 11 NAYS 0 NOT VOTING 1 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	recused

ATTEST:

Jennifer Stallings
City Clerk

Gracie
Mayor

1 **Sec 8-130 Definitions ~~Video Gaming License Required~~**

2 The following words, terms and phrases, when used in this section, shall have the
3 meanings ascribed to them in this section, except where the context clearly indicates a
4 different meaning:

5 Video Gaming Terminal or Gambling Device means: (1) any clock, tape machine, slot
6 machine, or other machines or device for the reception of money or other thing of value
7 on chance or skill or upon the action of which money or a voucher for money or other
8 financial consideration is staked, hazarded, bet, won, or lost; or (2) any mechanism,
9 furniture, fixture, equipment, or other device designed primarily for use in a gambling
10 place; or (3) any vending or other electronic machine or device, including, without
11 limitation, a machine or device that awards credits and contains a circuit, meter, or switch
12 capable of removing and recording the removal of credits that offers a person entry into
13 any contest, competition, sweepstakes, scheme, plan, or other selection process that
14 involves or is dependent upon an element of chance for which the person may receive a
15 gift, award, or other item or service of value if that offer is incidental to or results from: (A)
16 the purchase of an item or service of value; or (B) the purchase or gratuitous receipt of a
17 coupon, voucher, certificate, or other similar credit that can be redeemed for or applied
18 towards an item or service of value from such machine or device or elsewhere.

19 ~~No establishment licensed by the Illinois Gaming Board shall be permitted to operate any~~
20 ~~video gaming terminal in the city pursuant to the Illinois Video Gaming Act (230 ILCS 40/1~~
21 ~~et seq.) without first obtaining a video gaming terminal license under this division. The~~
22 ~~distributor of the video gaming terminal must also be in compliance with division 2 of this~~
23 ~~article.~~

24 **Sec 8-131 Licensee Requirements**

25 No establishment licensed by the Illinois Gaming Board shall be permitted to operate any
26 video gaming terminal in the city pursuant to the Illinois Video Gaming Act (230 ILCS 40/1
27 et seq.) without first obtaining a video gaming terminal license under this division. The
28 distributor of the video gaming terminal must also be in compliance with division 2 of this
29 article.

- 30 (a) Effective May 1, 2020, video gaming terminal licenses will only be issued to full-
31 service restaurant establishments holding a liquor license and video gaming
32 endorsement as described in Chapter 6, Sec 6-2 Definitions. Any video gaming
33 terminal license in effect at the time of adoption of this section shall be renewed
34 yearly so long as the licensed business does not change ownership. ~~is issued to~~
35 ~~the current owners~~. Any sale, transfer, or assignment of more than fifty (50) percent
36 of the ownership of a business or partnership shall terminate said license. In the
37 event that such license is held in the name of a corporation, the sale, transfer or
38 assignment of fifty (50) percent of the stock shall terminate the license.
39 (b) Liquor license must be in good standing with the City and State .
40 (c) An establishment must be in operation as a liquor licensed business ~~licensed liquor~~
41 ~~premise~~ for no less than one hundred twenty (120) days prior to issuance of a
42 video gaming terminal license. Applications for a video gaming terminal license

1 may be submitted prior to the expiration of one hundred twenty (120) days,
2 however, final review of the application will only occur after the required waiting
3 period.

4 (d) Limitations on the issuance of video gaming terminal licenses:

5 (1) The number of video gaming terminal licenses shall be limited to two
6 hundred (200) video gaming terminals.

7 (2) ~~Effective March 31, 2018, No~~ new video gaming terminal licenses ~~location~~
8 may be issued to any establishment that is less than two thousand six
9 hundred forty (2,640) feet from another licensed establishment, measured
10 from ~~the~~ property line to property line and where there is an existing licensed
11 video gaming terminal licensed in the same single shopping center, plaza,
12 or strip mall without the applicant obtaining approval by the local liquor
13 control commissioner (liquor commissioner) for the issuance of said license
14 as set forth herein. Current establishments located within two thousand six
15 hundred forty (2,640) feet or within the same single shopping center, plaza
16 or strip mall with a video gaming terminal license in effect at the time of
17 adoption of this section shall be renewed yearly so long as the licensed
18 business does not change ownership. ~~is issued to the current owners.~~ Any
19 sale, transfer, or assignment of more than fifty (50) percent of the ownership
20 of a business or partnership shall terminate said license. In the event that
21 such license is held in the name of a corporation, the sale, transfer or
22 assignment of fifty percent (50) of the stock shall terminate the license.

23 a. The liquor commissioner may grant a reduction of the distance
24 requirement set forth in paragraph (d)(~~3~~²) of this section based on the
25 finding of an administrative hearing officer that such a reduction would
26 not detrimentally impact the existing video gaming licensee or the
27 surrounding community. If the liquor commissioner grants a reduction,
28 the applicant must still comply with all other application requirements
29 associated with the issuance of a video gaming terminal license.

30 1. The hearing officer shall consider the following factors in
31 reviewing a request for a distance reduction:

- 32 i. The type of activity to be conducted at the
33 establishment and the days and times during which
34 such activity will take place;
- 35 ii. The size of the applicant's business and the size of the
36 existing video gaming licensee's business located
37 within 2640 ft of the applicant business;
- 38 iii. A report from the police regarding the location, as well
39 as the history of activity conducted at or in conjunction
40 with the premises and any associated infractions or
41 violations of the municipal code;
- 42 iv. The relevant geography, and location of the applicant's
43 business; ~~and~~
- 44 v. Testimony from the existing video gaming licensee(s)
45 located within two thousand six hundred forty (2640) ft
46 of the applicant business, if they choose; and

- vi. The extent to which the video gaming constitutes a significant focus of the applicant's business; and
 - vii. The legal nature and history of the applicant.
2. Applicants for a reduction of the distance requirement shall submit their application to the city clerk's office, and shall bear all costs associated with the hearing officer's review and court reporter fees for said review. All such costs shall be paid by the applicant prior to the issuance of a license, if approved.
 3. Prohibited in new establishments located within the downtown and downtown fringe as defined in the zoning ordinance.
 4. Must not be permitted at establishments located within one thousand (1,000) feet of a casino.
 5. A licensed video gaming location in the city may operate up to five (5) gaming terminals on its premise at any time.
- (e) Every licensee shall strictly comply with all of the conditions, rules and regulations imposed by the state, and by the city, and specifically shall comply with the following:
- (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~~ posted at 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.
 - (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, the entrance to which restricted area is within the view at all times of at least one (1) employee of said establishment, which employee must likewise be twenty-one (21) years of age or over.

Sec 8-132 Application And Issuance

- (a) Each video gaming terminal license application for an initial license at a premises shall be submitted to the revenue and collections division and, at a minimum contain the following information:
- (1) A set of floor and site plans prepared under the seal of an architect or engineer licensed to practice in the State printed on 11 x 14 paper. The plans shall show the dimensions of its site; and the design and layout for determination of occupancy, including, but not limited to, exiting, seating, dining rooms, bars, game and waiting areas, proposed video gaming areas, and position of equipment and fixtures therein. The layout of any video gaming terminal licensed premises may not be substantially changed without submission of a new set of plans and approval by the local liquor commissioner.

- 1 (2) Proof of liability insurance on each video gaming terminal placed in a
2 licensed video gaming location in an amount set by the state gaming board.
- 3 (b) The local liquor control commissioner shall have jurisdiction, subject to the
4 jurisdiction of the state gaming board, to adopt rules for the purpose of
5 administering the provisions of this article and to prescribe rules, regulations, and
6 conditions under which all video gaming in the city shall be conducted. Such rules
7 and regulations are to provide for the prevention of practices detrimental to the
8 public interest and for the best interests of video gaming, including rules and
9 regulations regarding the inspection of such establishments and the review of any
10 permits or licenses necessary to operate an establishment under any laws or
11 regulation applicable to establishments and to impose penalties for violations of
12 this article.

13 **Sec 8-133 Fees**

14 An initial application fee, ~~of one hundred dollars (\$100.00) as established by resolution of~~
15 ~~the city council from time -to-time,~~ shall be charged ~~in addition to the operation fees~~ for
16 ~~the~~ establishment and distributor. No licensed establishment shall be permitted to
17 operate any video gaming terminal in the city unless said establishment and distributor
18 also has obtained a license and paid a yearly operation fee to the city in the amount
19 established by resolution of the city council from time to time, for each video gaming
20 terminal on its premises.

21 **Sec 8-134 Renewal**

- 22 (a) All licenses issued by the city under this article shall expire on September 30 and
23 are renewable annually unless sooner cancelled or terminated. No license issued
24 under this article is transferable or assignable.
- 25 (b) The license may only be renewed upon receipt of a copy of the current state
26 license, the applicable renewal fee and any renewal forms provided by the city.
- 27 (c) The license may only be renewed if the licensee continues to meet all qualifications
28 for licensure set forth in the Video Gaming Act, the regulations promulgated
29 pursuant to the Video Gaming Act, the liquor control ordinance and this article.