

VILLAGE OF ANTIOCH

12-09-17

AN ORDINANCE LICENSING VIDEO GAMING

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

September 17, 2012

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 19 day of September, 2012.

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ORDINANCE 12-09-17

AN ORDINANCE LICENSING VIDEO GAMING

WHEREAS, in 230 ILCS 40/1 et. seq., the Illinois General Assembly adopted a statute which authorized video gaming throughout the State, regulated almost exclusively through the State Gaming Board and with limited licensing powers granted to municipalities, and

WHEREAS, the provisions of 230 ILCS 40/27 give all municipalities in Illinois the express power to adopt ordinances which license video gaming within their corporate limits, and

WHEREAS, the corporate authorities of the Village of Antioch, having considered the sentiments of the community, the character of the Village and its residents, the concerns of the local business establishments and all other relevant factors, have concluded and find that the evils inherent in gambling are outweighed by the business interests and revenue generating potential of video gaming, and that the same should, therefore, be licensed to operate within the Village,

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: Section 4-3-2 A of the Antioch Municipal Code is hereby amended and shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

4-3-2: COIN OPERATED AMUSEMENT DEVICES:

A. Definition: For purposes of this section, "coin operated amusement device" or "device" means any amusement machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill, and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin operated mechanical musical devices or food and tobacco vending machines. For the purpose of this chapter, a coin operated amusement device shall not include billiards tables, which are separately regulated and licensed under section 4-3-3 of this chapter, nor shall it include a video gaming terminal as defined in 230 ILCS 40/5, which are separately licensed in chapter 4-13 of this code.

SECTION TWO: Title 4 of the Antioch Municipal Code is hereby amended by the addition of the following chapter 13, which shall hereafter read as follows:

4-13-1: VIDEO GAMING LICENSING:

A. Video gaming is allowed within the corporate limits of the Village of Antioch, strictly subject to the provisions of this Chapter.

- B. An appropriate video gaming license duly issued by the Illinois State Gaming Board is required as a pre-condition to the grant of any license for video gaming by the Village Clerk.
- C. No video gaming terminal meeting the definition of such a device set forth at 230 ILCS 40/5 shall be installed, maintained or suffered to exist in any location within the corporate limits of the Village of Antioch unless the owner or operator of such premises shall first have a video gaming license duly issued by the Village Administrator pursuant to the provisions of this Chapter.
- D. No business owner or operator shall encourage, permit, allow or suffer the use, operation or maintenance of any video gaming terminal meeting the definition of such a device set forth at 230 ILCS 40/5 within or upon his, her or its premises within the corporate limits of the Village of Antioch, except in strict compliance with the provisions of this Chapter, the provisions of the Illinois Video Gaming Act (230 ILCS 40/1 et. seq.) and the regulations promulgated under the said Act by the Illinois State Gaming Board.
- E. The fee for each video gaming terminal meeting the definition of such a device set forth at 230 ILCS 40/5 shall be \$25.00 per year, or for any part of a year.
- F. The application and issuance process for any video gaming licenses shall be governed by the provisions of Chapter 4-1 of this Code, unless inconsistent with the provisions of this Chapter, the provisions of the Illinois Video Gaming Act (230 ILCS 40/1 et. seq.) or the regulations of the Illinois State Gaming Board in which case, the more specific regulations shall apply. However, due to the nature of this enterprise and the terms and provisions of the said Act, each application for a license shall include the following acknowledgement:
- Applicant hereby acknowledges and agrees that the Village retains the right under the Illinois Video Gaming Act (230 ILCS 40/1 et. seq.) to terminate all licenses and ban video gaming within the corporate boundaries of the Village of Antioch. Applicant further acknowledges that Applicant is proceeding with this application and the investment in machines, physical restructuring of premises and all other modifications necessary or helpful in establishing his, her or its video gaming business at its own risk without reliance on the part of the Village or commitment therefrom to continue licensing of such machines or the video gaming business generally.*
- G. The term of video gaming licenses shall be from June 1st of any year to the following May 31st, whereupon said licenses shall automatically expire unless renewed for an additional term consistent with the provisions of this Chapter.

H. Except for establishments which are strictly limited to access by persons 21 years or older, each licensee shall post a sign immediately outside the doorway or portal to the designated gaming area, which sign shall be as follows:

1. The sign shall be constructed of sturdy material not less than 12"x16";
2. The sign shall be conspicuous and legible at a distance of not less than 20 feet, and shall be in a well-lit location;
3. The licensee shall be responsible to maintain the sign and keep it in good repair, continuously legible;
4. The sign shall contain the following words and symbols: NO PERSONS UNDER 21 ALLOWED!

I. All licensees shall post a sign immediately above or alongside each video gaming device, which signs shall be as follows:

1. The signs shall be constructed of sturdy material not less than 8-1/2"x11"
2. The signs shall be conspicuous and legible at a distance of not less than 5 feet and shall be well-lit;
3. All print on the signs shall be not less than 14 point font;
4. The licensee shall be responsible to maintain the sign and keep it in good repair, continuously legible;
5. The signs shall contain the following words and symbols:

How do you know if you have a gambling problem?

Review the following questions:

- You have often gambled longer than you had planned.
- You have often gambled until your last dollar was gone.
- Thoughts of gambling have caused you to lose sleep.
- You have used your income or savings to gamble while letting bills go unpaid.
- You have made repeated, unsuccessful attempts to stop gambling.
- You have broken the law or considered breaking the law to finance your gambling.
- You have borrowed money to finance your gambling.
- You have felt depressed or suicidal because of your gambling losses.
- You have been remorseful after gambling.
- You have gambled to get money to meet your financial obligations.

If you or someone you know answers yes to any of these questions, consider seeking professional help or advice by calling the National Problem Gambling Helpline at 1-800-522-4700 or the State of Illinois Hotline: 1-800-426-2537.

J. Licensees shall set aside an area directly adjacent to the sign described in subsection H for the provision of pamphlets and other written materials directed to the

detection of problem gamblers and the prevention of gambling addiction. Such materials may be supplied by the Village or as required by the State Gaming Board.

4-13-2: INSPECTIONS.

Authorized representatives of the Antioch Police Department, including sworn peace officers and such other individuals as the Chief of Police may designate from time to time, may make inspections of the premises of operators licensed or required to be licensed under Title 4, Chapter 2 of this Code or any premises where there is cause to believe video gaming occurs, for the purpose of determining the existence or non-existence of a violation of the prohibitions of this Chapter. These inspection powers are in addition to any other statutory or common law powers otherwise granted to the police.

4-13-3: PENALTY.

A. Any person or corporate entity found guilty of any violation of any provision of this chapter shall be subject to prosecution under the gambling provisions of the Illinois Criminal Code, 720 ILCS 5/28-1, et seq.

B. In addition to the prosecution set forth in subsection A immediately above, any such person or corporate entity found guilty of such violation of any provision of this chapter shall be fined according to the general penalty set forth in section 1-3-1 of this Code, provided that the official issuing the citation may alternatively issue it to the Village's adjudication court, in which case, the penalty shall be that set forth in the Adjudication Hearing Ordinance Code Violation List in section 1-3-1A of this Code.

C. Each violative video gaming machine, each prohibited bet or wager and each day during which a violation occurs shall be deemed to be a separate violation subject to fine.

D. The Village shall further have the right to obtain a prohibitory injunction, without bond, upon a showing that any person or business entity has maintained or operated one or more video gaming terminals meeting the definition of such devices set forth at 230 ILCS 40/5 without a due and proper license issued under this Chapter, requiring the halting of such activity as a public nuisance. In any such injunction action, the Village shall be entitled to recover its costs and attorney's fees from the defendant.

SECTION THREE: The Adjudication Hearing Ordinance Code Violation List set forth in Section 1-3-1A of this Code is hereby amended by the addition of the following entries:

Section	Offense	SET FINES - PER OFFENSE (Check In-House for Priors)			
	Video Gaming				
4-13-1	Video Gaming	\$750	\$750	\$750	\$750

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,
ON THIS 17 DAY OF SEPTEMBER, 2012.

ATTEST:


LAWRENCE M. HANSON, MAYOR


LORI K. FOLBRICK, VILLAGE CLERK



