

ORDINANCE NO. 13-04

AN ORDINANCE AMENDING VILLAGE OF BENSON CODE SECTION 3-4

BE IT ORDAINED by the President and the Board of Trustees of the Village of Benson, Illinois:

That Village of Benson Code Section 3-4 is hereby amended by adding the following Section:

LICENSED VIDEO GAMING

- A. Licensed Video Gaming Exemption. Any chapter or section of the Village Code 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 and is in full compliance with the other sections of this ordinance.
- B. Definitions.
 - 1. “Licensed establishment:” Any establishment that is both licensed to sell liquor at retail in the Village under this 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 April 30, next, after date of issue, with an annual license fee of One Hundred and no/100 dollars (\$100.00) 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) year 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.
- D. 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:
 - 1. A valid Village video gaming establishment license must be clearly displayed at all times.

2. No more than five (5) video gaming terminals may be located on the licensed establishment's premises.
 3. Other than having up to five (5) video gaming terminals, 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.
 4. 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.
 5. 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.
 6. 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 pursuant to this ordinance.
 7. 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.
 8. The licensed establishment must fully comply with all other ordinances of the Village as well as federal and Illinois law and regulations.
- E. Inspection of Premises. Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Village President or Woodford County Sheriff or his/her authorized agents, at any time, to ensure compliance with the Village Code. This includes licensed establishments applying for a video gaming establishment license. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the Village President or Sheriff or his/her respective agents in the course of any inspection.
- F. Revocation/Suspension of License. The Village may revoke or suspend any video gaming establishment license issued by the Village if it determines that the licensed establishment has violated any of the provisions of this Ordinance. No license shall be so revoked or suspended, except after a public hearing before the Village Board, with a three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. 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 automatically, without a hearing before the Village Board, have its Village video gaming establishment license 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.
- G. Seizure of Unlawful Video Gaming Terminals. Every video gaming terminal that 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.
- H. 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 under this ordinance or any other provision of the Village or federal or Illinois law."

PENALTY.

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars (\$500.00)

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Benson, Woodford County, Illinois, that:

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Passed and approved by the President and Board of Trustees of the Village of Benson, Woodford County, Illinois, in regular and public session this _____ day of _____, 2013.

AYES: _____

NAYS: _____

ABSENT: _____

President

ATTEST:

Village Clerk