



LEGAL DIVISION
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DATE: March 18, 2015
TO: Urbana City Council
CC: Mayor Prussing
FROM: James Simon, City Attorney

RE: "Gaming Hall" License.

The Mayor (as Mayor and as Local Liquor Commissioner) has requested City staff to develop a mechanism for addressing requests for permits to operate "gaming halls" within the City limits pursuant to the Illinois Video Gaming Act (230 ILCS 40/1 *et. seq.*). It must be kept in mind that any action regarding the regulation of video gaming, including in "gaming halls", is inextricably linked with the regulation of the consumption of alcoholic liquor (hereinafter, "liquor") in establishments located within Urbana.

The Legal Division, on behalf of the Mayor as Local Liquor Commissioner and the Community Development Services Department, in conjunction with the Planning Commission, have developed a mechanism for regulating and siting businesses which seek to operate "gaming halls."

With two exceptions, the Video Gaming Act allows only those persons who have liquor licenses to make available to the public video gaming terminals on their business premises. 230 ILCS 40/5. The two exceptions included licensed fraternal establishments (i.e., fraternal organizations must derive their charters from a national fraternal organization and which hold regular meetings) and licensed veterans establishments (i.e., veterans organizations which derive their charters from a national veterans organization and which hold regular meetings). *Id.* Thus, for the most part, considerations of allowing "gaming halls" to operate in the City are inextricably linked to the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) and the City's liquor ordinance (UCC 3-1 *et seq.*). 235 ILCS 5/4-1.

The Illinois Liquor Control Act of 1935 (235 ILCS 5/1-1 *et seq.*) provides that the City Council "shall have the power by general ordinance or resolution to determine the number, kind and classification of [liquor] licenses, for sale at retail of alcoholic liquor ... and the amount of the local licensee fees to be paid for various kinds of licenses to be issued ..." Brackets supplied. The Mayor is designated as the Local Liquor Commissioner. 235 ILCS 5/4-2 and is charged with "the administration in [her jurisdiction] ... of the appropriate provisions of [the Illinois Liquor Control Act of 1934] and such ordinances and resolutions relating to alcoholic liquor as may be enacted." Brackets supplied.

At present, the Planning Commission has recommended that the City Council approve a Zoning Ordinance amendment which would add the following definition to Section II-3 of the Zoning Ordinance:

Gaming Hall: An establishment whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act (230 ILCS 40/5) and in which the sale of food or alcoholic beverages are subsidiary to the operation of the video gaming terminals. In determining whether an establishment's primary purpose is video gaming, the considerations include but are not limited to:

- A. a seating area for video gaming terminals being greater than the seating area for food and beverage service or merchandise sales,
- B. the absence of a full service kitchen,
- C. an estimated net revenue of at least 40% or more derived from video gaming terminals, and
- D. an overall size of 1500 square feet or less.

Fraternal establishments and veteran establishments as defined by the Illinois Video Gaming Act (230 ILCS 40/5) are exempt from this definition.

Fraternal Establishment: The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

Veterans Establishment: The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

CD Memo 03-12-2015, p. 7 and attachment thereto. Section VII-5 of the Zoning Ordinance would be amended to add a new Section F as follows:

F. The following conditions shall apply to any Gaming Hall:

- 1. An establishment requesting a license for video gaming terminals shall be a minimum of five hundred feet from a preexisting Day Care Facility, School, or place of worship as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). An establishment shall also be a minimum of five hundred feet away from any existing licensed Gaming Halls. City Council may increase the minimum distance between Gaming Halls and other Gaming Halls or preexisting Day Care Facilities, Schools, or Places of Worship where necessary to maintain the public welfare.

Id.

These provisions were brought to the City Council at its March 16, 2015 meeting inasmuch as they had been previously approved by the Planning Commission. During the

aforesaid meeting, members of the City Council asked wide-ranging questions from focusing on particular language of the proposed Zoning Ordinance amendment to whether regulation of gaming halls should be undertaken through the City's alcoholic liquor ordinances. The City Council tasked staff to address their concerns and questions. After considerable discussion between the Legal Division and Community Development, staff has suggested that the actual regulation of gambling terminals and gaming halls be undertaken through the City's alcoholic liquor ordinances since many of the processes for reviewing applications for liquor licenses are applicable and useful in reviewing requests for licenses and permits to operate gambling machines, whether or not the applicants wish to operate as restaurants and/or bars or as gaming halls. However, it remains necessary that the Zoning Ordinance be amended to accommodate the siting of establishments which seek to operate as gaming halls.

Two draft ordinances will be presented – one from Community Development and one from the Mayor as Local Liquor Commissioner. To my understanding, staff with Community Development will re-present the Planning Commission's recommendation along with Community Development's memorandum which will address many of the questions raised during the March 16, 2015 City Council meeting. The Mayor and/or the Legal Division will present what is being recommended as amendments to Section 3-41 of the City's liquor ordinance (UCC 3-1 *et seq.*) and the City's amusements ordinance (UCC 3.7-11 *et seq.*).

The attached draft ordinance essentially provides as follows:

- Creates a new class of liquor license identified as Class G-1 for any applicant, other than a gaming hall, which seeks to operate gambling terminals on its premises. An applicant for a Class G-1 license will also be required to have a separate liquor license depending on the nature of the establishment – e.g., Class A (consumption on or off premises); Class AA (hotel/motel); Class B (consumption of beer on or off premises); Class BB (consumption of beer and wine on or off premises); etc.
- Creates a new class of liquor license identified as Class G-2 for any applicant wishing to operate a gaming hall.
- Establishes fees for the Class G-1 and Class G-2 license which fees may be amended the next time the City Council addresses amendments and/or modifications to the City's fee schedule.
- Deletes the 2012 amendments to the amusement device ordinance (UCC Sec. 3.17-11 *et seq.*) concerning video gambling terminals since the new classes of liquor license will cover those situations.

At the March 16, 2015 City Council meeting, one or more members of the City Council expressed concern that gambling is being linked to the consumption of alcoholic beverages. It is worth noting that the statutory scheme created by the State of Illinois, through the Video Gaming Act (230 ILCS 40/1 *et seq.*), requires such linkage. As noted above, an establishment may not operate video gambling terminals unless the establishment has a liquor license – state and local.

Concern was also expressed about the levels of revenue derived by gaming halls from food and beverage (including alcohol) service and from the gambling terminals. While not

necessarily stated, presumably the reason for this concern is that gaming halls could harm other establishments where the service of food and alcohol is the primary source of revenue. The attached ordinance, much in the same fashion as what the Planning Commission recommended, attempts to take into consideration in terms of whether an establishment is a gaming hall or something else whether the establishment is set up to generate the significant part of its revenue from food and/or beverages versus gambling machines – thus, the considerations of whether the establishment is set up to serve food and beverage and the predominant source of the establishment’s revenue.

Another concern expressed was how the City can regulate those applicants which apply as a restaurant or bar but which actually intend to operate as a gaming hall. There is no way of guarantying the City will catch those who falsify their applications by seeking a Class G-1 license rather than a Class G-2 license. However, the City ways for addressing such concerns including:

- Reviewing any requests for building permits for build-out in a space where those plans do not provide for the installation of sufficient plumbing to accommodate a full kitchen.
- Inspecting the location as part of the overall liquor application process.
- Following issuance of a G-1 license, tracking the City’s receipts of revenue from the State which discloses what constitutes receipts from the operation of gambling machines and what constitutes receipts from the sale and service of food and beverages.
- Revoking any Class G-1 license when it is discovered early on that an applicant is actually operating as a gaming hall.
- Refusing to renew any liquor license if it is determined that an applicant did not operate its establishment in accordance with the liquor license issued.
- Upon renewal, requiring the license holder to apply for the appropriate liquor license given its actual sources of revenue.

Finally, Council members expressed concern about how the City may regulate the number of establishments seeking to operate and who are operating video gambling terminals. The court means for applying for, reviewing and granting/denying applications for other classes of liquor license would apply to the Legal Division’s draft ordinance. At the outset, any cap on the number of Class G-1 and Class G-2 licenses would be at the current number granted. The Mayor (as Local Liquor Commissioner) and staff conduct a thorough review of all liquor license applications including background checks and legal compliance. If the applicant satisfies the City liquor ordinance and the reviews and checks given to the application, then the Mayor recommends that a new license be added to the number of existing licenses then in place to allow the applicant to receive a liquor license. The Mayor and staff process can lead and has led to a denial of applications. The City Council is not presented with applicants whose applications for liquor license have been denied. This same process would apply to applicants for Class G-1 and Class G-2 licenses.

OPTIONS:

- Adopt the Planning Commission's recommended amendments to the Zoning Ordinance.
- Adopt the Legal Division's recommended amendments to the Liquor Ordinance.
- Refrain from approving any ordinance or amendment thereto which permits any further expansion of gambling terminals within the City.
- Continue with the scheme already in place – i.e., licensing under the Amusement Ordinance.

ORDINANCE NO. 2015-01-004

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTERS 3 and 3.7

(Establishing a Class G (video gambling) liquor license)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, Section 4-1 of the Liquor Control Act of 1934, 235 ILCS 5/4-1, gives the city council in every city the power by general ordinance or resolution to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 3-41 to designate certain classifications of local liquor licenses and to regulate said licenses; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 3-43 to limit the number of liquor licenses issued in the City; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Chapter 3.7 to regulate the operation of amusement devices, including video gambling terminals, in the City; and

WHEREAS, the City Council remains concerned about the proliferation of gambling and its potential detrimental impact upon the health, safety, and welfare of the City's residents and visitors; and

WHEREAS, the City Council finds that a need exists to regulate the locations and activities of gambling establishments within the City; and

WHEREAS, the City Council finds that the public health, safety, and welfare will best be protected by amending (1) Urbana City Code Section 3-41 to establish two a new classes of liquor licenses - Class G-1 and Class G-2 - liquor license to allow the operation of video gambling terminals on licensed premises as herein provided; (2) Urbana City Code Section 3-43 to establish limits on the number of Class G-1 and Class G-2 liquor licenses issued in the City; ~~and~~ (3) Urbana City Code Chapter 3 to incorporate video gambling regulations, including those currently contained in Urbana City Code Chapter 3.7; and (4) to provide additional provisions concerning the operation of gaming halls; and

WHEREAS, the City Council heretofore did on the 5th day of May, 2014, pursuant to Ordinance No. 2014-03-024, adopt Urbana City Code Section 14-7, establishing a schedule of fees for the various licenses, permits, fines, and other fees required under the Code; and

WHEREAS, the City Council finds that the best interests of the City are served by making limited amendments to that schedule of fees, pursuant to Urbana City Code Section 14-7(b), concerning video gambling and liquor licensing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 3, "Alcoholic Liquors," Article I, "In General," Section 3-1, "Definitions," is hereby amended with the underlined text indicating new language as follows:

Sec. 3-1. - Definitions.

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, shall have the meaning accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions set forth below.

Liquor Control Act. The State Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.).

Local commissioner. The Mayor of the City of Urbana is the Local Liquor Control Commissioner for the City of Urbana.

State commission. The Illinois Liquor Control Commission.

Video gambling terminal. Video gambling terminal shall have the same meaning as "video gaming terminal," as set forth in the Video Gaming Act, 230 ILCS 40/1 et seq. as amended.

Section 2.

Urbana City Code Chapter 3, "Alcoholic Liquors," Article III, "Retail License," Section 3-41, "Classification," is hereby amended by adding ~~a~~ new Subsections (p) and (q) thereto, with the underlined text indicating new language as follows:

(p) Class G-1 licenses (video gambling excluding gaming halls) shall permit holders of liquor licenses that allow consumption of alcoholic liquor on the licensed premises to operate video gambling terminals upon the premises, subject to the following conditions:

(1) Prior to displaying any video gambling terminal to be played or operated by the public, each G-1 licensee shall obtain from the city a video gambling permit for each such terminal. Applications for permits shall be made in the same manner as provided for licenses under section 3-40. Licensees shall pay such permit fee as set forth in section 14-7. The permit shall be in the form of a gummed sticker, which shall be serially numbered and securely affixed in plain view to the terminal for which it is issued. No person shall display any video gambling terminal or allow any member of the public to operate

any such terminal in violation of this section. Video gambling terminal permit stickers are not transferable.

- (2) Any person who displays a video gambling terminal to be played or operated by the public shall have, as a prerequisite to receiving any video gambling permit from the city, a valid license issued by the Illinois Gaming Board for each such terminal. The cancellation, suspension, or revocation of any such license by the Illinois Gaming Board shall result in the automatic cancellation, suspension, or revocation of the city's video gambling permit without refund of any portion of the permit fee. An applicant for a video gambling permit shall submit to the finance director a copy of the license issued by the Illinois Gaming Board for each video gambling terminal to be played or operated on the licensed premises.
- (3) No more than five (5) video gambling terminals may be located on any licensed premises.
- (4) Every licensee shall comply with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board, as amended.
- (5) The operation of video gambling terminals shall not be permitted during the hours alcoholic liquor sales are prohibited, as provided in section 3-3.
- (6) Video gambling terminals shall be located in a clearly demarcated area that is restricted to persons over 21 years of age.
- (7) No Class G-1 license shall be issued for any location within the city that is within one hundred (100) feet of any other liquor establishment having a valid Class G-1 or G-2 license. This provision shall not apply to any licensed establishment that had received a video gambling license issued under chapter 3.7 before the effective date of this ordinance.
- (8) The finance director shall provide each licensee with signs in English and in Spanish describing the symptoms of a problem gambler and containing contact information for Gamblers Anonymous. Each licensee shall post such signs in conspicuous locations clearly visible to the public at the location of the video gambling terminal(s) and inside each public restroom on the licensed premises.
- (9) No Class G-1 licensee shall operate video gambling terminals as a gaming hall, as defined in Subsection q. of this Section 3-14, on the premises for which the Class G-1 license was issued.
- (10) The issuance of any Class G-1 license shall be in addition to, and not in substitution of or alternative to, the issuance by the City of any other class of liquor license. The cancellation, suspension, or revocation of the Class G-1 licensee's other liquor license by the Illinois Liquor Control Commission or the city shall result in the automatic cancellation, suspension, or revocation of the Class G-1 license and the one or more city-issued video gambling terminal

permits without refund of any portion of the Class G-1 license fee or the video gambling terminal permit fee.

q. Class G-2 licenses (video gambling - gaming hall) shall permit holders of liquor licenses (other than a Class G-1 license) that allow consumption of alcoholic liquor on the licensed premises to operate video gambling terminals upon the premises as a gaming hall subject to the following conditions:

(1) Gaming hall shall mean a liquor licensee whose primary purpose is to operate video gambling terminals and in which alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises where such service of alcoholic liquor is subsidiary to the operation of the one or more video gambling terminals. In determining whether a liquor licensee's primary purpose is to operate video gambling terminals as a gaming hall, the liquor licensee's estimated net revenue derived from the operation of video gambling terminals on the premises must be 60% or more of the overall net revenue derived from the operation of such premises. Other considerations in determining whether Class G-2 license applicant's establishment constitutes a gaming hall include but are not limited to:

- A. a seating area for video gaming terminals being greater than the seating area where food and alcoholic liquor is served;
- B. the absence of a full-service kitchen on the establishment's premises; and
- C. an overall size of 1,500 square feet or less for the establishment.

For purposes of this Subsection q. of Section 3-41, fraternal establishments (fraternal organizations which derive their charter from a national fraternal organization and which conduct regular meetings) and veterans establishments (veteran organizations which derive their charter from a national veterans organization and which conduct regular meetings) shall be exempt.

(2) An applicant's premises for which application is made for a Class G-2 license shall be located a minimum of two hundred fifty (250) feet from any preexisting Day Care Facility, School, or place of worship as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.) and a minimum of one hundred (100) feet of any other liquor establishment having a valid Class G-1 or G-2 license. This provision shall not apply to any licensed establishment that had received a video gambling license issued under chapter 3.7 before the effective date of this ordinance.

(3) Conditions (1), (2), (3), (4), (5), (6), (8) and (9) of Subsection p. of this Section 3-41 pertaining to Class G-1 licenses shall be conditions for obtaining and maintaining a Class G-2 license.

(4) Within thirty (30) days from the end of any consecutive three-month period when a Class G-1 licensee receives 60% or more of its overall net revenue from the operation of video gambling terminals, the said G-1 licensee shall either (i) apply to the City for the issuance of a G-2 license; (ii) terminate its operation of video gambling terminals; or (iii) suspend or control its operation of video gambling terminals such that the overall net revenue derived therefrom shall be less than 60% of the G-1 licensee's overall net revenue.

(5) In the event that any G-1 licensee requests issuance of a Class G-2 license, such licensee shall be subject to the conditions contained in this Subsection q. of this Section 3-41 and any zoning or other City ordinances concerning the location and operation of gaming halls. Notwithstanding the foregoing, nothing herein shall be deemed to require the City to issue a Class G-2 license to any Class G-1 licensee that seeks to replace its Class G-1 license with a Class G-2. In the event that the City issues a Class G-2 license in place of a Class G-1 license, the Class G-1 license fee paid shall be prorated based on the number of days which have passed from the date when the Class G-1 license was issued to the date of substitution and said amount shall be applied toward the fees required to obtain the Class G-2 license.

(6) The issuance of any Class G-2 license shall be in addition to, and not in substitution of or alternate to, the issuance by the City of any other class of liquor license. The cancellation, suspension, or revocation of the Class G-2 licensee's other liquor license by the Illinois Liquor Control Commission or the city shall result in the automatic cancellation, suspension, or revocation of the Class G-2 license and the one or more city-issued video gambling terminal permits without refund of any portion of the Class G-2 license fee or the video gambling terminal permit fee.

Section 3.

Urbana City Code Chapter 3, "Alcoholic Liquors," Article III, "Retail License," Section 3-43, "Limitations on number issued," subsection 3-43(a), is hereby amended with the underlined text indicating new language as follows:

Sec. 3-43. - Limitations on number issued.

(a) The maximum number of liquor licenses authorized for the license classifications set forth below is as follows:

Classification	Number authorized
A	14
AA	2
AA-01	1
B	0
BB	3
BBB	6
BW	10
C	22
CA-1	1
CA-2	2
CG	1
D	0
<u>G-1</u>	<u>12</u>
<u>G-2</u>	<u>0</u>
HB	0

HL	0
N	1
R-1	9
R-2	12
URO	1

Section 4.

The finance director is hereby directed to issue a Class G liquor license for license year 2014 - 2015 to each liquor establishment that has a valid video gambling terminal license issued under Urbana City Code Chapter 3.7. The finance director shall also issue a video gambling permit for license year 2014 - 2015 for each video gambling terminal so licensed.

Section 5.

Urbana City Code Chapter 3.7, "Amusements," Article II, "Amusement Devices; Video Gambling Terminals; Gamerooms," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

ARTICLE II. - AMUSEMENT DEVICES; ~~VIDEO GAMBLING TERMINALS;~~ GAMEROOMS

Sec. 3.7-11. - Definitions.

As used in this article, the following words and phrases shall have the following meanings ascribed to them:

Amusement device shall mean and include any device for which a fee is charged for the purpose of entertainment or amusement which returns to the player or operator thereof no money or property or right to receive money or property, or any other such device which, upon insertion of a coin, slug or token in any slot or receptacle in or attached to such device, operates or is operated for use as entertainment or amusement, including, but not limited to, jukeboxes, motion or still picture viewers, pinball games, video games, air hockey games, electronic games, and any other such similar devices.

Gameroom shall mean and include any specific place or location owned or leased by any person who displays twenty (20) or more amusement devices as herein defined upon such premises.

~~Video gambling terminal shall have the same meaning as "video gaming terminal," as set forth in the Video Gaming Act, 230 ICS 40/1 et seq. as amended.~~

Sec. 3.7-12. - Imposition of tax and license.

~~(a)~~ There is hereby imposed, on the privilege of operating every amusement device or gameroom in the city, an annual privilege tax and license for each such amusement device or gameroom.

~~(b) There is hereby imposed, on the privilege of operating every video gambling terminal in the city, an annual privilege tax and license for each such video gambling terminal.~~

Sec. 3.7-13. - License required.

Any person who displays any amusement device ~~or video gambling terminal~~ to be played or operated by the public at any place owned or leased by any such person shall, before such person displays such device or terminal, file with the ~~comptroller finance director~~ of the city an application for a license for each such device or terminal or for a gameroom. ~~Any person who displays any video gambling terminal to be played or operated by the public shall as a prerequisite to receiving any license from the city have a valid license from the State of Illinois for each such terminal, and the loss or suspension of any such license by the State of Illinois shall automatically result in the same status for the license issued hereunder without refund of any license fee.~~

Sec. 3.7-15. - License application; issuance. ~~; limitations on video gambling terminals.~~

~~(a)~~ Any person desiring to display in the city any amusement device ~~or video gambling terminal~~ shall make application for the appropriate license to the ~~comptroller finance director~~. Each such application shall be accompanied by the required license tax and shall set forth such applicant's name and address, with a brief description of each amusement device ~~or video gambling terminal~~ to be displayed on the premises where such device ~~or terminal~~ will be located, together with such other relevant data or information as the ~~comptroller finance director~~ may require. ~~The applicant shall include a copy of the license from the State of Illinois for each video gaming terminal on the premises.~~ Upon receipt of the proper application and upon the payment of the tax and license as herein provided, the ~~comptroller finance director~~ shall issue the appropriate license for each such device, ~~terminal~~, or gameroom, which such license shall be issued for a period of one year from July first to June thirtieth in the ensuing year.

~~(b)~~ No more than five (5) video gambling terminals may be located on any licensed premises. No more than twelve (12) licensed premises may display video gambling terminals to be played or operated by the public. In the event that all licenses last granted by operation of this section for video gambling terminals at any of the twelve (12) licensed premises lapse or are terminated for any reason, the number of licensed premises authorized by the corporate authorities to display video gambling terminals to be played or operated by the public shall automatically and immediately be reduced by one. Prior to authorizing any new licensed premises to display video gaming terminals under this section, the city council shall convene and conduct a public hearing as necessary to gather additional information on the application or for other good reason.

Sec. 3.7-16. - Display of license; transfer.

(a) Amusement devices. ~~and video gambling terminals.~~ The license for each amusement device ~~or video gambling terminal~~ shall be in the form of a gummed sticker, which shall be serially numbered and shall be securely affixed in plain view to the device for which it is issued. An amusement device license may be transferred from one amusement device to another amusement device located on the same premises and owned by the same

applicant, provided that any and all such amusement devices so displayed at any one time on such premises shall be licensed as provided herein. ~~A video gambling terminal license is not transferable.~~

(b) *Gameroms.* A gameroom license shall be in such form as shall be determined from time-to-time by the ~~comptroller~~ finance director, and every such gameroom license shall be framed and hung in plain view in a conspicuous place on the licensed premises.

Sec. 3.7-18. - Illegal amusement devices ~~and video gambling terminals~~ prohibited; inspections.

No license shall be issued for any amusement device, ~~video gambling terminal~~, or gameroom which violates the laws of the state or the ordinances of the city. All amusement devices, ~~video gambling terminals~~, and gamerooms shall be available for inspection by the proper city authorities for the purpose of ascertaining and declaring whether such laws and ordinances are complied with.

~~Sec. 3.7-19. - Public notice.~~

~~Each licensee of a video gambling terminal license shall post a conspicuous sign visible to the public, not less than eight and one-half (8½) inches by eleven (11) inches in size, at the location of the video gambling terminal and inside each public restroom on the licensed premises, bearing the following text:~~

~~ARE YOU A PROBLEM GAMBLER? The American Psychiatric Association describes the symptoms of a problem gambler as someone who:~~

- ~~1. is preoccupied with gambling (e.g. preoccupied with reliving past gambling experiences, handicapping or planning the next venture, or thinking of ways to get money with which to gamble)~~
- ~~2. needs to gamble with increasing amounts of money in order to achieve the desired excitement~~
- ~~3. has repeated unsuccessful efforts to control, cut back, or stop gambling~~
- ~~4. is restless or irritable when attempting to cut down or stop gambling~~
- ~~5. gambles as a way of escaping from problems or of relieving a dysphoric mood (e.g. feelings of helplessness, guilt, anxiety, depression)~~
- ~~6. after losing money gambling, often returns another day to get even ("chasing" one's losses)~~
- ~~7. lies to family members, therapist, or others to conceal the extent of involvement with gambling~~
- ~~8. has committed illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling~~
- ~~9. has jeopardized or lost a significant relationship, job, or~~

~~educational or career opportunity because of gambling~~

~~10. relies on others to provide money to relieve a desperate financial situation caused by gambling~~

~~If this describes YOU, please call the Gamblers Anonymous Hotline at 1-800-GAMBLER.~~

Section 6.

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," Subsection (A), "Liquor Licenses," Part 1, "Alcoholic Liquor Licenses," is hereby amended by adding a new Subpart (w) thereto, with the underlined text indicating new language as follows:

(w) Class G-1 (video gambling)

- 1. License..... \$ 500.00
- 2. Permit for each video gambling terminal..... \$ 200.00

(X) Class G-2 (video gambling - gaming hall)

- 1. License.....\$ 500.00
- 2. Permit for each video gambling terminal.....\$ 200.00

Section 7.

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," Subsection (B), "General," Part 4, "Miscellaneous," Subpart (c), "Amusement devices," is hereby amended with the strikethrough text indicating deletions as follows:

(c) Amusement devices:

- 1. For each amusement device..... \$ 100.00
- 2. For game rooms\$1,400.00
(twenty (20) or more devices in the same location)
- ~~3. For each video gambling terminal\$ 200.00~~

Section 8.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 9.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or

affected by this Ordinance.

Section 10.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor