



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-024  
DATE OF PASSAGE April 14, 2020

An Ordinance Amending Chapter 8, Article 5 of the City of Aurora Code of Ordinances entitled "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, in furtherance of its home rule powers, it is necessary and desirable for the City of Aurora to amend its ordinances regarding Video Gaming to reflect the updated liquor license classifications in Chapter 6 of the City of Aurora Ordinances.

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

Section One: That Chapter 8 of the City of Aurora Code of Ordinances shall be and hereby is amended as set forth in Exhibit A:

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

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

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


ORDINANCE NO. 020-024

PASSED AND APPROVED ON April 14, 2020

AYES 12    NAYS 0    NOT VOTING 0    ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman 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 Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

DIVISION 5. - VIDEO GAMING

Sec. 8-130. - Video gaming license required.

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

(Ord. No. O12-068, § 4, 8-28-12; Ord. No. 018-026, 3-13-18; Ord. No. O19-046, (Exh. A), 7-9-19)

Sec. 8-131. - Licensee requirements.

- (a) ~~Effective March 31, 2018~~ Effective May 1, 2020, video gaming terminal licenses will only be issued to full-service restaurant licensed establishments holding a Class A, B, E, or E-1 liquor license and video gaming endorsement as described in Chapter 6. Any video gaming terminal license in effect at the time of adoption of this section shall be renewed yearly so long as the license is issued to the current owners. Any sale, transfer, or assignment of more than fifty (50) percent of the ownership of a business or partnership shall terminate said license. In the event that such license is held in the name of a corporation, the sale, transfer or assignment of fifty (50) percent of the stock shall terminate the license.
- (b) Liquor license must be in good standing with the City of Aurora and the State of Illinois.
- (c) An establishment must be in operation as a licensed liquor premise for no less than one hundred twenty (120) days prior to issuance of a video gaming terminal license.
- (d) Limitations on the issuance of video gaming terminal licenses:
1. The number of video gaming terminal licenses shall be limited to two hundred (200) video gaming terminals.
  2. ~~Effective March 31, 2018~~, no new video gaming terminal license location may be issued to any establishment that is less than two thousand six hundred forty (2,640) feet from another licensed establishment, measured from the property line and where there is an existing licensed video gaming terminal licensed in the same single shopping center, plaza or strip mall without the applicant obtaining approval by the local liquor control commissioner (liquor commissioner) for the issuance of said license as set forth herein. Current establishments located within two thousand six hundred forty (2,640) feet or within the same single shopping center, plaza or strip mall with a video gaming terminal license in effect at the time of adoption of this section shall be renewed yearly so long as the license is issued to the current owners. Any sale, transfer, or assignment of more than fifty (50) percent of the ownership of a business or partnership shall terminate said license. In the event that such license is held in the name of a corporation, the sale, transfer or assignment of fifty percent (50) of the stock shall terminate the license.
    - (A) The liquor commissioner may grant a reduction of the distance requirement set forth in paragraph (2) of this section based on the finding of an administrative hearing officer that such a reduction would not detrimentally impact the existing video gaming licensee or the surrounding community. If the liquor commissioner grants a reduction, the applicant must still comply with all other application requirements associated with the issuance of a video gaming terminal license.
      - (1) The hearing officer shall consider the following factors in reviewing a request for a distance reduction:
        - a. The type of activity to be conducted at the establishment and the days and times during which such activity will take place;

- b. The size of the applicant's business and the size of the existing video gaming licensee's business;
  - c. A report from the police regarding the location, as well as the history of activity conducted at or in conjunction with the premises and any associated infractions or violations of the municipal code;
  - d. The relevant geography, and location of the applicant's business; and
  - e. The extent to which the video gaming constitutes a significant focus of the applicant's business; and
  - f. The legal nature and history of the applicant.
- (2) Applications for a reduction of the distance requirement shall submit their application to an administrative hearing officer, and shall bear all costs associated with the hearing officer's review.
- 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 as 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 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.

(Ord. No. O18-026, 3-13-18; Ord. No. O19-046, (Exh. A), 7-9-19)

Sec. 8-132. - Application and issuance.

- (a) Each video gaming terminal license application for an initial license at a premises shall 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.
  - (2) Proof of liability insurance on each video gaming terminal placed in a licensed video gaming location in an amount set by the state gaming board.

- (b) The local liquor control commissioner shall have jurisdiction, subject to the jurisdiction of the state gaming board, to adopt rules for the purpose of administering the provisions of this article and to prescribe rules, regulations, and conditions under which all video gaming in the city shall be conducted. Such rules and regulation are to provide for the prevention of practices detrimental to the public interest and for the best interests of video gaming, including rules and regulations regarding the inspection of such establishments and the review of any permits or licenses necessary to operate an establishment under any laws or regulation applicable to establishments and to impose penalties for violations of this article.

(Ord. No. O18-026, 3-13-18; Ord. No. O19-046, (Exh. A), 7-9-19)

Sec. 8-133. - Fees.

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

(Ord. No. O18-026, 3-13-18; Ord. No. O19-046, (Exh. A), 7-9-19)

Sec. 8-134. - Renewal.

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

(Ord. No. O12-068, § 4, 8-28-12; Ord. No. O18-026, 3-13-18; Ord. No. O19-046, (Exh. A), 7-9-19)

Sec. 8-135. - Reserved.