

AN ORDINANCE AMENDING CHAPTER 136 OF THE CODE OF ORDINANCES OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, ENTITLED "GAMBLING OFFENSES," BY EXEMPTING PREVIOUS GAMING LOCATIONS FROM WAITING PERIODS FOR LICENSING

WHEREAS, the City Code of Ordinances at Chapters 136.50 and 136.51 provides for regulation of Licensed Video Gaming; and

WHEREAS, The City of Washington seeks to minimize negative impact to property values while enacting appropriate gaming controls, and

WHEREAS, The City of Washington recognizes that substantial monies flow from the residents and visitors of the City through gaming, and

WHEREAS, it is deemed to be in the best interest of the residents of the City that Chapter 136.51 be revised to limit the waiting period for licensure of a previous gaming location.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, an Illinois home rule municipality, as follows:

Section 1. That § 136.51 detailing Requirements for Video Gaming Establishment License and Terminal Permit Stickers be deleted in its entirety and the following inserted in lieu thereof as said sections:

§ 136.51 REQUIREMENTS FOR VIDEO GAMING ESTABLISHMENT LICENSE AND TERMINAL PERMIT STICKERS

Subject to the limitations and restrictions set forth in this chapter, and all other lawful limitations and restrictions, the Mayor of the city, or anyone designated by him may, from time to time, grant a Video Gaming Establishment License and Terminal Permit Sticker(s) to any licensed establishment within the city, subject to the following requirements;

- (A) For a new licensed establishment applicant, each of the two years prior to applying for a license to operate video gaming terminals, the applicant's establishment in which the applicant is seeking approval to operate video gaming terminals must show it has generated at least 80 percent of its revenue from the retail sale of food or beverages, except when the application is for a location that

housed a licensed establishment after October 2, 2017, and remained vacant after housing such establishment, then the waiting period shall be reduced to 1 year;

- (B) For an applicant who has been previously issued a licensed establishment license under this article, the applicant's establishment must show at a minimum, 60 percent of total revenue annually from the retail sale of food or beverages;
- (C) Each licensed establishment applicant must provide the city with a report or reports showing its gross annual sales totals and categories, including food and beverage sales. Any applicant who shall not include this report or reports shall be ineligible for a Video Gaming Establishment license;
- (D) Each applicant's licensed establishment or licensed truck stop establishment must maintain customer seating outside the gaming area but within the premises at a rate of 10 seats for each permitted video gaming terminal and for each square foot of floor space in the gaming area, the licensed establishment or licensed truck stop establishment must maintain 5 square feet of general use customer-accessible area outside the gaming area;
- (E) Each licensed truck stop establishment applicant, must provide the city with an estimated future retail sales or past retail sales average of at least 10,000 gallons of diesel or biodiesel fuel per month. Any applicant who shall not include this report or reports shall be ineligible for a Video Gaming Establishment license. Upon issuance of a licensed truck stop establishment license, the establishment must submit monthly diesel fuels sales reports to the City;
- (F) There shall be no more than ten (10) Video Gaming Establishment Licenses in the City in force at any one time;
- (G) There shall be no more than fifty-four (54) Video Gaming Terminal Permit Stickers in the City in force at any one time;
- (H) The licensed establishment must operate continually with a bona fide full bar;
- (I) For an applicant who has been issued a Video Gaming Establishment license under § 136.50 prior to the establishment of this ordinance, the requirements (A)-(D) of this §136.51 shall have no effect;
- (J) For an applicant who has purchased an establishment subject to subsection (I) of this §136.51 and which becomes an operating licensed establishment and which obtains a City Video Gaming Establishment license within 1 year of that purchase, subsection (A) of this §136.51 shall have no effect, but said establishment must show continual compliance with subsection (B) quarterly during its first year of operation and annually thereafter as required by this Chapter, as amended from time to time;
- (L) For an applicant who has continuously held a City of Washington Class E liquor license issued prior to the establishment of this ordinance, the requirements (A)-

(D) of this §136.51 shall have no effect
(Am. Ord. 3247, passed 10-2-17; Am. Ord. 3317, passed 4-15-19;
Am. Ord. 3341, passed 9-3-19; Am. Ord. 3386, passed 6-1-20)

Section 2. That all ordinances, or parts thereof, in conflict herewith are hereby expressly repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2021.

AYES _____

NAYS _____

Mayor

ATTEST:

City Clerk