

An Ordinance of the City Council of Jonesboro, Illinois,
Repealing Section 20-3-17 of the Revised Code of Ordinances
of the City of Jonesboro, and Permitting Limited Video
Gaming in the City of Jonesboro, Illinois

Passed and Approved
July 6, 2015

ORDINANCE NO. 2015 - 05

CITY OF JONESBORO, ILLINOIS
A Municipal Corporation

ORDINANCE NO. 2015 - 05

VIDEO GAMING ACT ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JONESBORO,
ILLINOIS, REPEALING THE GAMBLING PROHIBITION
AND PROVIDING FOR VIDEO GAMING IN THE CITY OF JONESBORO**

THAT WHEREAS, the City of Jonesboro has for many years, prohibited the location, placement, operation or maintenance of gambling devices or instruments pursuant to Section 20-3-17 of the Jonesboro Revised Code of Ordinances; and

WHEREAS, the Illinois Video Gaming Act (230 ILCS 40 et al), enacted on July 13, 2009, legalized the use of video game terminals in specific locations within the State of Illinois; and

WHEREAS, 65 ILCS 5/11-55.1 authorizes Illinois municipalities to regulate and control coin-operated amusement devices; and

WHEREAS, the Illinois Liquor Control Act and the Jonesboro Revised Code of Ordinances permit the City of Jonesboro to license and regulate establishments that sell and dispense alcoholic liquor and/or beverages; and

WHEREAS, after considerable study and discussion, the Mayor and City Council now desire to repeal said gambling prohibition in the City of Jonesboro and permit video gaming in the City, subject to the terms and conditions of this Ordinance and the laws of the State of Illinois.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE

CITY OF JONESBORO, ILLINOIS, AS FOLLOWS:

SECTION 1 - DEFINITIONS

“VIDEO GAMING ACT” means the Illinois Video Gaming Act (230 ILCS 40 et al).
 “VIDEO GAMING TERMINAL” means 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, as authorized by the Illinois Gaming Board, 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 which is for amusement purposes only (230 ILCS 40/78(a)).

SECTION 2 - CONFLICT OF LAWS

In the case of any conflict or inconsistency between this Ordinance and the

Illinois Video Gaming Act, the Video Gaming Act shall control.

SECTION 3 - JURISDICTION

The Illinois Video Gaming Board shall have jurisdiction over and shall supervise

all gaming operations governed by the Illinois Video Gaming Act (230 ILCS 40/78(a)).

SECTION 4 - PLACEMENT/LOCATION OF VIDEO GAMING TERMINALS

Video Gaming Terminals may only be placed in retail establishments licensed

by the State of Illinois and the City of Jonesboro where alcoholic liquor is drawn,

poured, mixed or otherwise served for consumption on the premises.

SECTION 5 - RESTRICTIONS ON OPERATION

(a) **LOCATION RESTRICTIONS** - Video Gaming Terminals shall not be operated within the City on any premises that are:

(1) located within 1,000 feet of a Horse Racing or Riverboat Gambling Facility, or

(2) located in the City within 100 feet of a school or place of worship.

These distances shall be determined by measuring the distance from a proposed or existing Licensed Video Gaming location to a pre-existing facility by drawing a straight line between the closest point of any building used for the proposed or existing licensed Video Gaming location, and the closest part of any building used for the facility. When located within a

- subsection of property (e.g., a tenant in a Shopping Center or Commercial Condominium, the measurement shall be taken from the boundaries of the establishment's leased building premises.
- (b) NUMBER OF LOCATIONS WITHIN THE CITY LIMITS - Not more than those licensees/locations within the City limits who hold a Class A Liquor License shall be permitted to have Video Gaming terminals in operation.
- (c) NUMBER OF MACHINES - There may not be more than five (5) Video Gaming machines on any licensed premises.
- (d) LOCATION OF MACHINES - Video Gaming terminals must only be located in an area that is restricted to persons over 21 years of age. The entrance to that area must be within view of at least one (1) employee.
- (e) AGE RESTRICTIONS - No licensee may cause or permit any person under the age of twenty-one (21) years to use or play a Video Gaming terminal.
- (f) LIQUOR LICENSE REQUIREMENT - Each establishment where Video Gaming machines are to be located must possess a valid liquor license issued by the Illinois Liquor Commission and the City of Jonesboro.
- (g) HOURS OF OPERATION - Those premises that are license establishments may operate Video Gaming terminals only during the hours of operation for the consumption of alcohol on that/those premises.
- (h) LICENSES ISSUED TO CORPORATE ENTITIES OR LICENSEES WHO RESIDE OUTSIDE THE MUNICIPAL LIMITS - Video Gaming Licensees whose liquor license is issued to a corporate entity or a person who resides outside the City of Jonesboro shall employ a Resident Manager who shall be a resident of the City of Jonesboro and be present in supervising/managing the business establishment at least fifty percent (50%) of the hours during which said operation is open for business, with a log to be maintained by the Licensee, subject to inspection by the City, verifying said hours of active management and supervision by the Resident Manager.
- (i) ADDITIONAL REGULATIONS - The operation of Video Gaming terminals in the City of Jonesboro shall, at all times, also be subject to the conditions, rules and regulations found in the Illinois Video Gaming Act, and any and all subsequent amendments thereto, as well as any and all rules adopted by the Illinois Gaming Board, as found at 11 Ill. Adm. Code 1800 et al.

- (1) The owner of a Video Gaming terminal shall obtain a license from the City of Jonesboro for each device.
 - (2) It shall be unlawful for any person to install, keep, maintain, use or permit the installation, keeping, maintenance or use upon his/her premises of any Video Gaming terminal unless a valid license issued pursuant to this Ordinance for the Video Gaming terminal is in effect.
 - (3) It shall be unlawful for any person to deliver Video Gaming terminals within the City for use by any other person or entity for gain or profit from the operation thereof unless a license therefor has been issued by the City and the license fee has been paid for the current year.
 - (4) Applications for the license required by this Ordinance shall be filed with the City Clerk and shall contain the following information:
 - (a) The name, address, age and date of birth of the owner of the Video Gaming terminal and of the owner of the establishment/business where the Video Gaming terminal shall be located;
 - (b) Any prior convictions of the owner of the Video Gaming terminal and/or of the owner of the establishment/business where said terminal(s) is located, if any;
 - (c) The place where the Video Gaming terminal is to be displayed or operated and the business conducted at that place/location;
 - (d) A description of the Video Gaming terminal to be covered by the license;
 - (e) Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the Video Gaming terminal and the owner of the establishment where located; and
- (a) LICENSE REQUIREMENTS:

SECTION 7 - CITY LICENSES

all other applicable laws, rules, regulations, and Ordinances.

All establishments shall comply with the Illinois Video Gaming Act, together will

SECTION 6 - LEGAL COMPLIANCE

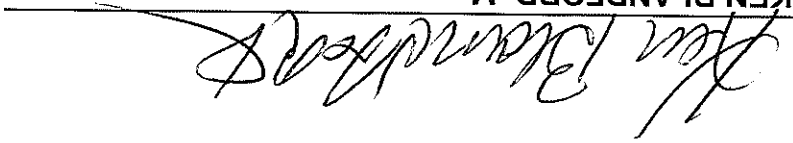
Section 20-3-17 of the Revised Code of Ordinances of the City of Jonesboro is hereby repealed with respect to Video Gaming as provided for in this Ordinance, with said Section to remain in full force and effect with respect to any other types of gambling which are prohibited pursuant to said Ordinance, excepting the operation of the Illinois Lottery, as provided for and regulated by the laws of the State of Illinois. All

SECTION 9 - REPEAL

amended, for General Code penalties.
forth in Chapter 20 of the City of Jonesboro's Revised Code of Ordinances, as
Any and all penalties to be imposed for any violations herein shall be as set

SECTION 8 - PENALTY

- (e) REVOCATION - The Mayor may, at any time, notify any licensee under this Ordinance within FIVE (5) business days of any allegation or charge of a violation of any of the provisions of this Article in connection with the operation of any Video Gaming terminal. A hearing shall be provided and presided over by the Mayor, who may order the revocation of the license upon a finding that a violation or violations has/have occurred, and the license shall be terminated. The licensee may appeal any revocation of any license as otherwise provided in the Revised Code of Ordinances of the City of Jonesboro.
- (d) DISPLAY - The license required by this Ordinance shall be prominently displayed next to the Video Gaming terminal.
- (c) EXPIRATION - Any and all licenses issued pursuant to this Ordinance shall expire and terminate at the end of the City's calendar year.
- (b) ANNUAL FEES - The annual fee for the license to be paid to the City which is required by this Ordinance shall be \$ 25.00 per machine.
- (f) If the applicant is a corporation or a non-resident of the City of Jonesboro, the name, address and telephone number of that person who will be the Resident Manager of the business and/or establishment where Video Gaming Terminals will be located.


KEN BLANDFORD, Mayor

PASSED and ADOPTED: June 15, 2015.

before the City Council for a vote.

Council who are present and voting on the issue, properly presented and brought effect thereafter unless renewed and passed by a majority vote of the Jonesboro City the City of Jonesboro, Illinois, with the same to automatically expire and no longer be in the establishment of the first Licensee to qualify and receive a license hereunder from a period of ONE (1) YEAR after Video Gaming terminals are installed and operational in This Ordinance shall be effective upon its passage and shall remain in effect for

SECTION 11 - EFFECTIVE DATE; SUNSET PROVISION

Ordinance.

competent jurisdiction, such partial invalidity shall not affect the remainder of this If any part or portion of this Ordinance shall be declared invalid by a Court of

SECTION 10 - PARTIAL INVALIDITY

of inconsistency.

the provisions of this Ordinance are hereby repealed to the extent of any such conflict

other Ordinances or parts of Ordinances which are in conflict or inconsistent with

FILED FOR RECORD ON July 7, 2015.

BARBARA CASPER, City Clerk

Barbara Casper



(Corporate Seal)

ATTEST:

ALDERMAN WATKINS

ALDERMAN STEELE

ALDERMAN WEISENHEIMER

ALDERMAN HUNTER

ALDERMAN HILMAN

ALDERMAN ABERNATHY

RECORD OF VOTE:

YEA

NAY

Absent

**CERTIFICATE OF MEMORANDUM
OF PASSAGE OF ORDINANCE**

I, BARBARA CASPER, City Clerk of the City of Jonesboro, a Municipal Corporation, located in Union County, Illinois, hereby certify that the foregoing Ordinance constitutes a full, true and complete copy of Ordinance No. 2015-05, as passed and adopted by the City Council of the City of Jonesboro, Illinois, on July 6, 2015.

Given under my hand and seal of the Municipal Corporation on

July 7, 2015.

BARBARA CASPER, City Clerk

Barbara Casper

