

ORDINANCE NO. 22-4

**AN ORDINANCE PERTAINING TO THE REGULATION OF VIDEO GAMING
FOR THE VILLAGE OF HAMPTON, ROCK ISLAND COUNTY, STATE OF ILLINOIS**

WHEREAS, the Village of Hampton, Rock Island County, Illinois, is a non-home rule unit of government; and

WHEREAS, the Illinois Video Gaming Act (“VGA”), 230 ILCS 40/1, *et seq.*, regulates the operation, licensing, and administration of video gaming; and

WHEREAS, Section 27 of the VGA authorizes the Village of Hampton to prohibit video gaming within the corporate limits of the Village of Hampton and implied within such authorization is the authority to limit, license and regulate video gaming within the corporate limits of the Village of Hampton;

WHEREAS, the Village of Hampton is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require;

WHEREAS, the Village of Hampton is authorized by Section 11-5-1 of the Illinois Municipal Code (65 ILCS 5/11-5-1) to suppress gaming and gambling houses; and

WHEREAS, the corporate authorities of the Village of Hampton have determined that it is advisable, necessary and in the best interest of the Village of Hampton to regulate, consistent with the VGA, the location and operation of video gaming terminals within the Village of Hampton;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

ARTICLE 1

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

ARTICLE 2

Title 3 “Business Regulations” Article 1 “Licensing” in the Village is hereby amended.

ARTICLE 3

Title 3 “Business Regulations” Article 1, Chapter 8 entitled “VIDEO GAMING” is hereby adopted.

SECTION 1: APPLICABILITY OF PROVISIONS

The provisions of this chapter, except as otherwise provided, shall apply to all video gaming as hereinafter defined, whether specifically licensed or regulated under other provisions of this code or other ordinances, or not.

SECTION 2: LICENSE

A. No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal, as defined herein, at any premises within the Village without first having obtained a video gaming license from the Village. The license provided for in this Article shall permit a licensee to operate video gaming terminals at the specified establishment.

B. No applicant, including any person, either as owner, lessee, manager, officer or agent, shall be eligible for a video gaming license from the Village, nor shall an existing license holder be entitled to maintain a video gaming license, unless each of the following requirements are met and continue to be met:

- 1) The applicant holds the appropriate certificate or license from the State of Illinois permitting video gaming and is in good standing with same;
- 2) The establishment must maintain customer seating outside of the gaming area but within the premises at a ratio of at least five seats for each permitted video gaming terminal;
- 3) The applicant is not in arrears in any tax, fee or bill due to the Village or State of Illinois;
- 4) The applicant has completed and complies with all the application requirements set forth in Section 4 of this Article and is not disqualified due to a felony, gambling offense, or crime of moral turpitude; and

C. The President shall be the approving authority for all licenses. In the event a licensee or prospective licensee disagrees with any action taken by the President, an appeal may be made directly to the President and Board of Trustees of the Village at its next regularly scheduled meeting after written notice of the action from which an appeal is made.

SECTION 3: LICENSE APPLICATION REQUIREMENTS

The license applicant shall provide the following information to the Village on a form provided by the Village:

- A. The legal name of the establishment;
- B. The business name of the establishment;

- C. The address of the establishment where the video gaming terminals are to be located;
- D. A phone number for the establishment;
- E. An e-mail address for the establishment;
- F. The name and address of every person owning more than a 5% share of the establishment;
- G. The name, address, phone number and e-mail address of any terminal operator or distributor proposed to own, service or maintain video gaming terminals at the establishment;
- H. A copy of the establishment's State of Illinois video gaming license;

SECTION 4: APPLICATION FILING; RENEWALS

- A. Applications shall be processed by the Village Clerk.
- B. Every video gaming license holder shall be required to file a renewal application, which may contain the same or similar information as set forth in Section 4. Renewal applications shall be due on or before June 1st unless that day falls on a holiday, in which case the application may be received by the Clerk on the following business day.

SECTION 6: LICENSE FEES

The fee for operation of a video gaming terminal shall be \$250.00 per terminal annually.

Said fees are not subject to proration or refund and are due prior to issuance of the license.

All licenses required by this division shall be prominently displayed next to the video gaming terminal.

SECTION 5: LICENSE REVOCATION OR SUSPENSION

The President, at any time, may notify any licensee under this division within five (5) business days of any charge of a violation of any of the provisions of this Article in connection with the operation of any video gaming terminal. After a hearing presided over by the Mayor, the Mayor may order the revocation of the license upon a finding that the violation has occurred, and the license shall thereupon be terminated. The licensee may appeal the revocation as prescribed in Section 3(F).

In the event of the revocation or denial of any license or registration under this Section, such person shall not be issued any license provided for in this Article for one calendar year following the revocation or any appeal thereof.

ARTICLE 4

REPEAL OF CONFLICTING PROVISIONS. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

ARTICLE 5

SEVERABILITY. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

ARTICLE 6

EFFECTIVE DATE. The clerk is directed by the corporate authorities to publish this Ordinance. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.


PASSED THIS 9th day of May, 20 22.

	AYE	NAY	ABSENT
Adams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gonzalez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
King	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McKay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schneckloth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS 9th day of May, 20 22.



Christopher Bornhoeft
President of the Village of Hampton

ATTEST:

Michelle Reyes
Clerk of the Village of Hampton