

1 **Sec 8-131 Licensee Requirements**

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

8 a. Effective May 1, 2020, video gaming terminal licenses will
9 only be issued to full-service restaurant establishments
10 holding a liquor license and video gaming endorsement as
11 described in Chapter 6, Sec 6-2 Definitions. Any video gaming
12 terminal license in effect at the time of adoption of this
13 section shall be renewed yearly so long as the licensed
14 business does not change ownership. Any sale, transfer, or
15 assignment of more than fifty (50) percent of the ownership
16 of a business or partnership shall terminate said license. In
17 the event that such license is held in the name of a
18 corporation, the sale, transfer or assignment of fifty (50)
19 percent of the stock shall terminate the license.

20 b. Liquor license must be in good standing with the City of
21 Aurora and the State of Illinois.

22 c. An establishment must be in operation as a liquor licensed
23 business for no less than one hundred twenty (120) days prior
24 to issuance of a video gaming terminal license. Applications

1 for a video gaming terminal license may be submitted prior to
2 the expiration of one hundred twenty (120) days, however,
3 final review of the application will only occur after the
4 required waiting period.

5 d. Limitations on the issuance of video gaming terminal licenses:

6 1. The number of video gaming terminal licenses shall be
7 limited to two hundred and forty (240) video gaming
8 terminals.

9 2. No new video gaming terminal licenses may be issued to
10 any establishment that is less than two thousand six
11 hundred forty (2,640) feet from another licensed
12 establishment, measured from property line to property
13 line and where there is an existing licensed video gaming
14 terminal licensed in the same single shopping center,
15 plaza or strip mall without the applicant obtaining
16 approval by the local liquor control commissioner
17 (liquor commissioner) for the issuance of said license
18 as set forth herein. Current establishments located
19 within two thousand six hundred forty (2,640) feet or
20 within the same single shopping center, plaza or strip
21 mall with a video gaming terminal license in effect at
22 the time of adoption of this section shall be renewed
23 yearly so long as the licensed business does not change
24 ownership. Any sale, transfer, or assignment of more

1 than fifty (50) percent of the ownership of a business
2 or partnership shall terminate said license. In the
3 event that such license is held in the name of a
4 corporation, the sale, transfer or assignment of fifty
5 percent (50) of the stock shall terminate the license.

6 1. The liquor commissioner may grant a reduction of
7 the distance requirement set forth in paragraph
8 (d)(3) of this section based on the finding of an
9 administrative hearing officer that such a
10 reduction would not detrimentally impact the
11 existing video gaming licensee or the surrounding
12 community. If the liquor commissioner grants a
13 reduction, the applicant must still comply with all
14 other application requirements associated with the
15 issuance of a video gaming terminal license.

16 1. The hearing officer shall consider the
17 following factors in reviewing a request for
18 a distance reduction:

19 1. The type of activity to be conducted at
20 the establishment and the days and times
21 during which such activity will take
22 place;

23 2. The size of the applicant's business and
24 the size of the existing video gaming

- licensee's business located within 2640
ft of the applicant business;
3. 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;
4. The relevant geography, and location of
the applicant's business;
5. Testimony from the existing video gaming
licensee(s) located within two thousand
six hundred forty (2640) ft of the
applicant business, if they choose; and
6. The extent to which the video gaming
constitutes a significant focus of the
applicant's business; and
7. The legal nature and history of the
applicant.
2. Applicants for a reduction of the distance
requirement shall submit their application to
the city clerk's office, and shall bear all
costs associated with the hearing officer's
review and court reporter fees for said review.

1 All such costs shall be paid by the applicant
2 prior to the issuance of a license, if
3 approved.

4 3. Prohibited in new establishments located
5 within the downtown and downtown fringe as
6 defined in the zoning ordinance.

7 4. Must not be permitted at establishments
8 located within one thousand (1,000) feet of a
9 casino.

10 5. A licensed video gaming location in the city
11 may operate up to six (6) gaming terminals on
12 its premise at any time.

13 e. Every licensee shall strictly comply with all of the
14 conditions, rules and regulations imposed by the state, and
15 by the city, and specifically shall comply with the following:

16 1. Each and every video gaming terminal shall be licensed
17 by the state before placement or operation, and the
18 license for each and every terminal shall be posted at
19 the licensed premises where the video gaming terminal is
20 operated.

21 2. No video gaming terminal may be played except during the
22 legal hours of operation allowed for the consumption of
23 alcoholic beverages at the licensed establishment.

1 3. No licensee shall cause or permit any person under the
2 age of twenty-one (21) years to use or play a video
3 gaming terminal.

4 4. Video gaming terminals located within any licensed
5 establishment must be within an area of the
6 establishment that is restricted to persons twenty-one
7 (21) years of age and over, the entrance to which
8 restricted area is within the view at all times of at
9 least one (1) employee of said establishment, which
10 employee must likewise be twenty-one (21) years of age
11 or over.

12 (Ord. No. 018-026, 3-13-18; Ord. No. 019-046, (Exh. A), 7-9-19;
13 Ord. No. 020-024, § 1 (Exh. A), 4-14-20)