## 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
- described in Chapter 6, Sec 6-2 Definitions. Any video gaming
- 12 terminal license in effect at the time of adoption of this
- section shall be renewed yearly so long as the licensed
- business does not change ownership. Any sale, transfer, or
- assignment of more than fifty (50) percent of the ownership
- 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.
- c. An establishment must be in operation as a liquor licensed
- business for no less than one hundred twenty (120) days prior
- 24 to issuance of a video gaming terminal license. Applications

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- for a video gaming terminal license may be submitted prior to
  the expiration of one hundred twenty (120) days, however,
  final review of the application will only occur after the
  required waiting period.
- 5 d. Limitations on the issuance of video gaming terminal licenses:
  - 1. The number of video gaming terminal licenses shall be limited to two hundred and forty (240) video gaming terminals.
  - 2. No new video gaming terminal licenses may be issued to any establishment that is less than two thousand six hundred forty (2,640) feet from another licensed establishment, measured from property line to 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 licensed business does not change ownership. 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.

- 1. The liquor commissioner may grant a reduction of the distance requirement set forth in paragraph (d)(3) 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:
    - 1. The type of activity to be conducted at the establishment and the days and times during which such activity will take place;
    - 2. The size of the applicant's business and the size of the existing video gaming

1	licensee's business located within 2640
2	ft of the applicant business;
3	3. A report from the police regarding the
4	location, as well as the history of
5	activity conducted at or in conjunction
6	with the premises and any associated
7	infractions or violations of the
8	municipal code;
9	4. The relevant geography, and location of
10	the applicant's business;
11	5. Testimony from the existing video gaming
12	licensee(s) located within two thousand
13	six hundred forty (2640) ft of the
14	applicant business, if they choose; and
15	6. The extent to which the video gaming
16	constitutes a significant focus of the
17	applicant's business; and
18	7. The legal nature and history of the
19	applicant.
20	2. Applicants for a reduction of the distance
21	requirement shall submit their application to
22	the city clerk's office, and shall bear all
23	costs associated with the hearing officer's
24	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. 3. Prohibited in new establishments located 4 within the downtown and downtown fringe as 5 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. 5. A licensed video gaming location in the city 10 may operate up to six (6) gaming terminals on 11 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 by the city, and specifically shall comply with the following: 15 1. Each and every video gaming terminal shall be licensed 16 17 by the state before placement or operation, and the license for each and every terminal shall be posted at 18 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 alcoholic beverages at the licensed establishment. 23

- 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 4 5 establishment must be within an area of 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)

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