

CITY OF LE ROY  
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 22-03-01-50

AN ORDINANCE AMENDING THE CITY CODE – VIDEO GAMING

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS  
7<sup>th</sup> Day of March, 2022

PRESENTED:           **March 7, 2022**  
PASSED:              **March 7, 2022**  
APPROVED:           **March 7, 2022**  
RECORDED:           **March 7, 2022**  
PUBLISHED:           **March 7, 2022**

In Pamphlet Form

Voting “Aye” 7  
Voting “Nay” 0

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The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



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Anita Corso  
Acting City Clerk of the City of  
Le Roy, McLean County, Illinois

Dated: **March 7, 2022**

**ORDINANCE NO. 22-03-01-50**

**AN ORDINANCE AMENDING THE CITY CODE -  
VIDEO GAMING**

**WHEREAS**, the City of Le Roy has authority, pursuant to the Illinois law, to impose license fees on operators of video gaming terminals; and

**WHEREAS**, the State of Illinois recently increased the license fee that may be imposed by municipalities from \$25.00 per year to \$50.00 per terminal in year 2022 and \$100 per terminal in year 2023; and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the citizens of the City of Le Roy to amend the City Code by increasing the fees charged for video gaming terminals within the City of Le Roy and imposing a fee for video gaming establishments.

**NOW THEREFORE, BE IT ORDAINED** by the City Council for the City of Le Roy, McLean County, Illinois, as follows:

**Section 1.** That a new Chapter 3-11 of Title 3 of the Le Roy City Code be and same is hereby adopted to read as follows:

**Section 3-11-1. Video Gaming**

(a) The definitions of the Video Gaming Act, 230 ILCS 40/1 et seq., are incorporated and adopted into this section by reference.

(b) The following activities or forms of gambling are allowed provided all applicable licenses are obtained: (i) the keeping, possession, ownership, use or playing of a video gaming terminal in a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment, which is licensed by the Board to conduct or allow such specific activities under the Video Gaming Act, 230 ILCS 40/1 et seq.

(c) 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 Le Roy without first having obtained a video gaming license from Le Roy. The license provided for in this Article shall permit a licensee to

operate video gaming terminals at the specified establishment.

**(d) The annual license fee for each video gaming terminal shall be Fifty Dollars (\$50.00) for all licensed establishments for the year 2022 and; the annual license fee for each video gaming terminal shall be One Hundred dollars (\$100.00) for all licensed establishments for the year 2023.**

(e) The annual license fee for each video gaming terminal shall be valid from May 1 through April 30<sup>th</sup> of each year. No refund or proration of license fee shall be made for any portion of the year.

(f) The loss or suspension of the State video gaming terminal license will automatically result in the loss or suspension of the city video gaming terminal license without any fee refund.

(g) Pursuant to the Video Gaming Act the cost of any fee imposed under this ordinance shall be shared equally between the terminal operator and the applicable license establishment.

### **Section 3-11-2. Video Gaming License Application.**

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

- 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. The type of establishment, including whether it is classified as a veteran, fraternal, regular truck stop, large truck stop or liquor establishment and supporting documentation demonstrating the classification;
- E. A floor plan, drawn to scale using a computer, detailing the overall layout of the establishment, including the location and count of dining seating, the location and count of video gaming terminals and seating for said terminals, and other significant features of the establishment, including exit locations, restrooms and other equipment. A high-resolution electronic copy of the floor plan as well as a paper printed copy (no smaller than 11 inches by 17 inches) shall be submitted at the time of application; hand-drawn floor plans and floor plans not including a scale will not be accepted;
- F. The amount of time the establishment has been in business under the ownership of the applicant at the location where video gaming is proposed to take place;

- G. The business office address of the establishment if different from the address of the establishment;
- H. In the case of a corporation, limited liability company or trust, the name and address of an agent authorized and designated to accept service on behalf of the licensee;
- I. A phone number for the establishment;
- J. An e-mail address for the establishment;
- K. The name and address of every person owning more than a 5% share of the establishment;
- L. 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;
- M. A copy of the establishment's State of Illinois video gaming license;
- N. In the case of a corporation, limited liability company or partnership, a copy of the establishment's state certificate of good standing;
- O. A statement as to the number of video gaming terminals which the establishment proposes to have on its premises;
- P. A statement that the establishment is not in arrears in any tax, fee or bill due to the city of Le Roy or State of Illinois;
- Q. A statement that the establishment agrees to abide by all state and federal laws and any local ordinance;
- R. A statement that no manager or owner with more than 5% interest in the establishment has ever been convicted of a felony, a gambling offense or a crime of moral turpitude. In the event that an establishment cannot provide such statement, the establishment may apply for a certificate of rehabilitation from the mayor indicating that the individual who would disqualify the establishment from obtaining the video gaming license has been rehabilitated and is no longer a threat to violate the law. The mayor may consider the nature of the offense, the length of time since the offense, the length of time since release from custody and other factors to determine if the individual has been rehabilitated such that he or she is no longer likely to commit another offense;
- S. If the application is for a new establishment based on the business model of another existing location, information regarding the existing business location must be provided, including the type of business, the gross receipts as compared to any video gaming revenue for the prior 12-month period, proof of the length of time the existing

business has been operational and proof of ownership verifying the applicant's ownership rights;

- T. For renewal applications, a report or reports showing its gross annual revenue for the previous calendar year by category of revenue generated and showing the percentage of gaming revenue payable to the establishment as compared to the total gross revenues of the establishment.
- U. Every video gaming license holder shall be required to file a renewal application, which may contain the same or similar information as set forth above. Renewal applications shall be due on or before February 28 unless that day falls on a holiday, in which case the application may be received by the Clerk on the following business day.

### **Section 3-11-3. Issuance of License**

The city clerk shall issue a video gaming terminal license upon payment of the applicable license fees, compliance with the provisions of this ordinance and other applicable city codes, and proof of required licenses issued by the state of Illinois for such establishment and operator.

### **Section 3-11-4. License Suspension or Revocation.**

The Mayor, at any time, may notify any licensee under this Article within five (5) business days of any charge of a violation of any of the provisions of this Article or any local ordinance or state or federal law in connection with the operation of any video gaming terminal. After a hearing presided over by the Mayor, the Mayor may order the suspension or 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 to the City Council within 10 days of the decision by the mayor.

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.

**Section 2. Recitals.** The foregoing Recitals are incorporated herein and form a part of this Ordinance.

**Section 3. Publication.** The City Clerk be and is hereby authorized and directed to publish this Ordinance in pamphlet form as provided by law.

**PASSED** by the City Council of the City of Le Roy, Illinois, upon the motion made by Kyle Merkle, and seconded by Sarah Welte by roll call vote on the 7<sup>th</sup> day of March, 2022 as follows

Aldermen elected 8

Aldermen Present 7

Voting Aye: Dawn Hanafin, Justin Morfey, Kyle Merkle, Patrica Welandar, Ron Legner, Matt Steffen, Sarah Welte

Voting Nay:  
None

Absent: Kelly Lay

Abstain:  
None

Other:  
None

And deposited and filed in the office of the City Clerk in said municipality on the 7<sup>th</sup> day of March, 2022.



Anita Corso, Acting City Clerk of the City of Le Roy, Mc Lean County, Illinois

**APPROVED BY** the Mayor of the City of Le Roy, Illinois, this 7<sup>th</sup> day of March, 2022



Steven M. Dean, Mayor of the City of Le Roy, Mc Lean County, Illinois

ATTEST: (SEAL)



Anita Corso, Acting City Clerk of the City of Le Roy, Mc Lean County, Illinois



**CERTIFICATE**

I, Anita Corso, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

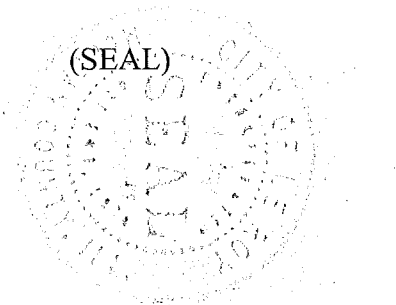
I further certify that on March 7, 2022 the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 22-03-02-50** entitled:

**AN ORDINANCE AMENDING THE CITY CODE – VIDEO GAMING**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **ORDINANCE NO. 22-03-02-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **March 7, 2022** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 7<sup>th</sup> day of March, 2022.



A handwritten signature in cursive script, appearing to read "Anita Corso".

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Anita Corso  
Acting City Clerk of the City of  
Le Roy, McLean County, Illinois

STATE OF ILLINOIS        )  
  ) SS:  
COUNTY OF MCLEAN        )

I, Anita Corso, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING THE CITY CODE – VIDEO GAMING**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 7<sup>th</sup> day of March, 2022 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

**Dated this 7<sup>th</sup> day of March, 2022.**

(SEAL)



Anita Corso  
Acting City Clerk of the City of  
Le Roy, McLean County, Illinois