

ORDINANCE NO. 5, SERIES 2012  
ORDINANCE PROVIDING FOR REGULATIONS UNDER  
THE ILLINOIS VIDEO GAMING ACT

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF  
TRUSTEES OF THE VILLAGE OF JOY, MERCER COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I: This Ordinance shall be known as the "Video Gaming Regulation"

**117.01 AUTHORITY TO REGULATE.** This ordinance is passed pursuant to ILCS Ch.230, Act 40, §§ 1 et seq. (the Illinois Video Gaming Act).

**117.02 FEE.** There is hereby imposed on the privilege of operating every video gaming terminal in the Village, as defined by the Illinois Video Gaming Act, ILCS Ch. 230, Act 40, §§ 1 et seq., an annual fee of \$25 for each terminal.

**117.03 DEFINITION.** For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

**PERSON.** As used herein shall include any person, firm, corporation or association, or partnership which, as permitted by state law and regulation, own or possesses or places for use by the public any video gaming terminal, and shall also mean any person, firm, corporation, partnerships or association having control over any video gaming terminal.

**VIDEO GAMING TERMINAL.** The same meaning as set forth in the Illinois Gaming Act, ILCS Ch. 230, Act 40, § 65.

**117.04 LICENSE REQUIRED.** No person shall own, possess, keep or display for use or patronage by the public within the Village, any video gaming terminal without having first obtained a license from the Village, through the Chief of Police, and said license shall be framed and hung in plain view in a conspicuous place on the licensed premises. The posted license may include more than one terminal on the licensed premises. It shall be a prerequisite to any license from the Village that the person have a valid license from the State of Illinois for each video gaming terminal and the loss or suspension of any license issued by the State of Illinois shall automatically result in the loss and suspension of the license issued by the Village, without refund of any license fee. Pursuant to state regulation, the Village, through the Chief of Police, shall report to the State of Illinois any discipline or change in status of any video gaming licenses issued by the City.

**117.05 NUMBER OF DEVICES ALLOWED.** The number of video gaming terminal devices permitted upon a licensed premises at any one time shall not exceed that number authorized in the license issued for said premises by the State of Illinois.

**117.06 APPLICATION FORM REQUIRED.** An application for video gaming license shall be made to the Chief of Police on forms furnished by the Chief of Police. The application shall set forth the number of video gaming terminals sought for the licensed premises; shall include a copy of the license from the State of Illinois for each video gaming terminal for which an application to the Village is being made; and shall be accompanied by payment of the appropriate fee.

**117.07 LENGTH OF LICENSE.** Every license granted hereunder shall expire on December 31 of the year in which it is granted. The fee shall not be prorated.

**117.08 LICENSE NOT TRANSFERABLE.** No license issued to any person hereunder shall be transferable to any other person or for any other premises other than as set forth on the license. Application must be made annually.

**117.09 REGULATION ON DISTURBING THE PEACE.** No license issued under this chapter shall permit the operation of any video gaming terminal at any place or in any manner which will disturb the peace and quiet of persons outside, or beyond the premises on which the terminal is being used. No immoral or indecent selection shall be presented in any video gaming terminal.

**117.10 CONDITIONS GOVERNING LICENSE.** In addition to any other condition or regulation contained in this chapter or in the laws of the State of Illinois, no video gaming terminal shall be located in any establishment that does not qualify as a "Licensed Establishment," as that term is defined in the Illinois Video Gaming Act.

**117.11 SUSPENSION OR REVOCATION OF LICENSE.** The Village President may suspend or revoke any license issued under this chapter upon due notice to the licensee of the time and place of a public hearing, and after a public hearing, if the Village President determined that the licensee has failed or refused to comply with any provision in this chapter, has failed or refused to comply with other law applicable to the business of keeping or providing video gaming terminals or has been convicted by the court of competent jurisdiction of a violation of any provision of this ordinance or the Illinois Video Gaming Act.

**117.12 INFORMATION REQUIREMENT.** Applications for the licenses required above shall be filed in duplicate with the Chief of Police (with one of said copies being retained, each, by the Chief of Police and by the applicant), and shall contain the following information:

(A) If the applicant is a corporation or limited liability company:

- (1) Corporate name and address
- (2) Names, dates of birth, and addresses of corporate officers and directors.
- (3) Statement of principal kind of business in which corporation engages.
- (4) Statement of whether corporate business will be conducted by a manager, and the name, address and authority of any such manager or agent.
- (5) Names, dates of birth, and addresses of all persons, firms and organizations owning a record five percent or more of the corporation's stock.
- (6) Statement of whether any officer, manager, director, or shareholder owning five percent or more of the stock of the corporation has ever been convicted of a felony charge.

- (7) The location of the place of business where the video gaming terminal is to be kept or displayed.
- (8) Statement or personal history of the manager or agent conducting business for the corporation.
- (9) Any other information which the Chief of Police shall require.

(B) If the applicant is an individual, partnership, or association:

- (1) Name and address, and date of birth of applicant.
- (2) Location of place of business
- (3) Principal kind of business engaged in.
- (4) Statement of whether business will be conducted by a manager or agent, and the name and address and date of birth of any such manager or agent.
- (5) The location of the place of business where the video gaming terminal is to be kept or displayed.
- (6) Statement of personal history of the manager or agent conducting business for the applicant.
- (7) Any other information which the Chief of Police shall require.

**117.13 TIME OF APPLICATION.** Any such application submitted above shall be submitted at least 30 days prior to the commencement of the period for which the license is sought.

SECTION II: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the Village President and Village Board of Trustees of the Village of Joy, Mercer County, Illinois, on the 19 day of Sept, 2012, and deposited and filed with the Village Clerk in the said Village on the date pursuant to roll call vote as follows:

Trustees: (6)

Ayes: 6

Nays: 0

Absent: 0

Gwen Jervis  
Village Clerk of the Village of Joy, Illinois

APPROVED by the Village President of the Village of Joy, Illinois, this 19 day of Sept, 2012.

George Braucht  
Village President of the Village of Joy, Illinois

ATTEST:

Gwen Jervis  
Village Clerk of the Village of Joy, Illinois

Published in pamphlet form this 19 day of Sept, 2012