

ORDINANCE 2019-072

PASSED: NOVEMBER 12, 2019

AMENDING CHAPTER 38 "INTOXICATING LIQUORS", SECTION 38.27(c)8 "GAMBLING DEVICES", BY REVISING THE FIXED NUMBER OF LIQUOR LICENSES FOR ESTABLISHMENTS THAT QUALIFY AS VIDEO GAMING ESTABLISHMENTS TO INCLUDE THE PROPERTY LOCATED AT 1208 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and authority conferred upon it by virtue of the Illinois Constitution, the Illinois Municipal Code, the Illinois Liquor Control Act and the City Code of the City of DeKalb; and

WHEREAS, on May 13, 2019, the City approved Ordinance 2019-038 amending Chapter 38 limiting the number of liquor licenses with supplemental licenses for Video Gaming Terminals (VGTs) to ten (10); and

WHEREAS, on July 22, 2019, the City approved Ordinance 2019-051 limiting the number of gaming devices in a Video Gaming Establishment (VGE) to six (6); and

WHEREAS, the City presently has seven (7) operational VGEs, two (2) conditionally approved VGE licenses for the premises at 1221 W. Lincoln Highway and 122 E. Hillcrest Drive, and one (1) property located at 1704 Sycamore Road, which is contemplating reopening.

WHEREAS, the owners of 1208 E. Lincoln Highway, which had maintained a successful auto dealership (McLean's Auto Station) on this commercial-zoned lot for many years, wish to create a new business at the location for their family to operate, which requires increasing the fixed number of liquor licenses available for establishments that qualify as VGEs by one (1); and

WHEREAS, the owners request Council approval to amend Chapter 38 to increase the fixed number of liquor licenses available for establishments that qualify as VGEs by one (1) subject to approval of a special use, including any conditions attached thereto, and after satisfying all other requirements of this Ordinance and the City Code. This amendment would allow for one (1) additional (11th) license until one of the existing licenses allows for the reduction to 10.

WHEREAS, the City Manager will create a new, detailed VGE application with a reasonable sunset clause (e.g. 90 days) and ensure that if fewer than 10 licenses exist, no more than one application can be processed for each available license at the same time.

WHEREAS, the City Council has determined that it is necessary and advantageous to alter the regulations applicable to video gaming devices as defined within Chapter 38 of the City Code.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

SECTION 1. Chapter 38, Section 38.27(c) 8 is hereby amended by increasing the number of Video Gaming Establishments by one (1), only after Owner and Operator have been granted special use approval by the City Council for a Video Gaming Establishment on the Subject Property, and after Owner has satisfied all requirements of the City Code, and all conditions outlined in Section 2 of this ordinance.

SECTION 2. Conditions prior to amendment to ten (10) outstanding VGE licenses being permitted:

1. Licensee shall comply with all applicable requirements and apply for a City of DeKalb Liquor License (inclusive of all sublicenses sought) along with a Video Gaming Establishment license including all Video Gaming terminals sought. Said license application shall be subject to review by City staff and shall be subject to approval by the Mayor, as Liquor Commissioner, based upon the recommendations of staff, including but not limited to a recommendation from the Chief of Police based upon the completion of all required background investigations. The license application shall be required to be submitted within thirty (30) days of the date of this ordinance; failure to timely submit an application shall render this ordinance null and void and of no further effect.
2. Upon receipt of the license application, the City shall have such time as is required to review and forward a recommendation to the Liquor Commissioner. In the event that the Liquor Commissioner or the City Council rejects the license application, this ordinance shall be null and void and of no further effect. In the event that the application is timely submitted and is approved by the Liquor Commissioner, then the applicant shall have a period of no longer than six (6) months of conditional licensure (after approval by the Liquor Commissioner) to satisfy all prerequisites contained herein and obtain final, unconditional licensure. The Liquor Commissioner may extend this timeline by up to an additional six (6) months. In the event that Licensee fails to obtain final, unconditional licensure within that time period, the conditional license shall be revoked, and this ordinance shall be null and void and of no further force or effect.
3. After issuance, the license shall be subject to all provisions of the City Code of the City of DeKalb, including those provisions pertaining to the term of an initial issuance of liquor license, renewal of liquor license, and similar provisions, unless specifically waived herein.
4. Final approval of the license shall require approval by the City Council, by virtue of a separately passed resolution, on terms and conditions acceptable to the Council at the time of approval.

SECTION 3. All ordinances or portions thereof in conflict with this ordinance, including

the prior versions of the ordinances included above, are hereby repealed.

SECTION 4. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 5. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: November 13, 2019. Effective date: November 22, 2019.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 12th day of November 2019 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:




JERRY SMITH, Mayor

Initial Application Only

Gambling Device License Renewals are submitted via the Liquor License Renewal application.



Fees

Initial Application Fee: \$500.00 per device
(Maximum No. of Devices = 6)

Gambling Device License Application

Municipal Code Chapter 38 "Intoxicating Liquors", Section 38.27 "Gambling Devices"

INCOMPLETE APPLICATIONS WILL BE RETURNED TO APPLICANT

Return the ORIGINAL completed application with required documents and fees to:

City of DeKalb
City Manager's Office
200 S. 4th Street
DeKalb, Illinois 60115

Application is hereby made for a Gambling Device License

Note: A valid City of DeKalb Liquor License (Bar, Golf Course or PENP) is required in order to apply for the Gambling Device License.

BUSINESS INFORMATION (Type or Print clearly)

Business Name:		<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> LLC
Corporation Name:		
Building Address: <i>Original license will be mailed to this address</i>		
License to be Issued to:		
Principal Business conducted at this location:		

NO LICENSE WILL BE ISSUED TO ANY BUSINESS WITH AN OUTSTANDING DEBT OWED TO THE CITY OF DEKALB

Are there any liens of the City of DeKalb against the property?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you owe money to any other city department?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has applicant(s) ever been convicted of any violation of the Gaming Laws of the State of Illinois or any other state or any Federal Gaming Laws?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

IDENTIFICATION (To be completed by all applicants)

	Name	Mailing Address
Business Owner		Address:
		City, State, Zip Code:
		Email Address:
Business Manager		Address:
		City, State, Zip Code:
		Email Address:
Vending Machine Company		Address:
		City, State, Zip Code:
		Email Address:

Mail Correspondence to:*(this includes renewal applications)*
 Business Owner
 Business Manager
 Vending Machine Company

Mail copy of license to a different address?
 Yes
 No
If yes, please provide address to send copy to:

Address:

City, State, Zip Code:

Fees

- Initial application Fee: \$500.00 per proposed Video Gaming Terminal (maximum 6)
- Annual Renewal Fee: \$250.00 per Video Gaming Terminal.
- Annual Renewal Fees for: a) tax exempt as recognized by the Internal Revenue Service; b) organized as not-for-profit entities; and c) registered with the State of Illinois as charitable organizations: \$25 per machine.

Number of Video Gaming Terminals Sought: _____ (maximum 6)

Total Amount Due: \$ _____

DESCRIPTION OF DEVICE(S) & PLAN FOR LOCATION

- Description, mechanical features and name of manufacturer of device(s) on hand at time of application.
- Attach a layout detailing the plan of the location (including security measures) showing the separation from the area that minors are located, location of adults supervising measures, and layout of video terminals and cash terminals: *(if necessary, please attach a separate sheet of paper).*

REQUIRED DOCUMENTS

Confirm that all of the following documents are included with this application:

- A copy of the license from State of Illinois Gaming Board.
- A drawing of the location within the licensed premises where the Video Gaming Terminals are proposed to be installed as detailed in previous section.
- Applicable fees as outlined in this application.
- Any other such information as the Liquor Commissioner shall require.

I HEREBY AGREE TO THE FOLLOWING:

The undersigned hereby states that the information contained in this application is true to the best of his/her knowledge and that all statements set forth are of his/her own free will. The undersigned agrees to pay any and all expenses, including compensation for damages and the undersigned will indemnify and hold harmless the City, its officers, boards, commissions, agents and employees from and against any action, proceeding, claim of liability, or other relief, asserted against the City resulting from the issuance of this license. The Video Gaming License is treated as a supplemental license to the licensed premises' liquor license. Any violation of the Video Gaming Act or any violation of any provision of this Chapter 38 shall constitute a violation of the terms and conditions of both the Video Gaming License and the establishment's liquor license. Any suspension, revocation, termination or other disciplinary proceeding applicable to a licensed premises liquor license shall be applicable to its Video Gaming License, and any proceeding applicable to the Video Gaming License shall be applicable to the liquor license. A suspension, revocation or termination of either license shall automatically result in the suspension, revocation or termination of the other license.

Any Video Gaming Terminal utilized in a licensed premises shall be installed in a fixed location described in the drawing from which the Video Gaming Terminal is visible to staff of the licensed premises at all times. It shall be unlawful for any person under the age of 21 years to operate, play or utilize a Video Gaming Terminal.

The undersigned further understands that the DeKalb City Council has established the authorized number of liquor licenses for Video Gaming Establishments (Ordinance 2019-072). From the date of this application, the applicant has 120 days to receive the necessary state and local licensure to proceed with a Video Gaming Establishment. During this interval, no other application for video gaming license will be processed. At the end of the 120-day period, a new application may be considered, provided the number of Video Gaming licenses does not exceed the limit established by the DeKalb City Council.

Signature:**Date:****Print Name & Title:**