

**CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3619**

**AN ORDINANCE AMENDING TITLE 5 AND TITLE 18 OF THE CITY OF
COLUMBIA MUNICIPAL CODE RELATING TO THE REGULATION OF VIDEO
GAMING ESTABLISHMENTS**

WHEREAS, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the Illinois Video Gaming Act (“VGA”), 230 ILCS 40/1, et seq., regulates the operation, licensing, and administration of video gaming; and

WHEREAS, Section 27 of the VGA authorizes the City to prohibit video gaming within the corporate limits of the City and implied within such authorization is the authority to limit, license and regulate video gaming within the corporate limits of the City; and

WHEREAS, the City is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require; and

WHEREAS, the City is authorized by Section 11-5-1 of the Illinois Municipal Code (65 ILCS 5/11-5-1) to suppress gaming and gambling houses; and

WHEREAS, the Corporate Authorities of the City have determined that it is advisable, necessary and in the best interest of the City to regulate, consistent with the VGA, the location and operation of video gaming terminals within the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia as follows:

Section 1. That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.

Section 2. That Chapter 5.54 – “Video Gaming Establishments” of the Columbia Municipal Code shall be amended to read as follows:

“Section 5.54.010 Video Gaming Business Licenses

1. Video gaming shall be considered an accessory use and shall be licensed as Accessory Video Gaming only in conjunction with and subsidiary to one of the following types of primary business uses, as defined Title 17 of the Columbia Municipal Code (Zoning):
 - a. Fraternal and service organizations
 - b. Lounges, taverns and pubs
 - c. Private clubs or lodges
 - d. Restaurants, tea rooms and cafes
 - e. Any type of business not defined by the Zoning Code, but is equivalent to one of the business types listed above as determined by the Zoning Administrator.
2. In the issuance of business licenses, Accessory Video Gaming shall listed below the primary business use with the number of approved gaming terminals noted (e.g. “Accessory Video Gaming – 6 terminals”).
3. Establishments operating video gaming terminals in full compliance under legal City-issued business and/or liquor license(s) on the effective date of this subsidiary licensing requirement shall be allowed to continue operating legally under the previously issued license(s). Should any business or liquor license be revoked for such an establishment, operations shall not resume without new application(s) being submitted to the City of Columbia and issued upon verifying full compliance with current applicable state statutes and municipal codes.
4. The City Council shall establish an Accessory Video Gaming business license fee, which may be changed as deemed appropriate. Such fees shall be paid in full each year prior to business license issuance and shall not be prorated for periods less than one year.
5. All revenues generated from the collection of Accessory Video Gaming business licensing fees shall be used for the benefit of the City’s Parks and Recreation facilities and programs.
6. Video gaming establishments shall be required to pass an occupancy inspection conducted by the Building Official or authorized designee, prior to the first issuance of an Accessory Video Gaming business license. This shall apply to the initial issuance of all such licenses, whether the primary business is new or existing.

Section 5.54.020 Video Gaming Terminals

1. It is unlawful to operate video gaming terminals in the City of Columbia without:
 - a. A City-issued Class A-1 or Class A-2 liquor license; and
 - b. Full compliance with the Illinois Video Gaming Act (230 ILCS 40).

2. There is hereby established an annual fee of two-hundred fifty dollars (\$250.00) for the operation of each video gaming terminal located in the City pursuant to the Illinois Video Gaming Act.
3. The annual video gaming terminal fee is to be paid to the City on, or before, the initial date of terminal operation, and for terminals then in operation, on, or before April 30th of each year thereafter. Such annual video gaming terminal fees shall not be prorated for periods of less than one year.
4. All revenues collected from annual video gaming terminal fees or received from the State of Illinois pursuant to the Illinois Video Gaming Act shall be used for the benefit of the City's Parks and Recreation facilities and programs."

Section 3. That Section 5.20.080 – “Classification of Licenses—Fees.” of the Columbia Municipal Code shall be amended to read as follows:

“Section 5.20.080 – Classification of Licenses – Fees

Every person, firm, limited liability company, or corporation engaged in the retail sale of alcoholic liquor in the city shall pay an annual license fee. Such licenses shall be divided into the classes listed herein. There shall be no limit on the number of total licenses issued, provided that Class A-1 and Class A-2 shall be limited to no more than a combined total of 15 licenses issued at any one time.

- A-1. Class "A-1" licenses shall be reserved for video gaming establishments licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40). Class A-1 licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises. Convenience stores that sell automotive fuels shall not be eligible for Class A-1 licenses.
- A-2. Class "A-2" licenses shall be reserved for video gaming establishments licensed as such by the State of Illinois under the Illinois Video Gaming Act (230 ILCS 40). Class A-2 licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises and the sale of alcoholic liquor in sealed containers for off-premises consumption and not for resale in any form. Convenience stores that sell automotive fuels shall not be eligible for Class A-2 licenses.
- B. Class “B” licenses shall authorize the retail sale of alcoholic liquor on the premises specified for consumption on the premises.
- C. Class “C” licenses shall be issued to wineries and shall authorize the retail sale of alcoholic liquor on the premises, specified for consumption on the premises, and the retail sale of wine in sealed packages intended for consumption off the premises and not for resale in any form. To qualify as

a winery, a licensee must have fifty percent (50%) or more of its business derived from the sale of Wine as defined by this Code.

- D. Class “D” license shall authorize the sale of alcoholic liquor intended for off premises consumption and not for resale in any form.
- E. Class “E” license, or caterer’s license, shall authorize the sale of alcoholic liquors on or off premises by caterers, without regard to whether or not the location is licensed or unlicensed, as an incidental part of food service that serves prepared meals, which does not include the serving of snacks as the primary meal.
- F. Class “F” license, or special event license, shall authorize the sale of alcoholic liquor, for use or consumption only, by a licensee transferring a portion of its alcoholic liquor inventory from its retail license premises to the premises designated in its license application for a special event. Such license will be granted for three-day increments up to a maximum of fifteen (15) days per licensee per location in any twelve (12) month period. Applicants must submit satisfactory proof that it will provide dram shop liability insurance to the maximum limits.
- G. Class “G” license, or not-for-profit special event license, shall authorize the purchase and sale of alcoholic liquors by not-for-profit organizations for the purpose of retail sale for use or consumption only at the times and location designated as a special event in the license application. The license allows a retailer to transfer alcoholic beverages from an existing licensed retail premises to a designated site for a special event. The license shall be issued and valid for increments of three days at a time, not to exceed fifteen (15) days per licensee per location in any twelve (12) month period. Applicants must submit satisfactory proof that it will provide dram shop liability insurance to the maximum limits. In order to qualify as not-for-profit organization, a licensee must be incorporated as a not-for-profit corporation with the State of Illinois.
- H. Class “H” license shall authorize a holder thereof to manufacture beer ("brew pub") and store the brew pub at a designated premises and to make sales to distributors, importing distributors, as well as the direct sale to non-licensed consumers for consumption off the designated premises in containers not larger than 64 ounces or on the designated premise. A licensee shall not sell, for off premises consumption, more than 50,000 gallons of beer per year. A Class "H" licensee must have a valid brew pub license from the State of Illinois. The Class H licensee who meets the qualifications for the brew pub is also authorized to sell at retail any non-brew pub alcoholic liquor on the premises specified for consumption on the premises.”

Section 4. That Section 18.95.001 of the Columbia Municipal Code shall be amended to read as follows:

“18.95.001 Class A-1 – Video Gaming Establishments \$1,500.00
(On premises liquor sales only)”

Section 5. That Section 18.95.002 of the Columbia Municipal Code shall be amended to read as follows:

“18.95.002 Class A-2 – Video Gaming Establishments \$2,000.00
(On/off premises liquor sales only)”

Section 6. The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

Section 7. All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Columbia in conflict with any provisions of this ordinance are hereby repealed, to the extent of such conflict.

Section 8. This Ordinance shall take full force and effect after passage and approval by the Corporate Authorities.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 15th day of August, 2022, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Huch, Holtkamp, Martens, Riddle, Garmer, and Khoury.

NOES: None.

ABSTENTIONS: None.

ABSENT: Alderman Roessler.

APPROVED:



BOB HILL, Mayor

ATTEST:



ANDREW HITZEMANN, City Clerk

(SEAL)