
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 24-018**

**AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 83
LICENSING AND REGULATING VIDEO GAMING WITHIN THE
VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS**

**CHRISTINA NEITZKE-TROIKE, Village President
CANDICE BIELSKI, Village Clerk**

**Village Trustees
JENNIFER CONSOLINO
DAN FIALKO
CURT MASON
CJ MCNAUGHTON
ROSE REYNDERS
SUSANNA E. STEILEN**

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 83 LICENSING AND REGULATING VIDEO GAMING WITHIN THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and

WHEREAS, the Corporate Authorities of the Village of Homer Glen at their May 28, 2013 meeting duly adopted an ordinance providing for the licensing and regulating video gaming within the corporate limits of the Village (hereinafter sometimes referred to as the “Video Gaming Ordinance”); and

WHEREAS, upon further review of the aforesaid ordinance, the staff and Corporate Authorities of the Village have determined that it is in the best interests of the Village to amend the Video Gaming Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: Incorporation of Recitals. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Amendments. Article VI (Video Gaming) of Chapter 83 of the Code of the Village of Homer Glen is hereby amended as outlined in Exhibit A (additions are indicated by **blue underlining**; deletions are indicated by **red strikeouts**).

Section 3: Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4: Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

[Intentionally left blank]

Adopted this 10th day of April 2024 pursuant to a roll call vote as follows:

	<u>YES</u>	NO	ABSENT	PRESENT
Consolino	X			
Fialko	X			
Mason		X		
McNaughton			X	
Reynders	X			
Steilen		X		
Neitzke-Troiike (Village President)				
TOTAL	3	2	1	

APPROVED by the Village President on April 10, 2024



Christina Neitzke-Troiike
Village President

ATTEST:



Candice Bielski
Village Clerk

“Exhibit A”

Article VI (Video Gaming) of Chapter 83 of the Code of the Village of Homer Glen

Article VI

Video Gaming

As used in the article, the following terms shall have the meanings indicated:

LICENSED ESTABLISHMENT

Any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. This definition does not include video gaming cafes as defined herein.

LICENSED TRUCK STOP ESTABLISHMENT

A. A facility:

- (1) That is at least a three-acre facility with a convenience store;
- (2) With separate diesel islands for fueling commercial motor vehicles;
- (3) That sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month; and
- (4) With parking spaces for commercial motor vehicles, as the term "commercial motor vehicles" is defined in Section 18(b)-101 of the Illinois Vehicle Code.

B. The requirement of Subsection A(3) of this definition may be met by showing the estimated future sales or past sales average at least 10,000 gallons per month.

RESTAURANT

Any place kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen or premade foods such as pizzas, hamburgers, or sandwiches which can be prepared by heating or warming in an oven shall not be considered food prepared and served on premises, as required herein.

VIDEO GAMING CAFE

An establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a video gaming cafe:

- A. Does not meet the definition of "restaurant" as provided herein;
- B. An expected revenue to be at least 60% of its gross revenue on an annual basis exclusively from video gaming activities, which can be certified by request from the Village for pertinent business records to verify the certification included but not limited to financial statements, business financial reports, State of Illinois tax information, or any other record deemed acceptable by the Village.

§ 83-46 License required.

No person shall have or keep a video gaming terminal or device in any public place or place of public resort unless the Village license fees as set forth herein are paid and a valid license is issued and maintained in force by the State of Illinois. All establishments eligible for a video gaming [premises](#) license shall meet the definitions of "licensed establishment," "licensed truck stop establishment," or "restaurant," as provided herein, and also contain a minimum area of [2,000](#)~~1,500~~ square feet in order to be eligible for a Village [video-gaming-Gaming Premises](#) license.

[Any establishment already in possession of a Village Video Gaming Premises license at the time of the passage of this Article, whose premises do not contain a minimum area of 2,000 square feet, shall be](#)

§ 83-47 Annual fees.

Annual [license](#) fees as set forth in ~~Chapter 114, Fees, Article II, § 83.56 of this Article.~~ are payable to the Village. The annual fees shall be due and payable on the first day of January of each year. All issued licenses shall expire on the 31st day of December of that year. These fees are not in lieu of any fee or payment payable to the state or the Illinois Gaming Board. There will be no prorating of the fee during the calendar year. Specifically, the annual fee for video gaming terminals or devices shall be for each video gaming terminal or device.

§ 83-48 Issuance and display of license.

The applicant must obtain proper state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this ~~article~~[Article](#). Upon approval of the application and payment of the annual license fees as set forth in [§ 83.56 of this Article](#)~~83-47~~, the Village shall issue a certificate [to the establishments](#) bearing the notation "Village of Homer Glen Video Gaming [Premises](#) License for (insert the year)." One license shall be issued for each establishment and list the number of video gaming terminals licensed for said establishment and it shall be affixed in a conspicuous place.

§ 83-49 Video gaming cafes prohibited.

A. Video gaming cafes. A video gaming cafe, as defined herein, shall not be qualified to obtain any existing classification of Homer Glen liquor licenses and is prohibited from becoming a licensed video gaming establishment within the Village. Any existing licensed video gaming establishment that meets the definition of "video gaming cafe," as defined herein, at the time of passage, shall be considered "legal nonconforming" and cannot expand or relocate. Any legal nonconforming establishments that may be sold may continue to operate as a legal nonconforming video gaming cafe, provided that the establishment cannot expand or relocate. The Village of Homer Glen reserves the right to audit any establishment, via a request for pertinent business records to verify the certification included but not limited to financial statements, business financial reports, State of Illinois tax information, or any other record deemed acceptable by the Village with a video gaming license, to ensure that all licensed establishments conform to the Village Code.

§ 83-50 Operation of terminals.

All video gaming devices or terminals shall at all times be kept, placed, operated and monitored pursuant to state laws and applicable regulations including, but not limited to:

- A. Prohibiting the gaming area to persons under 21 years of age and to restrict access to individuals who are visibly intoxicated.
- B. Video gaming terminals shall be placed in an area restricted to individuals age 21 or over. If individuals under the age of 21 are allowed in any portion of the licensed premises, the establishment shall limit visibility of video gaming terminals from outside the room in which they are located.
- C. The operation of video gaming devices or terminals shall only be allowed during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment or, with respect to a licensed truck stop, the legal hours of operation allowed for a licensed truck stop establishment. Upon the suspension or revocation of a licensee's liquor license, the licensee's video gaming license shall automatically be suspended (or revoked in the event of a liquor license revocation) without the requirement of any further action by the Village. A licensee's gaming license shall be suspended for the same period of time as the suspension or revocation of the licensee's liquor license.
- D. The video gaming area shall be physically monitored by an employee over 21 years of age at all times during the legal hours of operation.

- E. Providing for camera surveillance of the video gaming area that meets the specifications of the Village as specified in the license application, with equipment that has the ability to record and may be accessed by the Police Department upon request to investigate a suspected violation of this article, any law or administrative code, or any unlawful activity.

§ 83-51 **Signage.**

Required signage pursuant to state laws, regulations and Village ordinances shall be posted at all times in the establishment's video gaming terminal area and should further include signage prohibiting the video gaming terminal area to persons under 21 years of age. All signage shall be approved by the Village prior to its posting in the establishment.

§ 83-52 **Responsible gaming policy.**

Licensees are required to submit with their license application their establishment's responsible gaming policy, which outlines all employee education and training programs, self-exclusion policies, and procedures to promote responsible gaming. If standardized training for responsible gaming becomes available at a future date, it shall be required as part of the video gaming license application.

§ 83-53 **Inspection.**

As a condition for issuance of the video gaming license to the licensee, the Village reserves the right to inspect the premises at any time for compliance with this article and all other applicable ordinances and statutes.

§ 83-54 **Terminal operators.**

It shall be unlawful for any person, firm or corporation or other entity to engage in the business of video gaming terminal operation, pursuant to the Illinois Video Gaming Act, without first having secured [a Video Gaming Terminal Operator license from the Village of Homer Glen. All terminal operators seeking a license from the Village, must complete an application on the forms as required by the Clerk, attach their Illinois Gaming Board Video Gaming Terminal Operator License to the license application, and pay the required annual license fee for each location as set forth in § 83.56 herein. a license from the Village as provided in this section.](#)

[§ 83-54.1 Licensed Video Gaming Premises](#)

[It shall be unlawful for any person, firm, corporation or other entity, that is eligible for a video gaming license and meets the definitions of "licensed establishment," "licensed truck stop establishment," or "restaurant," as set forth in § 83-45 above, to allow or otherwise permit video gaming terminal operation, as so defined by the Illinois Video Gaming Act, within or upon its premises, without a Video Gaming Premises license issued by the Board of Trustees for the Village of Homer Glen, or the Village President as provided under this Article, or in violation of the terms of such license.](#)

A. Application.

- (1) [Licensed Video Gaming Premises, Terminal-operator-Video Gaming Premises](#) licenses shall be effective from January 1 to December 31 of the same year. The annual fee for a [Video Gaming Premises terminal operator](#)-license shall be set forth in [§ 83.56\(A\) herein Chapter 114, Fees, Article II](#). The fee is nonrefundable and shall be applicable irrespective of when an applicant submits an application for a [Video Gaming Premises terminal-operator](#)-license.
- (2) There is no limit on the number of [terminal-operator-Video Gaming Premises](#) licenses that may be issued by the Village. Applications for such licenses shall be made to the Clerk on forms and in a manner prescribed by the Clerk. [Terminal-operator-Video Gaming Premises](#) licenses shall be issued only upon the order of the Village [President for existing licenses meeting the expectations set forth in § 83-54.1\(D\) below, and the Village President and Board of Trustees for all new applications. Manager.](#)

(3) For a new applicant, that said applicant applying for a license to allow or otherwise permit video gaming terminal operation on premises, has been operating under a valid certificate of occupancy and business license at its current address for at least 365 prior to the submission of the application, and that the applicant's establishment has generated at least 60% of its revenue from the sale of food or beverages.

~~(3)(4) The Village President and Board of Trustees, and the Village President as provided for in this Article, Manager shall have the sole exclusive right to deny a video gaming premises terminal operator license to any applicant, subject to the review as provided under § 83-54.2, in the absence of reasonable proof necessary to evidence the applicant's ability to comply with, or past compliance with, the provisions of this article or any other ordinance of the Village. An applicant may request a review by the Village Board of Trustees of a denial by the Village Manager to issue a terminal operator license. After review the Board may affirm or reverse the denial.~~

(5) A Video Gaming Premises terminal operator licensee shall provide the Village, within 14 business days of the Village's request, with copies of records pertaining to his or her accounts within the corporate limits of the Village.

B. Insurance prerequisites.

(1) No license which has been otherwise approved shall be issued until the applicant terminal operator has filed with the Clerk Village Manager a certificate or other evidence that the licensed premises terminal operator carries insurance of the following types of at least the limits specified below:

(a) Workers' compensation insurance as prescribed by the laws of the state.

(b) Employers' liability insurance, with limits of not less than \$1,000,000 per occurrence.

(c) Comprehensive general liability insurance, with limits of not less than \$1,000,000 for property damages; \$1,000,000 for bodily injury or death of any one person; and \$2,000,000 coverage per occurrence.

(2) The licensee shall include the Village of Homer Glen, its officers, officials, Village President, Board of Trustees, agents, employees, representatives and volunteers agents as additional named insureds on any of the foregoing policies.

C. Assignment. No license issued pursuant to this article shall be assignable or transferable by the licensee or by operation of law or otherwise. ~~nor may the licensee sublet or contract out any part of the work to be performed by the terminal operator.~~

A license under this Article is effective for a period not to exceed one year after issuance unless sooner suspended or revoked as provided for in §83-56.2 of this Article, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee or, in the case of a corporation, limited-liability company or partnership, its dissolution or bankruptcy, and shall not descend by the laws of testate or intestate devolution; provided that executors or administrators of the estate may continue to allow licensed video gaming terminal operation as set forth in this Article, under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee.

(1) Unless a sale, transfer or assignment meets the requirements for an exception under § 83-54.1(D). Any sale, transfer, or assignment of more than 10% of the shares of a corporation or more than 10% of an interest in a partnership or other business entity, shall terminate the existing Video Gaming Premises license, and require the business to submit an application, and satisfy all of the requirements for new applicants as required under ,§ 83-54.1(A)-(B).

(D) Exceptions.

(1) In the event of a sale, transfer, or assignment of more than 10% of the shares of a corporation, or more than 10% of an interest in a partnership or other business entity, a Video Gaming Premises license may issue by order of the Village President, if the following conditions are satisfied:

(a) the Video Gaming Premises Licensee's business location remains the same;

(b) the Business concept remains substantially the same;

(c) the premises contains a minimum area of 2,000 square feet; and

(d) All of the conditions as set forth in § 83-54.1(A)-(B), with exception to 83-54.1(A)(3), are substantially met.

(2) If an existing Video Gaming Premises licensee moves to a new physical location, changes its d/b/a name, or changes the legal name of its business a Video Gaming Premises license may issue by order of the Corporate Authorities, if the following conditions are satisfied:

(a) the Business concept remains substantially the same;

(b) the premises contains a minimum area of 2,000 square feet; and

(c) All of the conditions as set forth in § 83-54.1(A)-(B), with exception to 83-54.1(A)(3), are substantially met.

(iii) The consideration and review of all applications, backgrounds and conditions related to the exceptions provided under § 83-54.1(D) shall solely be subject to the review and approval of the Village President, and with exception to the review provision set forth in § 83-54.2, the Village President shall have the sole authority to order the issuance of licenses under § 83-54.1(D).

§ 83-54.2 Review. An applicant may request review by the Village Board of Trustees of the denial of any license under this Article, provided the applicant timely files a request for review with the Village Clerk, within 14-days from the date of any such denial. The review shall take place in an open session, and the Village Board shall adopt such rules that it deems necessary. A 2/3 vote by the Board of Trustees shall be required to reverse the denial of any license under this Article.

§ 83-55 Penalty.

Any licensee violating this article shall be subject to a mandatory fine of \$1,000 plus court and attorney costs for each separate violation. Every day a violation continues in effect will be considered a separate and distinct violation subject to imposition of a mandatory fine of \$1,000 per day for each day the violation

continues. Any establishment that, upon audit by the Village of Homer Glen as outlined herein, finds the establishment to meet the definition of "video gaming cafe," that establishment shall be placed on a six-month probationary period to allow the establishment to conform to the requirements stated herein. If after the six-month probationary period, the establishment continues to meet the definition of "video gaming cafe," the establishment shall be found in violation of the Village Code and shall lose its liquor license and video gaming license.

§ 83-56 Annual license fees.

- A. The annual license fee, for a Video Gaming Premises license shall be calculated as follows: per-\$750 per each video gaming terminal or device within or upon the premises. -is-500.
- B. The annual license fee, for a Video Gaming Terminal Operator license shall be calculated as follows: \$3,000 per each location where video gaming terminals or devices are provided. per-video-gaming-terminal-operator, is-\$1,000.

§ 83-56.1 Enforcement.

Proceedings to enforce violations of this article may be initiated and conducted in accordance with and pursuant to the administrative adjudication provisions of Chapter I, Article III, Penalties and Enforcement, of the Village Code or by any other means provided by law.

§ 83-56.2 Additional penalties.

- A. If, after a hearing or proceeding conducted pursuant to § 83-56.1, it is determined a violation of this article occurred, the President and Board of Trustees may, in addition to any fine imposed, suspend or revoke any video gaming license issued pursuant to this article.
- B. In addition to the penalties provided in § 83-55 and Subsection A of this section, the Village President, acting in his or her capacity as Local Liquor Commissioner, may also initiate an appropriate proceeding pursuant to the applicable provisions of Article VII, Liquor, of this chapter to revoke or suspend the liquor license of a licensee or cause a fine to be imposed and paid by the liquor licensee as provided for in Article VII.