
THE VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

ORDINANCE
NO. 2021-O-010

AN ORDINANCE AMENDING TITLE XIII, CHAPTER 132 OF THE MUNICIPAL
CODE – VIDEO GAMING TERMINAL OPERATORS

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

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Tinley Park

Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125, Chicago, IL 60606

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**AN ORDINANCE AMENDING TITLE XIII, CHAPTER 132 OF THE MUNICIPAL
CODE – VIDEO GAMING TERMINAL OPERATORS**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to amend Title XIII Chapter 132 Section 23 Video Gaming as it relates to video gaming terminal fees; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have also determined that it is in the best interest of the Village of Tinley Park and its residents to amend Title XIII Chapter 132 to include a Section pertaining to Video Gaming Terminal Operators; and

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF VILLAGE
OF TINLEY PARK, ILLINOIS:**

SECTION ONE: That the Village hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein,

SECTION TWO: That Title XIII Chapter 132 of the Video Gaming code is hereby amended with deletions in strikethrough and additions in underline text so that the same shall be read as follows:

132.23 Video Gaming

(A) Video gaming is allowed in licensed establishments within the Village. No establishment licensed by the Illinois Gaming Board shall be permitted to operate any video gaming terminal pursuant to the Illinois Video Gaming Act unless the establishment has also obtained a license and paid a yearly fee to the Village. ~~in the amount of \$1,000 for each video gaming terminal on its premises.~~ No license may issued where the license applicant owes a debt, fine, fee or penalty to the village.

- (1) The licensing fee through December 31, 2021 shall be in the amount of \$1,000 for each video gaming terminal.
- (2) The licensing fees beginning January 1, 2022 shall be:

- a. \$400 per video gaming terminal for fraternal or veterans' establishments as defined in the Illinois Video Gaming Act (230 ILCS 40); or
- b. \$600 per video gaming terminal for all other establishments.

(B) Application to the Village for a video gaming license shall be made in conformity with Chapter 110 of this code except as otherwise provided herein. ~~The application shall attach a copy of the applicant's state video gaming license, and shall in addition set forth. The applicant shall meet and provide for the following criteria as part of said application:~~

- (1) A copy of the applicant's active State video gaming license;
- (2) The location of the premises where the video gaming terminal is to be located, maintained and/or operated;
- (3) The charge to be made to the player for operating the device;
- (4) That the applicant is over the age of 21;
- (5) That the applicant or any principal officer therein has not held a license under this section or had an interest therein that was revoked for cause;
- (6) That the applicant or any principal officer therein has not furnished false or misleading information on the application;
- (7) For a new applicant, that said applicant applying for a license to operate video gaming terminals, has been operating under a valid C/O at its current address for at least 365 days and that the applicant's establishment has generated at least 60% of its revenue from the sale of food or beverages. However, if an applicant currently operates an establishment in compliance with this section and wishes to operate another establishment similar to the initial establishment, the applicant will be exempt from the one-year waiting period described above. Whether the new establishment is similar to the previously operated establishment is determined by the Liquor Commissioner in the Commissioner's sole discretion.
- (8) For an applicant who has been previously issued a license under this section, the applicant's establishment has not must adhere to the same guidelines as stated above in (B)(7) also maintained at a minimum 60% of total revenue annually from the sale of food or beverages.
- (9) That the applicant has provided the Liquor Commissioner with a report or reports showing its gross annual sales totals and categories, including food and beverage sales.
- (10) The requirements related to minimum level of sales of food and beverages shall not apply to any licensed fraternal establishment or any licensed veteran establishment, or licensed truck stop;
- (11) That the video gaming area shall be bounded by a seven-foot barrier wall. If said barrier walls prohibit applicant from complying with 230 ILCS/40 Sec. 58, applicant shall maintain video surveillance of the gaming area at all times. If applicant provides sufficient evidence that the gaming area is fully contained in an area of the establishment that can only be accessed by persons 21 or older, the requirement of a seven-foot barrier wall is not applicable
- (12) Such other information as the village may determine is necessary.

(C) No more than six video gaming terminals may be located, maintained or operated in any one establishment. No license issued hereunder shall permit the operation of a video gaming terminal in a manner which will disturb the peace of persons otherwise properly within or without the premises where the terminal is located or otherwise constitute a nuisance.

(D) The Village Clerk shall issue a license to each licensed establishment that obtains a license to locate, maintain and/or operate any video gaming terminal on its premises. The license must be displayed by the applicant in a conspicuous place and must indicate the number of video gaming terminals allowed.

(E) All annual licenses shall terminate on December 31 in each year where no provision to the contrary is made. If at the time of application for a license six months or more of the calendar year have expired, the applicant shall be required to pay one-half of the license fee set forth above. No license shall be issued for less than one-half of the annual fee.

(F) The Village Clerk shall mail to all licensees a statement three weeks prior to the date of expiration informing the licensees of the upcoming expiration date. Failure to send out the notice, or failure of any licensee to receive it, shall not excuse the licensee from failure to secure a new license, or a renewal thereof, nor shall it be a defense in any action for operation without a license.

(G) Any licensee who fails to pay the fees and charges for the renewal of a license by January 31 of the year following expiration of the license shall be charged a penalty of \$50. The penalty shall be paid at the time of renewal of the license.

(H) Issuance. In addition to all other general licensing requirements set forth in this code. Issuance will occur after all application requirements as outlined above in Section B are met. ~~Any Board member, committee member, elected official, appointed official, or employee reviewing an application for a video gaming license or a request for a liquor license that allows video gaming may only issue said license after confirming the following factors exist:~~

- ~~—(1) That the applicant is over the age of 21.~~
- ~~—(2) That the applicant or any principal officer therein has not held a license under this section or had an interest therein that was revoked for cause.~~
- ~~—(3) That the applicant or any principal officer therein has not furnished false or misleading information on the application.~~
- ~~—(4) For a new applicant, that said applicant applying for a license to operate video gaming terminals, has been operating under a valid C/O at its current address for at least 365 days and that the applicant's establishment has generated at least 60% of its revenue from the sale of food or beverages. However, if an applicant currently operates an establishment in compliance with this section and wishes to operate another establishment similar to the initial establishment, the applicant will be exempt from the one-year waiting period described above. Whether the new establishment is similar to the previously operated establishment is determined by the Liquor Commissioner in the Commissioner's sole discretion.~~

~~— (5) For an applicant who has been previously issued a license under this section, the applicant's establishment has not must adhere to the same guidelines as stated above in (H)(4) also maintained at a minimum 60% of total revenue annually from the sale of food or beverages.~~

~~— (6) That the applicant has provided the Liquor Commissioner with a report or reports showing its gross annual sales totals and categories, including food and beverage sales.~~

~~— (7) The requirements related to minimum level of sales of food and beverages shall not apply to any licensed fraternal establishment or any licensed veteran establishment, or licensed truck stop.~~

~~— (8) That the video gaming area shall be bounded by a seven-foot barrier wall. If said barrier walls prohibit applicant from complying with 230 ILCS/40 Sec. 58, applicant shall maintain video surveillance of the gaming area at all times. If applicant provides sufficient evidence that the gaming area is fully contained in an area of the establishment that can only be accessed by persons 21 or older, the requirement of a seven-foot barrier wall is not applicable.~~

132.24 Video Gaming-Terminal Operators. The regulations and provisions contained in this section and the subsections thereunder shall apply to Terminal Operators as such term is defined in the Illinois Video Gaming Act and govern applications and qualifications for the issuance of Terminal Operators' Licenses issued by the Village.

(A) No Terminal Operator shall own, maintain, operate or place a video gaming terminal in the Village unless:

(1) He or she has a valid terminal operator's state license issued under the Video Gaming Act;

(2) He or she has a valid Village Video Gaming Terminal Operators license for each video gaming terminal placed and maintained in the Village; and

(B) Each terminal operator shall pay to the Village a yearly fee of \$750 per each video gaming terminal it owns, maintains, operates or places within the Village. A terminal operator may only place video gaming terminals in the Village for use in licensed video gaming locations. It is unlawful to operate a video gaming terminal in the Village without a valid video gaming sticker affixed thereon.

(C) Application to the Village for a Terminal Operator's license shall be made in conformity with Chapter 110 of this code except as otherwise provided herein. The applicant shall provide the following as part of said application:

(1) A copy of the applicant's active State video gaming license;

(2) The location of the premises where the video gaming terminal is to be located, maintained and/or operated;

(3) The charge to be made to the player for operating the device; and

(4) Such other information as the village may determine is necessary.

(D) No more than six video gaming terminals may be located, maintained or operated in any one establishment. No license issued hereunder shall permit the operation of

a video gaming terminal in a manner which will disturb the peace of persons otherwise properly within or without the premises where the terminal is located or otherwise constitute a nuisance.

(E) The Village Clerk shall issue a license to each Terminal Operator for each licensed establishment that obtains a license to locate, maintain and/or operate any video gaming terminal in the Village. The license must be displayed by each licensed establishment in a conspicuous place and must indicate the number of video gaming terminals allowed. A copy of the Terminal Operator license will be provided by the Village to the establishment upon successful issuance to the Terminal Operator.

(F) All annual licenses shall terminate on December 31 in each year where no provision to the contrary is made. If at the time of application for a license six months or more of the calendar year have expired, the applicant shall be required to pay one-half of the license fee set forth above. No license shall be issued for less than one-half of the annual fee.

(G) The Village Clerk shall mail to all licensees a statement three weeks prior to the date of expiration informing the licensees of the upcoming expiration date. Failure to send out the notice, or failure of any licensee to receive it, shall not excuse the licensee from failure to secure a new license, or a renewal thereof, nor shall it be a defense in any action for operation without a license.

(H) Any licensee who fails to pay the fees and charges for the renewal of a license by January 31 of the year following expiration of the license shall be charged a penalty of \$50. The penalty shall be paid at the time of renewal of the license.

SECTION THREE: That Title XI Chapter 110 Section 25 (C) of the Business License Code is hereby amended with deletions in strikethrough and additions in underline text so that the same shall be read as follows:

110.25 CERTAIN FEES BASED ON SQUARE FOOT AREA; FEE SCHEDULE.

(C) The nature of certain businesses or activities requires that the business license fee be based on a combination of square footage and other factors. Fee charges for those specified businesses and/or activities are as follows:

Amusements	Fee
Adult use cannabis	\$5,000 annually, plus fee based on square footage
Archery range	\$ 50 annually, plus fee based on square footage
Golf course (public)	100 annually, plus square foot charge on buildings
Golf course (private)	100 annually, plus square foot charge on buildings
Golf practice range	50 annually, plus square foot charge on buildings
Retail and Service Businesses	Fee
Gas stations, with grocery and retail sales	Extra fee based on square feet
Taxicab companies	\$150 annually, in addition to any annual fee based on the square footage of the premises
Taxicab drivers	\$50 per driver annually
Taxicab vehicles	\$50 per vehicle annually
Towing business premises	200 annually, in addition to annual fee based on square footage of premises

Video Gaming License See Title XIII Chapter 132.23

Video Gaming Terminal Operator License See Title XIII Chapter 132.24

SECTION FOUR: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. The licensing provisions contained herein shall become effective January 1, 2022.

PASSED THIS 2nd day of March 2021.

AYES: Berg, Brady, Brennan, Galante, Glotz, Mueller

NAYS: None

ABSENT: None

APPROVED THIS 2nd day of March 2021.



VILLAGE PRESIDENT

ATTEST:



VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2021-O-010, “AN ORDINANCE AMENDING TITLE XIII, CHAPTER 132 OF THE MUNICIPAL CODE – VIDEO GAMING TERMINAL OPERATORS” TINLEY PARK VILLAGE CODE ENTITLED VIDEO GAMING,” which was adopted by the President and Board of Trustees of the Village of Tinley Park on February 16, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 2nd day of March 2021.



KRISTIN A. THIRION, VILLAGE CLERK



CONTRACT AND DOCUMENT APPROVAL CHECKLIST

Ordinance/Resolution No: _____

Exhibits Attached: Yes _____ No _____

Contracting Party/Vendor: _____

Contract Contact Info: _____

Bid Opening Date (If applicable): _____

Mylar (Rcvd by Clerk's Office): Y / N - Date Sent for Recording: _____ Date Recorded: _____

Certificates of Insurance Received: Yes _____ No _____

Contract Expiration: Date: _____

Signature of Contracting Party received: Yes _____ Date: _____

Staff Review Date: _____ Approved Via: _____ By: _____

Attorney Review: Date: _____ Approved Via: _____ By: _____

Village Manager Review: Date: _____ Approved Via: _____ By: _____

Committee Review Date: _____ Committee Type: _____

Committee Approval Date: _____ Committee Type: _____

Village Board Meeting: Date: _____

Village Board Approval: Date: _____ Approved: _____ Denied: _____

Notes: