

MEMORANDUM

February 24, 2022

TO: Mayor John P. Kahl and Members of the City Council

FROM: Scott A. Brunton, City Attorney

SUBJECT: Ordinance Increasing the Registration Fee for Video Gaming Terminals

DISCUSSION:

The City currently requires payment of a registration fee for all video gaming terminals operating in the City under Chapter 3-21 of the City Code. This fee is paid to the City annually on May 1st. Last year, upon passage of Public Act 102-689, the State increased the maximum fee amount that the City can impose for registering video gaming terminals from \$25 to \$250. Further, under this 2021 legislation, the City must require the gaming terminal owner-operator to pay half of this registration fee, with the local establishment housing the video gaming terminal paying the other half.

This Ordinance increases the video gaming terminal registration fee to \$250 for implementation at the upcoming annual video gaming terminal registration renewal on May 1st.

RECOMMENDATION:

Approval of this Ordinance

ORDINANCE NO. 4636

**AN ORDINANCE AMENDING THE VIDEO GAMING REGULATIONS
IN CHAPTER 21 OF TITLE 3 OF THE EAST PEORIA CITY CODE REGARDING
THE FEE FOR REGISTRATION OF VIDEO GAMING TERMINALS**

WHEREAS, the City of East Peoria, Tazewell County, Illinois (the “City”) is a non-home rule unit of government; and

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

WHEREAS, the City currently regulates video gaming terminals within the City under Chapter 21 of Title 3 of the East Peoria City Code; and

WHEREAS, new legislation that was adopted into law by the State of Illinois under Public Act 102-0689 allows for an increase of the maximum annual video gaming terminal fee for non-home rule communities from \$25.00 per terminal to \$250.00 per terminal; and

WHEREAS, the City of East Peoria has proposed amendments to certain video gaming regulations found at Chapter 21 of Title 3 of the East Peoria City Code, which proposed amendments are hereinafter set forth to increase the video gaming terminal fee to \$250.00 per terminal effective at the next annual registration date of May 1, 2022; and

WHEREAS, the City Council finds that adoption of the proposed amendments to the City’s video gaming regulations would serve the best interests and the public good of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 3, Chapter 21, Section 1 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline, deletions by ~~strikeout~~):

3-21-1. Definitions.

Act, as used in this Chapter of the City Code, means the Video Gaming Act found at 230 ILCS 40/1 *et seq.*, as from time to time amended.

Establishment means any business licensed by the State to have or operate a video gaming terminal in the City, including any licensed fraternal establishment, licensed truck stop establishment, and licensed large truck stop establishment, as these terms are defined under the Video Gaming Act.

Terminal operator means an individual, partnership, corporation or limited liability company that is licensed under the Act and that owns, services, and maintains video gaming terminals located within the corporate limits of the City.

Video gaming terminal shall have the meaning ascribed to such term by the Act.

Section 2. Title 3, Chapter 21, Section 3 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline, deletions by ~~strikeout~~):

3-21-3. Registration.

Every establishment that has or operates any video gaming terminal within the corporate limits of the City or every terminal operator that owns, services, or maintains any video gaming terminal within the corporate limits of the City shall register the video gaming terminal with the City Clerk by providing to the City Clerk a description of the terminal, the location of the terminal within the corporate limits of the City, and the serial number of the terminal. The establishment or terminal operator shall register the video gaming terminal with the City before such video gaming terminal is operated within the City.

Section 3. Title 3, Chapter 21, Section 4 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline, deletions by ~~strikeout~~):

3-21-4. Fee.

A fee of two hundred fifty dollars (\$250.00) ~~twenty-five dollars (\$25.00)~~ per video gaming terminal per year, or any fraction thereof, shall be assessed by the city for owning or operating a video gaming terminal within the city. Said year shall correspond with the fiscal year of the city.

The cost of this fee shall be shared equally between the terminal operator and the establishment.

Section 4. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 5. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 6. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 7. This Ordinance shall be in full force and effect beginning May 1, 2022, after its passage, approval, and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel