



ORDINANCE NO. 2036-20

AN ORDINANCE TO AMEND TITLE 3, CHAPTER 3 LIQUOR CONTROL SECTION 3-3-15-D GAMBLING; TO ADD SECTION 3-3-8-H CREATING A VIDEO GAMING LIQUOR LICENSE; TO AMEND SECTION 3-3-10 NUMBER OF LICENSES; TO AMEND TITLE 3, CHAPTER 5 ENTERTAINMENTS AND AMUSEMENTS, ARTICLE A, SECTION 3-5A-1 DEFINITIONS, AND TO AMEND TITLE 11, SUBSECTION 11-1-1-I LIQUOR LICENSES, TO PERMIT VIDEO GAMING WITHIN THE VILLAGE OF HAWTHORN WOODS

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the Video Gaming Act (230 ILCS 40/1 et seq.; PA 96-0034) which became law July 13, 2009 and allows licensed retail establishments to conduct video gaming; and

WHEREAS, the Video Gaming Act authorizes municipalities to permit video gaming by ordinance within their respective corporate limits; and

WHEREAS, the Village of Hawthorn Woods Board of Trustees on September 10, 2009 adopted Ordinance 1294A-09, which prohibited video gaming; and

WHEREAS, the State of Illinois has proven its ability to effectively regulate video gaming; and

WHEREAS, the Village of Hawthorn Woods elects to adopt additional restrictions so as to further protect families and property values; and

WHEREAS, limited video gaming, as regulated by the Video Gaming Act and its regulations, has not imposed an undue burden on municipal police departments because the Illinois Gaming Board has extensive power to regulate and enforce provisions related to video gaming; and

WHEREAS, passage of this Ordinance is not an endorsement of video gaming, but a recognition that this is a matter of personal choice for responsible adults to exercise.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: The foregoing recitals are incorporated into, and made a part of, this Ordinance.

SECTION TWO:

That Title 3, Section 3-3-15-D of the Village Code of the Village of Hawthorn Woods is hereby deleted in its entirety and the following language shall be substituted:

... “D. Gambling: It shall be unlawful to permit any gambling on any premises licensed to sell alcoholic liquor unless the local liquor control commissioner issues a Class VG liquor license to the premises.”

SECTION THREE:

That Section H shall be added to Section 3-3-8 License Classifications to create a Class VG liquor license that is required in order to qualify for video gaming in the Village of Hawthorn Woods.

... “H. Class “VG” License (Video gaming) shall authorize video gaming on premise.

1. Only those establishments holding a Class A (restaurant, banquet facility, recreational entertainment such as bowling alley, movie theatre or golf course) and Class F (retail sale at a bar or table of beer and ale manufactured on the premises where sold – brewpub) and Class G (full service bar) liquor license may apply for the Class VG license.
2. Holders of a Class “VG” license may conduct video gaming on premise in accordance with the following conditions:
 - a. The establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., and shall comply with all provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
 - b. The operation of video gaming terminals shall only be permitted during the hours that alcoholic liquor sales are permitted pursuant to the underlying Class A, F or Class G liquor license.
 - c. All video gaming terminals must be located in an area restricted to persons over 21 years of age. For all licensed video gaming locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. Any licensed video gaming location that allows minors to enter where video gaming terminals are located shall separate any video gaming terminals from the area accessible by minors. In those licensed video gaming locations where separation from minors under 21 is required, a physical barrier to the gaming area is required, which may

- consist of a short partition, gate or rope or other means of separation. No barrier shall visually obscure the entrance to the gaming area from an employee of the licensed video gaming location who is over the age of 21.
- d. The total number of video gaming terminals located in the establishment shall not exceed six (6);
 - e. No video gaming signage or advertising of any type or size, including but not limited to, posters, paper signage, fliers, neon signage, banners, video or audio feed, or any other form of advertisement, shall be allowed on the exterior of, outside of, or on the inside of such licensed establishment if such signage is visible in any way from the outside, including but not limited to, visibility from the street, alley or public right of way within the Village;
 - f. Video Gaming is prohibited in any establishment located within 100 feet of any school or place of worship as defined under the Illinois Video Gaming Act 230 ILCS 40/1 et seq., and the Regulations promulgated thereunder;
3. The annual fee for such License shall be set forth in subsection 11-1-1-I of this Code. Additionally, any establishment operating pursuant to a Class VG License which allows for and authorizes video gaming must pay an annual fee to the Village as set forth in subsection 11-1-1-I of this Code.

SECTION FOUR:

That Title 3, Section 3-3-10 of the Village Code of the Village of Hawthorn Woods entitled “Number of Licenses” shall be amended to add a Class VG license to the bottom of the table and identifying that the number of VG licenses shall be 2.

SECTION FIVE:

That Title 3, Chapter 5A, Coin Operated Amusement Devices and Vending Machines, Section 3-5A-1 is hereby amended to revise the definition of “Coin Operated Amusement Device” by deleting such definition in its entirety and the following language shall be substituted:

“COIN OPERATED AMUSEMENT DEVICE: Includes any and all instruments, games, machines, equipment and other devices the operation of which is governed or controlled by the insertion of or deposit of a coin or token not including video gaming machines licensed and regulated under the State of Illinois Video Gaming Act.”

SECTION SIX:

1. Subsection 11-1-1-I, Liquor Licenses, is hereby amended to revise the title of this

subsection to "Liquor Licenses (see section 3-3-9 of this Code), and Video Gaming Terminal Annual Fee (see section 3-3-8 of this Code):"

2. Subsection 11-1-1-I, Liquor Licenses, is hereby amended by adding the following language:
"Class VG \$2,500.00"
3. Subsection 11-1-1-I, Liquor Licenses is hereby amended by adding the following language:
"Class VG Annual Video Gaming Terminal Fee per individual machine \$25.00"

SECTION SEVEN:

1. **Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provisions or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.
2. **Effective Date.** This ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

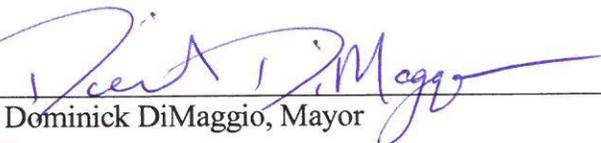
The foregoing Ordinance was adopted by a roll call vote as follows:

AYES: Kosik, Riess, David, DiMaggio

NAYS: Kaiser, Corrigan, McCartney

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: July 27, 2020

APPROVED: July 27, 2020

PUBLISHED: July 27, 2020