

VIDEO GAMING LICENSES - NEW APPLICATIONS

INFORMATION SHEET

This information sheet is offered for convenience purposes *ONLY*. For additional clarification or information please refer to City Code Chapter 7, Article VIII, available online at (<https://ecode360.com/34404251>). Please also be sure to look at all new laws (e.g. ORD. 2019-65).

IMPORTANT NOTES:

- 1) Applications for new licenses will be available on Thursday, September 12, 2019 at the City Clerk Department and on the City Website.
- 2) Applications CANNOT be accepted until 8:00 a.m. on Monday, September 16, 2019.
 - a. Completed applications will be accepted by the City Clerk Department on a first come, first serve basis.
 - b. City Clerk Department staff receiving applications will apply Time & Date Stamps to applications in the following manner:
 - i. COUNTER RECEIVED: Applications will be Time & Date stamped upon receipt.
 1. Persons submitting applications in-person are to act respectful and orderly at all times and must strictly abide by all posted procedures for line formation and submission of applications.
 - ii. BY POSTAL MAIL: Applications will be Time & Date stamped upon opening.
 - iii. EMAIL RECEIVED DURING BUSINESS HOURS: Applications will be Time & Date stamped the time and date the email is received.
 1. Emails received before 8:00 a.m. on September 16, 2019 will not be accepted and will automatically be denied. Resubmission will be required for additional consideration.
 - iv. EMAIL RECEIVED OUTSIDE BUSINESS HOURS: Applications will be Time & Date stamped the time and date in which the City Clerk Department opens for its next business day.
 1. Emails received before 8:00 a.m. on September 16, 2019 will not be accepted and will automatically be denied. Resubmission will be required for additional consideration.

APPLICATION REQUIREMENTS FOR NEW APPLICATIONS:

- 1) Completed application with ALL required information must be provided. *Omissions in the application or required attachments will result in the application being denied.*
- 2) Must attach a valid copy of the applicant's Illinois State Gaming License.
 - a. The license must be specific to the location applying for the City Video Gaming License.
 - b. Applicants in the process of applying for a State license do not qualify to apply and applications not meeting this requirement will be denied.
- 3) Must attach documentation that the establishment applying for the license has been in operation for at least 12 months.
 - a. EXCEPTIONS:
 - i. Applicant owns another existing business in a different location that:
 1. is being replicated at the location applying for the license;
 - a. "Replicated" or "Replicating" is intended to mean the same business model (ie: type of food, square footage, number of employees, etc.)
 2. has been in operation for at least 12 months; AND
 3. can show gross receipts for video gaming have not exceeded 50% of the business' total gross receipts in the last 12 months.
 4. IF THIS EXCEPTION APPLIES, the applicant must also submit:
 - a. A statement supporting how the existing, replicating business' model will be replicated at the new, applying location;

- b. Documentation verifying the applicant is a majority owner in the existing, replicating business;
- c. Documentation of the length of time the existing, replicating business has been operational; AND
- d. Documentation that video gaming gross receipts at the existing, replicating business have not exceeded 50% of the business' total gross receipts in the last 12 months (*Gross receipts may be requested for verification*):
 - i. A statement from a certified public accountant (CPA) confirming the same including specific percentages for each category of gross receipts OR
 - ii. Copies of financials, an annual report, or etc. verifying the same including specific percentages for each category of gross receipts.
- ii. Applicant is seeking a Transfer of License from a current license holder.
 - 1. Current licensed establishment shall be considered for this requirement.
- 4) Must attach a floor plan, drawn to scale using a computer, detailing the overall layout of the establishment.
 - a. Floor plan MUST:
 - i. Be submitted in electronic form (Applicant can email the file, but the application is not considered complete until received by Clerk Department staff) AND paper form, no smaller than 11x17.
 - ii. Detail the overall layout of the establishment including:
 - 1. Location and count of dining seating;
 - 2. Location and count of video gaming terminals;
 - 3. Location and count of seating for video gaming terminals; and
 - 4. All other significant features such as emergency exits, restrooms, and other equipment.
 - b. Outside of the video gaming terminal area, there must also be a minimum of five (5) seats per terminal available for customer use.
 - i. *Not Applicable to Regular or Large Truck Stops.*
 - c. Applicant is seeking a Transfer of License from a current licensed establishment.
 - i. Current licensed establishment shall be considered for this requirement.
- 5) Must attach a copy of the applying establishment's State of Illinois Certificate of Good Standing.
 - a. *Not applicable to sole proprietors (individuals).*
- 6) If the applying establishment is classified as being owned by a fraternal or veterans organization, documentation of said classification must be *attached*.

ADDITIONAL INFORMATION TO NOTE:

- 1) There will be a maximum of 60 licenses issued by the City at any given time.
- 2) There is a maximum of five (5) terminals allowed per licensed establishment.
- 3) License run from May 1 through April 30 each year.
- 4) License expire at midnight on the date of expiration listed on each license.
- 5) RENEWAL APPLICATIONS must be turned in by April 1, unless that is a holiday and then applications will be accepted on the next business day.
 - a. Renewal applications must comply with all Application Requirements (See Application Requirements above).
 - b. LATE RENEWAL APPLICATIONS will receive a 10% penalty as a late fee and may be subject to the renewal license being denied.
- 6) No application fee exists at this time for applications.
- 7) IF A LICENSE IS APPROVED, fees must be paid prior to the issuance of the license.
 - a. \$250 fee per terminal for establishments classified as fraternal or veterans establishments.

- b. \$500 fee per terminal for all other establishments.
 - c. NOTE, fees can be paid with cash, check, credit card, or debit card.
- 8) IF A LICENSE IS DENIED:
- a. A Notice of Denial letter will be sent to the applicant by the City Clerk.
 - b. The denied applicant has a right to appeal and must request an appeal by sending a written request to the City Clerk within 10 days of the date on the Notice of Denial.
- 9) Video gaming revenue must not EVER exceed 50% of the establishment's total gross revenue.
- a. *Not Applicable to Large Truck Stops; All Other Establishments, including Regular Truck Stops, Must Meet this Requirement.*
 - b. Existing licensed establishments have until May 1, 2020 to comply with this requirement.
 - c. If video gaming revenue exceeds 50%:
 - i. in a quarter, the establishment's license may be revoked, suspended, or altered, including having the number of terminals reduced.
 - ii. in the previous calendar year, the establishment will not be eligible for a license to be reissued AND the existing video gaming license shall be revoked.
 - d. All gross receipts and financial records for the licensed establishment must be kept for 4 years and are subject to audit by the City of Bloomington.
- 10) Applicants cannot be in arrears of any tax, fee, or bill due to the City or State.
- 11) Applicants must be in compliance with all application requirements and can be disqualified to apply due to a felony, gambling offense, or other crime of moral turpitude (depravity).
- 12) Establishments must not be located in a residential zoning district. See grandfather clause.
- 13) No sports betting allowed except at Truck Stops.
- 14) No cannabis sales allowed on premises of any licensed video gaming facilities.
- 15) Penalties Associated to Violations:
- a. Violators of the Code can be fined anywhere from \$100-\$1000 per offense.
 - i. Each day of continued violation is considered a separate and distinct offense.
 - b. If machines are found in an establishment without a license, those machines are subject to removal and/or seizure.
 - c. Failure to comply with the Code may result in sanction, suspension, or revocation of liquor licenses and other City issued licenses.
- 16) Cessation of Business (Stopping Business Operations)
- a. Any establishment that ceases business operations, including operating video gaming terminals, for more than 60 days shall have its video gaming license revoked.
 - b. EXCEPTION: If cessation occurs due to an Act of God or as part of a planned remodel/upgrade to the establishment and the establishment resumes business within 12 months.
 - i. License fees must be paid during the cessation period.
 - ii. Planned cessations for remodels/upgrades must receive prior approval from the City Clerk.

DEFINITIONS TO NOTE:

- 1) Regular Truck Stop: a facility that is at least 3-acres with a convenience store; with separate diesel islands; that sells more than 10,000 gallons of diesel or biodiesel fuel per month; and has parking spaces for commercial motor vehicles.
- 2) Large Truck Stop: same definition as a Regular Truck Stop PLUS it must be located within 3 road miles from a freeway interchange AND must sell at retail more than 50,000 gallons of diesel or biodiesel fuel per month.