

ORDINANCE NO. 2020 - 85

**AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY CODE TO CREATE
A VIDEO GAMING LICENSE WAITLIST**

WHEREAS, the City of Bloomington, McLean County, Illinois (hereinafter “City”) is an Illinois home-rule municipality; and

WHEREAS, the City Council has the authority to regulate video gaming in a manner not inconsistent with the provision of the Illinois Video Gaming Act; and

WHEREAS, the City Council has placed a cap (maximum) of 60 video gaming licensed establishments in the City at any given time; and

WHEREAS, the video gaming license application and issuance process is managed and administered by the City Clerk; and

WHEREAS, the City Clerk recently issued the last available (60th) video gaming license and has no more available for issuance; and

WHEREAS, the City Council looks to increase fairness in the application and issuance process associated to video gaming by establishing a Video Gaming Waitlist; and

WHEREAS, the City Council instructs the City Clerk to create a Video Gaming Waitlist whereby when no video gaming license are available applicants shall still be able to apply and wait for a license.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Bloomington, McLean County, Illinois, as follows:

SECTION 1. The above recitals are incorporated herein by this reference as if specifically stated in full.

SECTION 2. That Article XIII in Chapter 7 shall be updated as follows:

AMUSEMENTS (CHAPTER 7)

§ 7-1307 [Ch. 7, Sec. 126] Limitation on number of video gaming licenses in City; License waitlist.

- A. There shall be no more than 60 establishments licensed to operate video gaming terminals in the City at any given time.
- B. The City Clerk shall be responsible for creating, maintaining, and publishing a Video Gaming Waitlist of establishments interested in a video gaming license.
- C. Effective at 8:00 a.m. on December 21, 2020, the City Clerk will begin accepting applications for the Waitlist in accordance with procedures established by the City Clerk. Interested establishments looking to be placed on the Video Gaming

Waitlist must submit to the City Clerk a full and complete application including all required attachments.

(1) If, upon review, the applicant would have qualified for a Video Gaming License had one been available, the applicant will be placed on the Video Gaming Waitlist based on the order in which it was filed with the City Clerk.

(2) Applicants placed on the Waitlist may be removed from the Waitlist at the discretion of the City Clerk for the following reasons:

- i. Violation of any law occurring on the establishment's premises committed by the establishment or an employee of the establishment;
- ii. Violation of any law or state regulation regarding video gaming or video gaming terminals;
- iii. Violation of any law occurring on the establishment's premises which the establishment did not take adequate means to prevent, or to which the establishment did not respond in an appropriate manner after it became aware of such violation;
- iv. Failure to pay any tax, fee, or bill due to the City of Bloomington;
- v. Failure to provide current information regarding the ownership or location of the business;
- vi. Ceasing to meet the video gaming licensure requirements of § 7-1303A, except as may be permitted by § 7-1321.

D. When a video gaming license becomes available, the City Clerk shall notify in writing the interested establishment at the top of the list and give them 14 calendar days to update any materials or attachments associated to the original application.

(1) If, upon review, the applicant still qualifies for a Video Gaming License the application shall be approved and the applicant shall be removed from the Waitlist.

(2) If, upon review, the applicant does not meet the qualifications of licensure, the Clerk shall notice the applicant of denial, remove the applicant from the Waitlist, and move to the next interested establishment.

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 5. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 6. This ordinance shall be effective immediately after its approval and publication as required by law.

PASSED this 14th day of December 2020.

APPROVED this 17th day of December 2020.

CITY OF BLOOMINGTON

Tari Renner

Tari Renner, Mayor

ATTEST

Leslie Smith-Yocum

Leslie Smith-Yocum, City Clerk

