



AGENDA ITEM # 5

**AGENDA ITEM EXECUTIVE SUMMARY
Committee of the Whole Meeting
January 27, 2020**

Item Title: **Class T Liquor License Ordinance Amendments**

Staff Contact: Andrew J. Maglio, Mayor

COMMITTEE OF THE WHOLE ACTION

Review proposed amendments to the Village’s Alcoholic Liquor Control Code regarding the number of Class T Licenses permitted and location and placement of video gaming terminals.

Executive Summary:

At our January 13 Committee of the Whole meeting, I asked Trustees to consider repealing a section in the Village’s alcoholic liquor control code that prohibits more than 12 Class T licenses. In addition, I asked Trustees to reconsider a past policy for not issuing Class T licenses to downtown Roselle businesses that meet good standing requirements noted in the alcoholic liquor control code. Some Trustees expressed concerns about the visibility of video gaming terminals to children visiting more family oriented businesses. Based on discussion during the COW meeting and further direction from Trustees, I asked the Village Attorney to draft proposed amendments for further consideration by the Village Board.

Attached to this memorandum are draft ordinance amendments to the alcoholic liquor control code that (1) eliminates the restriction on number of Class T licenses permitted and (2) adopts and administrative regulation enforced by the State of Illinois Gaming Board requiring segregation of video terminals from the view of children. This amendment also makes a violation of the segregation issue a violation of the Village’s liquor ordinance, thereby giving the liquor commissioner more latitude for imposing penalties for these types of violations. I have also attached a section of the administrative code for the Illinois Gaming Board identifying rules and regulations for the location and placement of video gaming terminals.

I would appreciate if Trustees would review these proposed amendments so the Village Board can further discuss the number of Class T licenses permitted and the rules and regulations for administering the location and placement of video gaming terminals and how those restrictions impact minors under the age of 21.

Implications:

Is this item budgeted? N/A

Any other implications to be considered? N/A

Attachments:

Draft Ordinance Amending Certain Sections of the Alcoholic Liquor Control Code
JCAR Administrative Code – Location and Placement of Video Gaming Terminals

**ORDINANCE AMENDING SUBSECTION (20) OF SECTION 3-32
“CLASSIFICATION OF LICENSES” OF ARTICLE 2, RETAIL LICENSES OF
CHAPTER 3 “ALCOHOLIC LIQUOR CONTROL” OF THE CODE OF
ORDINANCES OF THE VILLAGE OF ROSELLE
SECTION 3-33 LIMITATION ON NUMBER OF LICENSES**

WHEREAS, the Village of Roselle has a Class T liquor license which authorizes the holders of Class F, Class I, Class K or Class M liquor licenses who also possess a valid video gaming license issued by the Illinois Gaming Board to sell alcoholic liquor for consumption only on the premises where video gaming devices are located; and

WHEREAS, when the Class T liquor license was originally adopted the Village elected a more conservative approach to permit it to observe and monitor the impact of Class T licenses on the Village; and

WHEREAS, the Village has monitored Class T liquor licenses over the last several years and concluded that the public health, safety and welfare of the Village has not been significantly compromised or qualified as a result of the existence of such licenses and that the number of such licenses can be increased without enhancing those risks so long as they remain strictly subject to the rules and regulations promulgated by the Roselle Liquor Commissioner in furtherance of control of Class T licenses.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, that Subsection (20) of Section 3-32 “Classification of Licenses” and the Class T “Limitation on Number of licenses set forth in Sec, 3-33 “ of Chapter 3 “Alcoholic Liquor Control” of the Code of Ordinances of the Village of Roselle – Section 3-33 Limitation on Number of Licenses are hereby amended as follows:

SECTION 1: That Subsection (20) of Section 3-32 “Classification of Licenses” of Article 2 Retail Licenses; is hereby amended by the addition of a new Subsection (20) i, which shall read as follows:

Class T licenses shall only be operated by the holders of Class F, Class I, Class K or Class M liquor licenses and where the consumption of the alcoholic liquor by persons playing video gaming devices is restricted to the segregated area as described in: Subsection b.) of Section 1800.810 “Location and Placement of Video Gaming Terminals” of Title 11 ; Subtitle D: Video Gaming: Chapter I; Illinois Gaming Board: Part 1800 Video Gaming (General) of the Illinois Administrative Code (hereinafter “Subsection b”). A violation of Subsection b by a Class T license holder shall be a violation of the Roselle Liquor Control Ordinance.

SECTION 2: That subsection “T” of Section 3-33 “Limitation on the Number of Licenses ‘Class T’ Licenses” is hereby repealed and rescinded in its entirety and replaced with a new Sub Section T’ number of licenses which shall read:

Class T: Number of Licenses: 12.

SECTION 3. That the last full sentence of Section 3-33 “Limitation on number of liquor licenses” is hereby repealed and rescinded in its entirety and replaced with a new last sentence which shall read:

All liquor licenses, regardless of the number of licenses stated in a category shall be issued within the Village only when approved by the Village Board at the Liquor Commissioner’s request. All licenses shall be processed by the Village on a first-come-first-serve basis.

SECTION 4: If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

SECTION 5: Any Ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

SECTION 6: This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

AYES:
NAYES:
ABSTAIN:
ABSENT:

PASSED AND APPROVED THIS _____ DAY of _____, 2020.
PUBLISHED in pamphlet form this _____ DAY of _____, 2020.

Andrew J. Maglio, Mayor, Village of Roselle

ATTEST:

Village Clerk

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD
PART 1800 VIDEO GAMING (GENERAL)
SECTION 1800.810 LOCATION AND PLACEMENT OF VIDEO GAMING TERMINALS

Section 1800.810 Location and Placement of Video Gaming Terminals

- a) All licensed video gaming locations and terminal operators shall be responsible for the proper placement, installation, maintenance and oversight of video gaming terminals within a licensed video gaming location as prescribed by the Act and this Part.
- b) 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.
- c) All video gaming terminals located in a licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall be placed in an area where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises. The designated video gaming area may be separate from where the bar or other source of the alcoholic liquor is located. The licensed establishment, licensed fraternal establishment, or licensed veterans establishment shall have seating facilities for customers or members apart from seating at the video gaming terminals. The drawing, pouring, mixing, or other service of alcoholic liquor within the video gaming area shall be done by the licensee of the licensed establishment, licensed fraternal establishment, or licensed veterans establishment.
- d) When two or more adjacent businesses appear to the Administrator to be a single business, or are operated by the same or commingled ownership, then the Administrator may limit those businesses to the maximum number of video gaming terminals. The maximum will be the number permitted under Illinois law for one business as the total number of video gaming terminals authorized for both or more

such businesses, where the Administrator determines that the limitation would further the intent of the Act and the integrity of video gaming in the State of Illinois.

- 1) In the event the Administrator decides that two or more adjacent businesses shall be a single business for purposes of determining the maximum number of video gaming terminals to which they are entitled, the Administrator shall provide the affected businesses with written notice of this decision in accordance with the notice requirements of Section 1800.615.
 - 2) An applicant that has been deemed to constitute a single business with one or more adjacent businesses for purposes of determining the maximum number of video gaming terminals to which it is entitled may submit a request for hearing to the Board. The hearing procedures shall be those set forth in Subpart F.
- e) The owner, manager or employee of the licensed video gaming location who is over 21 years of age shall be present during all hours of operation, and the video gaming terminals or the entrance to the video gaming terminal area must be within the view of at least one owner, manager or employee.

(Source: Amended at 42 Ill. Reg. 3735, effective February 6, 2018)