

§ 115.01 QUALIFIED EXEMPTION FROM GAMING

(A) *Licensed video gaming exemption.* The prohibitions of this chapter and any other chapter or section of the County Code that may reference or govern gambling or gaming shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker and is being operated by a licensed liquor, fraternal, veterans, or truck stop establishment which has a valid county video gaming establishment license and is in full compliance with this chapter.

(B) *Definitions.* For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LICENSED ESTABLISHMENT OR LICENSED PREMISES. Any establishment which holds a valid license to sell liquor at retail for consumption on the premises under the Lake County Liquor Control Ordinance and is licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises, or any fraternal establishment, veterans establishment or truck stop establishment that is licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises.

VIDEO GAMING TERMINAL. Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games, receipts or credits which can be redeemed for cash. **VIDEO GAMING TERMINAL** does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Ord. 13-0868, passed - -2013)

§ 115.02 VIDEO GAMING PERMIT REQUIRED.

It shall be unlawful for a licensed establishment to operate any video gaming terminal, unless the licensed establishment obtains and maintains a valid video gaming terminal permit sticker from the county for each video gaming terminal to be operated on the licensed premises.

(Ord. 13-0868, passed - -2013) Penalty, see § [10.99](#)

§ 115.03 VIDEO GAMING TERMINAL PERMIT STICKER AND FEE.

(A) In order for any video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the county for each video gaming terminal located on its premises by submitting a written application, on a form provided by the county, to the Liquor Control Commissioner or his or her designee. The burden is upon each applicant to demonstrate its suitability and qualifications for the permit sticker. Each video gaming terminal permit sticker issued by the county shall expire June 30 next, after date of issue, unless sooner revoked as provided by law, with an annual fee of \$25 per video gaming terminal payable in full at the time the application is filed with the county.

(B) A video gaming terminal permit shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered by any interest other than the interest of the applicant.

(Ord. 13-0868, passed - -2013)

§ 115.04 REGULATIONS FOR OPERATING VIDEO GAMING TERMINALS.

The following regulations apply to all licensed establishments operating a video gaming terminal on the licensed premises with valid video gaming terminal permit sticker for each video gaming terminal.

- (A) A valid Illinois Gaming Board video gaming license must be clearly displayed at all times.
- (B) A valid county video gaming terminal permit sticker shall be clearly displayed at all times on each video gaming terminal on the licensed premises whether operational or not.
- (C) No more than five video gaming terminals may be located on the licensed premises.
- (D) Other than having up to five video gaming terminals with valid video gaming terminal permit stickers, a licensed establishment is prohibited from having, anywhere on its premises, an electronic video gaming machine which may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise similar to a gambling or gaming device under this code, even if solely for amusement purposes.
- (E) All video gaming terminals must be located in an area restricted to persons 21 years of age or older. The entrance to such area must, at all times, be within the view of at least one employee of the licensee who is at least 21 years of age.
- (F) No licensed establishment may cause, suffer, or permit any person under the age of 21 years to use, play, or operate a video gaming terminal.
- (G) For licensed establishments with a liquor license, no video gaming terminal may be played, except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to the Lake County Liquor Control Ordinance ([Chapter 111](#), §§ [111.001](#) through [111.999](#)).
- (H) The licensed establishment must fully comply with the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., as amended, and all rules, regulations and restrictions imposed by the Illinois Gaming Board.
- (I) The licensed establishment must fully comply with all applicable Lake County ordinances, including, the Lake County Liquor Control Ordinance ([Chapter 111](#), §§

[111.001](#) through [111.999](#)), as well as any applicable federal and Illinois laws or regulations.

(J) Licensed establishments must immediately notify the Liquor Control Commissioner in the event the Illinois Gaming Board revokes or suspends the licensed establishment's video gaming license. The revocation, loss, or suspension of a valid Illinois Gaming Board video gaming license shall automatically result in the revocation, loss or suspension of the county video gaming permit stickers, without refund of any fee, for all video gaming terminals permitted for the establishment.

(Ord. 13-0868, passed - -2013)

§ 115.05 INSPECTION OF PREMISES.

Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Lake County Sheriff or his or her authorized agents, at any time, to ensure compliance with this chapter. This includes licensed establishments applying for a video gaming establishment license and/or video gaming terminal permit sticker. It shall be unlawful for any person to hinder, resist, oppose, or attempt to hinder, resist or oppose the Lake County Sheriff or his or her respective agents in the course of an inspection.

(Ord. 13-0868, passed - -2013)

§ 115.06 REVOCATION/SUSPENSION OF LICENSE AND PERMIT STICKER.

(A) The Liquor Control Commissioner may revoke or suspend any video gaming terminal permit sticker issued by the county if the Liquor Control Commissioner determines the licensed establishment has violated any of the provisions of this chapter, any provision of other county ordinances, or any applicable state or federal statute. No video gaming terminal permit shall be revoked or suspended, except after a public hearing before the Liquor Control Commissioner, with a three-day written notice to the licensed establishment, served upon the licensee or the licensee's manager of the licensed premises.

(B) Notwithstanding the foregoing, any licensed establishment which has its liquor license forfeited, revoked, or suspended by the county or by the Illinois State Liquor Commission, or has its state video gaming license revoked or suspended by the Illinois Gaming Board, shall forthwith, without a hearing before the Liquor Control Commissioner, have all of its county video gaming terminal permit stickers revoked or suspended for the duration for which its liquor and/or Illinois Gaming Board gaming license is suspended, as the case may be.

(Ord. 13-0868, passed - -2013)

§ 115.07 SEIZURE OF UNLAWFUL VIDEO GAMING TERMINALS.

Every video gaming terminal which does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device subject to seizure the Lake County Sheriff or his or her respective agents and shall be turned over

to the Illinois Gaming Board, in accordance with Board regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.

(Ord. 13-0868, passed - -2013)

§ 115.08 PROHIBITION.

The operation of new video gaming terminals within unincorporated Lake County is hereby prohibited.

§ 115.09 EXEMPTIONS.

(a) The operation of video gaming terminals at any video game location that has either been granted a license, by the Illinois Gaming Board, to operate a video gaming establishment prior to the enactment date of this Ordinance or that is eligible for and has submitted a complete application to the Illinois Gaming Board for a gaming license prior to the enactment of this Ordinance shall be exempt from the prohibition set forth in Section 115.08.

(b) An exempted business location described in paragraph (a), that has operated continuously and is in full compliance with liquor and gaming licensing requirements, may upon sale of the business, retain its exempted status. This exempted status shall be contingent upon the subsequent business owner's eligibility for, and compliance with, liquor and gaming licensing requirements. No such exemption will apply if a business has ceased operation as a valid liquor license holder in Lake County or has its liquor license revoked.