



Village of Algonquin

The Gem of the Fox River Valley

To Whom It May Concern:

On November 15, 2016 the Village Board amended Chapter 43.38 VIDEO GAMING TERMINALS, of the Algonquin Municipal Code noting the following changes:

- 43.38 A. Video Gaming License Required: Video Gaming License Required:
No person shall have or keep a video gaming terminal ("terminal") or video gaming device ("device"), as defined in Appendix A of this Code, in any place of public resort unless the Village license fee is paid and a valid license is issued and maintained in force by the State of Illinois. **Video gaming cafés, as defined in Appendix A of this Code, are prohibited in the Village.** (see attached definitions)
- Chapter 43.38 of the Village of Algonquin Municipal Code SECTION 2: The second paragraph in Section 43.38-H-1, Application, of the Algonquin Municipal Code has been amended to read as follows:
There is no limit on the number of terminal licenses that may be issued by the Village. Applications for such licenses shall be made to the Clerk on forms and in a manner prescribed by the Clerk **and include an executed Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments (PTAX-1002-21).** Terminal operator licenses shall be issued only upon the order of the Manager.

For your convenience, we have enclosed a copy of the Video Gaming Establishment License application, form PTAX-1002-21, updated Definitions, and Chapter 43 of the Algonquin Municipal Code. **It is recommended to make an appointment with our Police Department's Video Gaming Compliance Officer prior to delivery and placement of Video Gaming Terminals. Operation of gaming terminals, prior to the issuance of your Municipal Video Gaming License, could jeopardize the establishments liquor license.**

Please return your completed application, PTAX-1002-21 form, and appropriate fees prior to installation of the Video Gaming Terminals to:

Village of Algonquin
Deputy Village Clerk – Video Gaming
2200 Harnish Drive
Algonquin, IL 60102

If you have any questions regarding the application or process, please contact me at your convenience.

Regards,

Michelle Weber
Deputy Village Clerk
mweber@algonquin.org

ORDINANCE NO. 2016 - O - 35

An Ordinance Amending the Algonquin Municipal Code Regarding Video Gaming

WHEREAS, the Village of Algonquin, McHenry and Kane counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: Section 43.38-A of the Algonquin Municipal Code shall be amended to read as follows:

A. Video Gaming License Required: No person shall have or keep a video gaming terminal ("terminal") or video gaming device ("device"), as defined in Appendix A of this Code, in any place of public resort unless the Village license fee is paid and a valid license is issued and maintained in force by the State of Illinois. Video gaming cafés, as defined in Appendix A of this Code, are prohibited in the Village.

SECTION 2: The second paragraph in Section 43.38-H-1, Application, of the Algonquin Municipal Code shall be amended to read as follows:

There is no limit on the number of terminal licenses that may be issued by the Village. Applications for such licenses shall be made to the Clerk on forms and in a manner prescribed by the Clerk and include an executed Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments (PTAX-1002-21). Terminal operator licenses shall be issued only upon the order of the Manager.

SECTION 3: Appendix A, Algonquin Municipal Code Definitions, of the Algonquin Municipal Code shall be amended to add the following definitions:

Video gaming terminal or video gaming device: Pursuant to 230 ILCS 40/5, video gaming terminals and video gaming devices are permitted except in video gaming cafés, as defined herein, which include fraternal, veterans' and truck stop establishments.

Video gaming café: An establishment whose primary or a major focus of the establishment is video gaming and the service of alcohol; food is secondary to the operation of video gaming. The following factors may be considered when determining if the establishment is a video gaming café:

1. The layout and design of the establishment;
2. The preparation and variety of food and beverages offered;

3. The creation and operation of a commercial kitchen on the premise where gaming is situated;
4. The number of video gaming machines relative to the customer seating capacity of the establishment must be at least 10 customer seating to one machine;
5. The square footage of space devoted to video gaming relative to the amount of space devoted to other activities must be at least 4 for non-gaming to 1 gaming;
6. The source of proposed or actual revenue derived from the establishment;
7. The number of employees at the establishment and their proposed function; and
8. Any other factors as determined as relevant by the Local Liquor Control Commissioner.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

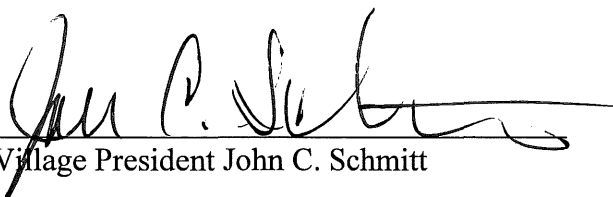
SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: *Sosine, Dianis, Glogowski, Smith, Steigert*

Voting Nay: None


Abstain: None

Absent: *Spella*

APPROVED: 
 Village President John C. Schmitt

(SEAL)

ATTEST: 
 Village Clerk Gerald S. Kautz


 By: Michelle Weber, Deputy Village Clerk

Passed: November 15, 2016
 Approved: November 15, 2016
 Published: November 16, 2016

43.39 **VIDEO GAMING TERMINALS** 13-O-18, amended 16-O-35, 20-O-40

A. Video Gaming License Required: Video Gaming License Required: No person shall have or keep a video gaming terminal (“terminal”) or video gaming device (“device”), as defined in Appendix A of this Code, in any place of public resort unless the Village license fee is paid and a valid license is issued and maintained in force by the State of Illinois. Video gaming cafés, as defined in Appendix A of this Code, are prohibited in the Village.

B. Annual Fee: The annual municipal license fee, found in Appendix B of this Code, is payable to the Village of Algonquin for each Video Gaming Terminal placed within the Village of Algonquin. This fee is paid be shared by the Video Gaming Terminal Operator and the Establishment housing the Video Gaming Terminal, each paying 50% of the per terminal license fee (i.e., \$250 paid by the Establishment and \$250 paid by the Video Gaming Operator). The annual fee shall be due and payable prior to the first day of January of each year. All issued licenses shall expire on the 31st day of December of that year. This fee is not in lieu of any fee or payment payable to the State or the Illinois Gaming Board.

C. Issuance: The applicant must obtain proper state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Section. Upon approval of the application and payment of the license fee, the Village shall issue a certificate bearing the notation “Village of Algonquin Video Gaming License for 20__.” One license shall be issued for each establishment and list the number of video gaming terminals licensed for said establishment and it shall be affixed in a conspicuous place.

D. Operation of Video Gaming Terminals: All such video gaming devices or terminals shall at all times be kept, placed, operated and monitored pursuant to State laws and applicable regulations including, but not limited to:

1. Prohibiting the gaming area to persons over 21 years of age and to restrict access to individuals who are visibly intoxicated;
2. Video gaming terminals shall be placed in an area restricted to individuals over the age of 21. If individuals under the age of 21 are allowed in any portion of the licensed premises, the establishment shall limit visibility of video gaming terminals from outside the room in which they are located;
3. The operation of video gaming devices or terminals shall only be allowed during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment. Upon the suspension or revocation of a licensee’s liquor license, the licensee’s video gaming license shall automatically be suspended (or revoked in the event of a liquor license revocation) without the requirement of any further action by the Village. Licensee’s gaming license shall be suspended for the same period of time as the suspension or revocation of the licensee’s liquor license;

4. The video gaming area shall be physically monitored by an employee over 21 years of age at all times during the legal hours of operation; and
5. Providing for camera surveillance of the video gaming area that meets the specifications of the Village as specified in license application, with equipment that has the ability to record and may be accessed by the Police Department upon request to investigate a suspected violation of this Section, any law or administrative code, or any unlawful activity.

E. Signage: Signage for video gaming terminals shall be approved and shall conform to the requirements of Chapter 29 of this Code. Required signage pursuant to State laws and regulations shall be posted at all times in the establishment's video gaming terminal area and should further include signage prohibiting the video gaming terminal area to persons under 21 years of age.

F. Responsible Gaming Policy: Licensees are required to submit their establishment's Responsible Gaming Policy, which outlines all employee education and training programs, self-exclusion policies, and procedures to promote responsible gaming with their license application. If standardized training for responsible gaming becomes available at the future date, it shall be required as part of the video gaming license application.

G. Inspection: The Village reserves the right to inspect the premises for compliance with this Section and all other applicable ordinances and statutes.

H. Terminal Operators: It shall be unlawful for any person, firm or corporation or other entity to engage in the business of video gaming terminal operation, pursuant to the Illinois Video Gaming Act, without first having secured a license from the Village as provided in this Section.

1. Application: Terminal operator licenses shall be effective from January 1 to December 31 of the same year. The annual fee for a terminal operator license shall be pursuant to Appendix B. The fee is nonrefundable and shall be applicable irrespective of when an applicant submits an application for a terminal operator license.

There is no limit on the number of terminal licenses that may be issued by the Village. Applications for such licenses shall be made to the Clerk on forms and in a manner prescribed by the Clerk and include an executed Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments (PTAX-1002-21). Terminal operator licenses shall be issued only upon the order of the Manager.

The Manager shall have the right to deny a terminal operator license to an applicant in the absence of reasonable proof necessary to evidence the applicant's ability to comply with, or past compliance with, the provisions of this Chapter or any other code provision or ordinance of the Village.

A terminal operator licensee shall provide the Village, within 14 business days of the Village's request, with copies of records pertaining to their accounts within the corporate limits of the Village

2. Insurance Prerequisites: No license which has been otherwise approved shall be issued until the terminal operator has filed with the Manager a certificate or other evidence that the terminal operator carries insurance of the following types of at least the limits specified below:
 - i. Workers' Compensation Insurance as prescribed by the laws of the State.
 - ii. Employers' Liability Insurance, with limits of not less than \$1,000,000.00 per occurrence.
 - iii. Comprehensive General Liability Insurance, with limits of not less than \$1,000,000.00 for property damages; \$1,000,000.00 for bodily injury or death of any one person, and \$2,000,000.00 coverage per occurrence.

The licensee shall include the Village, its officers, employees, and agents as additional named insured on any of the foregoing policies.

3. Assignment: Any license issued under this Code shall not be assignable or transferable by the licensee or by operation of law or otherwise. Nor may the licensee sublet or contract out any part of the work to be performed by the terminal operator.

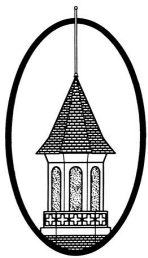
I. Penalty; Revocation: In addition to the penalty imposed in Appendix B of this Code, the President and Board of Trustees may revoke license for any violation of this Chapter or of any ordinance pertaining to the conduct of such business.

Exhibit A

2010	Fully Loaded	K2 Summit
8-Ball	Funky Monkey	K2 Summit Coffee Wonk
Aztec Gold	Funky Monkey XXXX	K2 Thai Dream
Aztec Midnight Wind	G Four	K2 Ultra
Tezcatlipoca	G Greenies Caramel	K2 (unknown variety)
Back Draft	Crunch	K2 Watermelon
Bad 2 the Bone	Genie	K3
Banana Cream Nuke	Gold Spirit Spice	K3 Blueberry
Bayou Blaster	Greenies Strawberry	K3 Cosmic Blend
Black Diamond	Green Monkey Chronic	K3 Dusk
Black Mamba	Salvia	K3 Grape
Black Magic Salvia	Heaven Improved	K3 Heaven Improved
Blueberry Hayze	Heavenscent Suave	K3 Heaven Legal
Bombay Blue	Humboldt Gold	K3 Kryptonite
Buzz	Jamaican Gold	K3 Legal
C3	K1 Gravity	K3 Legal – Earth (Silver)
C4	K1 Orbit	K3 Legal – Original (Black)
C4 Herbal Incense	K2	K3 Legal – Sea (Silver)
Caneff	K2 Amazonian Shelter	K3 Legal – Sun (Black)
Cherry Bomb	K2 Blonde	K3 Mango
Chronic Spice	K2 Blue	K3 Original
Chill X	K2 Blueberry	K3 Original Improved
Cill Out	K2 Citron	K3 Strawberry
Citrus	K2 Cloud 9	K3 Sun
Colorado Chronic	K2 Kryptonite	K3 Sun Improved
D-Rail	K2 Latte	K3 Sun Legal
Da Block	K2 Mellon	K3 XXX
Dark Night II	K2 Mint	K4 Bubble Bubble
Demon	K2 Orisha Max	K4 Gold
Diamond Spirit	K2 Orisha Regular	K4 Purple Haze
Dragon Spice	K2 Orisha Super	K4 Silver
Dream	K2 Orisha Black Magic Max	K4 Summit Remix
Earthquake	K2 Orisha White Magic Super	K Royal
Eruption Spice	K2 Peach	Kind Spice
Euphoria	K2 Pina Colada	Legal Eagle
exSES	K2 Pineapple	Legal Eagle Apple Pie
Ex-SES Planinum	K2 Pineapple Express	Love Potion 69
EX-SES Platinum	K2 Pink	Love Strawberry
Blueberry	K2 Pink Panties	Magic Dragon Platinum
EX-SES Platinum Cherry	K2 Sex	Magic Gold
EX-SES Platinum	K2 Silver	Magic Silver
Strawberry	K2 Solid Sex on the Mountain	Magic Spice
EX-SES Platinum Vanilla	K2 Standard	Mega Bomb
Fire Bird Ultimate Strength	K2 Strawberry	Mid-Atlantic Exemplar (K2 Summit)
Cinnamon		
Forest Humus		
Freedom		

Exhibit A

Midnight Chill	Shanti Spice	SYN Spearmint #2
MNGB Almond/Vanilla	Shanti Spice Blueberry	SYN Suave
MNGB Peppermint	Silent Black	SYN Swagg
MNGB Pinata Colada	Skunk	SYN Vanilla
MNGB Spear Mint	Smoke	SYN Vanilla #2
MNGB Tropical Thunder	Smoke Plus	Texas Gold
Mojo	Space	Time Warp
Moe Joe Fire	Spice Artic Synergy	Tribal Warrior
Mr. Smiley's	Spice Diamond	Unknown cigarette
MTN-787	Spice Gold	Ultra Cloud 10
Mystery	Spice Silver	Utopia
Naught Nights	Spice Tropical Synergy	Utopia-Blue Berry
New Improved K3 Cosmic Blend	Spicy Regular XXX Blueberry	Voodoo Child
New Improved K3 Dynamite	Spicy Regular XXX Strawberry	Voodoo Magic
New Improved K3 Kryptonite	Spicy Regular XXX Vanilla	Voodoo Remix
New K3 Earth	Spicylicious	Voo Doo Remix (black package)
New K3 Heaven	Spicy Ultra Strong XXX Strawberry	Voo Doo Remix (orange package)
New K3 Improved	Spicy Ultra Strong XXX Vanilla	Winter Boost
New K3 Sea Improved	Spicy XXX	Who Dat
New-Kron Bomb	Spike 99	Who Dat Herbal Incense
Nitro	Spike 99 Ultra	Wicked X
Ocean Blue	Spike 99 Ultra Blueberry	Wood Stock
Paradise	Spike 99 Ultra Cherry	XTREME Spice
p.e.p. pourri Love Strawberry	Spke 99 Ultra Strawberry	Yucatan Fire
p.e.p. pourri Original Spearmint	Spike Diamond	Zombie World
p.e.p. pourri Twisted Vanilla	Spike Gold	
p.e.p. pourri X Blueberry	Spike Maxx	
Pink Tiger	Spike Silver	
Potpourri	Spike Warrior	
Potpourri Gold	Stinger	
POW	Summer Skyy	
Pulse	Super Kush	
Rasta Citrus Spice	Super Summit	
Rebel Spice	Swagger Grape	
Red Bird	SYN Chill	
S1. S Werve	SYN Incense Smooth	
Samurai Spirit	SYN Incense Spearmint	
Sativah	SYN Incense LimonLime	
Scope Vanilla	SYN Lemon Lime	
Scope Wilberry	SYN Lemon Lime #2	
Sence	SYN Smooth	
	SYN Spearmint	



Village of Algonquin

FOR OFFICE USE ONLY:	
Date Received:	_____
License Fee: Yes	_____ No _____
Inspection Date:	_____

ESTABLISHMENT: VIDEO GAMING TERMINAL

LICENSE APPLICATION

Application is hereby made to the Village of Algonquin for issuance of a non-transferable **Video Gaming Terminal License**, pursuant to the ordinances of the Village of Algonquin and laws of the State of Illinois. In support of said application, the undersigned being duly sworn, does state the following:

Company Name: _____	Phone #: _____
Street Address: _____	Fax #: _____
City, State, Zip: _____	Email: _____
Contact Name: _____	Mobile Phone: _____

VIDEO GAMING TERMINAL OPERATOR INFORMATION

Company Name: _____	Owner: _____
Street Address: _____	Phone #: _____
City, State, Zip: _____	Fax #: _____

SUBMITTALS

- Video Gaming Terminal License Fee. (\$500 per terminal, 50% to be paid by the Establishment and 50% to be paid by the Terminal Operator) as prescribed by Appendix B of the Village of Algonquin Municipal Code and Chapter 43.39. Terminal Serial Numbers must be included on the reverse side of this application. (Make checks payable to the Village of Algonquin)
- Copy of State issued gaming licenses
- Copy of the establishment's "Responsible Gaming Policy"
- Description/specifications of establishment's camera surveillance equipment. (see reserve side for requirements)
- Copy of the signed agreement with the Licensed Terminal Operator
- Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments Form Signed by an Authorized Agent of the corporation (see attached)

Applicant understands and agrees that additional information and material may be required during the processing of this application including but not limited to information related to applicant's qualifications, the information provided herein, including attachments, and the license involved. Applicant agrees to provide such additional information and material and that failure to do so may delay the processing of this application or result in its denial.

In the event Applicant is made aware that any information or documentation submitted as part of this application process is inaccurate or incomplete, applicant agrees to immediately notify the Village and provide such additional information and material, and failure to do so may delay the processing of this application or result in its denial.

Applicant understands that the annual fee, payable to the Village of Algonquin shall be for each video gaming terminal or device. The annual fee shall be due and payable on the 1st day of January each year and will expire the 31st day of December of that year. This fee is not in lieu of any fee or payment payable to the State or Illinois Gaming Board. The applicant must obtain proper federal and state licenses and submit proof of said licenses with a copy of their signed agreement with the Terminal Operator to the Village prior to the issuance of a license. I have read and will comply with all applicable sections of the Algonquin Municipal Code.

The undersigned does further state as follow:

- A. The undersigned has read and understands the Village of Algonquin Municipal Code, Chapter 43.38, Video Gaming Terminals.
- B. That the undersigned is empowered to prepare and sign this application on behalf of the Applicant.
- C. That the undersigned has review this application, and all attachments and submittals, and that the information contained herein is true and accurate.
- D. That the undersigned, on behalf of the Applicant, acknowledges and agrees that a false statement knowingly made in this application shall bar the Applicant from further consideration and the application shall be denied.

APPLICANTS SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

Video Gaming Terminal Serial Number (maximum 6)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Surveillance Camera Specification - Minimum Requirements:

- ◆ High Resolution Cameras (Note: Minimum of 771x492 NTSC)
- ◆ Infrared (Night Vision Capabilities)
- ◆ Motion detection recording
- ◆ DVR Hard drive with storage to maintain 30 days of video retention with motion sensing.
(Note: Minimum requirements 125 GB memory per camera)
- ◆ USB port for video export

For more information pertaining to requirements or to view the Village of Algonquin Municipal Code Chapter www.algonquin.org or this information may be viewed at the Ganek Municipal Center, 2200 Harnish Drive, Algonquin, IL 60102 during regular business hours.

Submit your application with the proper fees and submittals in its entirety to:

Village of Algonquin
Attn: Deputy Village Clerk
2200 Harnish Drive
Algonquin, IL 60102



Illinois Department of Revenue

Authorization to Release Sales Tax Information to Local Governments

General Information

Complete this form *only* if you

- make retail sales of tangible personal property from a permanent location in Illinois or conduct a tent sale where you complete ST-556 forms for individual transactions; and
- want to authorize us (Illinois Department of Revenue) to disclose to your local government its share of sales tax received from your business.

Incomplete requests will be returned to the local government.

Step 1: Provide the retail business details

1 _____
 Illinois Account ID number (Sales Tax number)

← Enter your Illinois Account ID here, **not** your Federal Employer Identification Number (FEIN).

2 _____
 Taxpayer/business name

_____ **IL** _____
 Address (actual address of retail location) City County State Zip

3 I authorize this release for the reporting periods _____ through _____
 (month, year) (month, year)

Note: All requests must have a beginning and ending date.

4 This information is to be released to the (circle one) village, city, town or county of _____,

Note: All Financial Reporting requests will be mailed to the Treasurer of the local government. No additional copies will be sent by the Department.

5 Sign below

I, as the owner or authorized officer, authorize the Illinois Department of Revenue (IDOR) to disclose to the designated village, city, town, or county the amount of the local government's share of sales tax received from the taxpayer for the reporting period specified above.

 Signature of owner or authorized officer of the business Title
 () -

 Print Name Telephone number

Step 2: Give this form to your local government designated to receive the tax information

Step 3: To be completed by the local government official receiving information

Type of request (circle one): group/district stand-alone

If group/district, enter name here: _____

I, as the local government official, verify that this form is accurate and complete.

_____ () -
 Signature of local government official Title Telephone number

_____ **IL** _____
 Address City State Zip

Completed forms should be returned to: Illinois Department of Revenue, Local Tax Allocation Division 3-500, PO Box 19014, Springfield, IL 62794-9014 or by fax to 217 524-0526

Questions? Call 217 785-6518

This form is authorized by the Retailers' Occupation Tax Act 35 ILCS 120/11. Disclosure of this information is VOLUNTARY. This form has been approved by the Forms Management Center. IL-492-4561