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SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 22-44

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**AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE TO CREATE A NEW  
CLASSIFICATION OF LICENSE FOR GAMING PARLORS AND RENUMBERING  
THE GAMING LICENSING PROVISIONS**

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DAVE KIMSEY, Village President  
DAN HOLDEN, Village Clerk

KRISTEN CHIARO  
MEREDITH FERGUSON  
JOHN FLETCHER  
BRETT GERGER  
TIM NICE  
CARL TRY  
Village Trustees

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Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

ORDINANCE NO. 22 - 44

**AN ORDINANCE AMENDING THE VILLAGE LIQUOR CODE TO CREATE A NEW CLASSIFICATION OF LICENSE FOR GAMING PARLORS AND RENUMBERING THE GAMING LICENSING PROVISIONS**

**WHEREAS**, the Village of Chatham (hereinafter "Village") is an Illinois Municipal Corporation existing and operating under the Illinois Municipal Code and the laws of the State of Illinois; and

**WHEREAS**, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issued; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of a local license not inconsistent with the law as the public good and convenience may require; and

**WHEREAS**, the Corporate Authorities of the Village believe it is in the best interest of the Village to amend the Village Liquor Code as set forth herein to create a gaming parlor license for establishments who wish to serve alcohol and provide gaming services but will not meet the food and beverage sales requirements of the Village's tavern and restaurant gaming licenses..

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2.** Amendment to Village Code. Section 111.17 of the Village Code shall be amended as follows (added; ~~deleted~~):

(B) *Gaming licenses.*

~~(Q)~~(1)(a) A Class ETG "Extraterritorial Tavern Gaming" license shall be issued to a tavern and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. To be eligible for an "ETG" license, the establishment must meet the following requirements:

1. Be located on property that is not located within the corporate limits of the Village,
2. Be subject to a pre-annexation or annexation agreement with the Village that has a minimum of ten (10) years remaining on the term of the agreement, and
3. Have been previously granted a liquor license from the County prior to entering or renewing its pre-annexation or annexation agreement with the Village.

The annual fee for such license shall have a fixed component and variable component. The fixed fee shall be one thousand dollars (\$1,000.00) and shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. The variable component shall equal the municipal share of the VGT Tax Distribution for the preceding calendar year as reported by the Illinois Gaming Board. This shall be payable in two installments with 50% paid on December 31 of each year and 50% paid on June 30 of each year. The variable component shall be waived by the Village if the Village (as opposed to the County) receives the municipality share of the VGT Tax Distribution from the State of Illinois, whether it be directly or through an agreement with the County.

~~(2)~~ (b) Holders of a Class "ETG" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The Village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the "ETG" license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

~~(3)~~ (c) To be eligible for a "ETG" license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic liquor must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class "ETG" license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming. Upon application for renewal of a Class "ETG" liquor license, licensees shall submit information on actual receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation.

(2) (a) A Class PG "Parlor Gaming" license shall be issued to a gaming parlor and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$13,000. The annual fee shall be payable in two installments, namely, \$6,500 on December 31 of each year and \$6,500 on June 30 of each year. Holders of a Class "PG" license may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the PG license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

~~(2)~~(3) (a) A Class R-1G "Restaurant 1 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for such license shall be \$1,000, The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-1G" license may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-1G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(b) To be eligible for a Class R-1G license, the gross receipts of the sale of food, nonalcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-1G license shall submit a projection of expected receipts from sales of food and non-alcoholic beverages, from sales of beer and wine, and from video gaming. Upon application for renewal of a Class "R-1G" liquor license, licensees shall submit information on actual receipts from sales of food and nonalcoholic beverages, from sales of beer and wine, and from video gaming for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

~~(2)~~(4) (a) A Class R-2G "Restaurant 2 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-2G" license may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-2G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(b) To be eligible for a Class R-2G license, the gross receipts of the sale of food, nonalcoholic beverages and alcoholic beverages must be more than 25% of the net terminal

income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-2G license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming. Upon application for renewal of a Class "G" liquor license, licensees shall submit information on actual receipts from sales food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

~~(3)~~(5) (a) A Class TG "Tavern Gaming" license shall be issued to a tavern and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "TG" license may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the TG license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(b) To be eligible for a TG license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic liquor must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class TG license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming. Upon application for renewal of a Class "TG" liquor license, licensees shall submit information on actual receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

**Section 3.** Severability. 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 4.** Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this Ordinance.

**Section 5.** Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO		✓		
MEREDITH FERGUSON		✓		
JOHN FLETCHER		✓		
BRETT GERGER		✓		
TIM NICE				✓
CARL TRY		✓		
DAVE KIMSEY				
TOTAL	0	5	0	1

**APPROVED** by the President of the Village of Chatham, Illinois this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dave Kimsey, Village President

Attest:

\_\_\_\_\_  
Dan Holden, Village Clerk